

ABSTRAK

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Judul : Penegakan Hukum Keimigrasian Pada Kantor Imigrasi Kelas I TPI Jakarta Timur Berdasarkan Undang-Undang Keimigrasian Dan Hukum Acara Pidana.

Undang-Undang Keimigrasian dibentuk sebagai landasan hukum dalam penegakkan hukum keimigrasian terkait dengan izin tinggal bagi Orang Asing di wilayah hukum Indonesia dan sekaligus sebagai wujud menjaga kedaulatan negara. Dalam prakteknya, penegakan hukum pelanggaran keimigrasian oleh Orang Asing di Kantor Imigrasi Kelas I TPI Jakarta Timur lebih dominan dilakukan dengan tindakan administratif daripada menerapkan hukum acara pidana, padahal UU Keimigrasian telah mengaturnya untuk itu. Tujuan dilakukannya penelitian ini adalah untuk menganalisis penegakan hukum keimigrasian terhadap Warga Negara Asing dan implementasinya di Kantor Imigrasi Kelas I TPI Jakarta Timur menurut UU Keimigrasian dan Hukum Acara Pidana. Jenis penelitian ini yuridis normatif-empiris, data yang digunakan bersumber dari bahan hukum primer, sekunder dan tersier dengan teknik pengumpulan data melalui kepustakaan dan wawancara yang dianalisis secara kualitatif. Hasil penelitiannya menyimpulkan: 1) Pengaturan penegakan hukum keimigrasian terhadap Orang Asing menurut Undang-Undang Keimigrasian dilaksanakan dengan menerapkan tindakan administrasi keimigrasian yang diatur sesuai Pasal 75 UU Keimigrasian. Sedangkan, pengaturan penegakan hukum keimigrasian terhadap Orang Asing dengan tindakan *pro justisia* terhadap pelanggaran UU Keimigrasian ditempuh melalui proses hukum acara pidana yang diatur dalam KUHAP. 2). Implementasi penegakan hukum keimigrasian terhadap Orang Asing pada Kantor Imigrasi Kelas I TPI Jakarta Timur diketahui, bahwa penanganan dan penyelesaian kasus Orang Asing yang melanggar Pasal 71a UU Keimigrasian lebih dominan ditempuh melalui tindakan administratif keimigrasian daripada tindakan *pro justisia*. Tindakan administratif keimigrasian yang ditempuh oleh PPNS Keimigrasian dilakukan berdasarkan pada kewenangan atributif yang diberikan oleh Pasal 75 UU Keimigrasian. Sedangkan, berdasarkan pada ketentuan Pasal 116 UU Keimigrasian, Orang Asing yang melakukan pelanggaran Pasal 71a Keimigrasian seharusnya ditempuh melalui *pro justisia* yang tunduk Hukum Acara Pidana.

Kata Kunci: Penegakan Hukum, Keimigrasian, Hukum Acara Pidana

ABSTRACT

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Title : *Enforcement of Immigration Law at Class I Immigration Office Tpi, East Jakarta Based on the Immigration Law and Criminal Procedure Code.*

The Immigration Law was formed as a legal basis in enforcing immigration law related to residence permits for foreigners in Indonesian jurisdiction and at the same time as a form of maintaining state sovereignty. In practice, law enforcement on immigration violations by foreigners at the Class I Immigration Office TPI East Jakarta is more dominantly carried out by administrative measures rather than applying criminal procedural law, even though the Immigration Law has regulated it for that. The purpose of conducting this research is to analyze immigration law enforcement against foreign nationals and its implementation at the Immigration Office Class I TPI East Jakarta according to the Immigration Law and Criminal Procedure Code. This type of research is normative-empirical juridical, the data used comes from primary, secondary and tertiary legal materials with data collection techniques through literature and interviews which are analyzed qualitatively. The results of his research conclude: 1) Immigration law enforcement arrangements for foreigners according to the Immigration Law are carried out by implementing immigration administration measures regulated in accordance with Article 75 of the Immigration Law. Meanwhile, the regulation of immigration law enforcement against foreigners with pro justisia actions against violations of the Immigration Law is pursued through the process of criminal procedural law regulated in the Criminal Procedure Code. 2). It is known that the implementation of immigration law enforcement against foreigners at the TPI East Jakarta Class I Immigration Office, it is known that the handling and resolution of cases of foreigners who violate Article 71a of the Immigration Law are more dominantly pursued through immigration administrative actions rather than pro justisia actions. Immigration administrative actions taken by Immigration Civil Servants are carried out based on the attributive authority granted by Article 75 of the Immigration Law. Meanwhile, based on the provisions of Article 116 of the Immigration Law, foreigners who violate Article 71a of Immigration should be pursued through pro justisia which is subject to the Criminal Procedure Code.

Keywords: Law Enforcement, Immigration, Criminal Procedure Law.