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Implementation Of The Immigration Tri Functions At The Class Ii Immigratiosn Office Tpi Lhokseumawe

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Abstract

The three immigration functions regulate various matters regarding the movement of people leaving, entering, and staying in the territory of the Unitary State of the Republic of Indonesia and various matters concerning the supervision of foreigners within the territory of the Unitary State of the Republic of Indonesia. The implementation of the three immigration functions is one of the most important aspects to achieve or create national security in the immigration aspect, Law No. 6 of 2011 concerning immigration including a policy formed to realize better immigration. Explaining the three immigration functions, it is contained in Article 1 Paragraph (3) of Law Number 6 of 2011 which reads that "The Immigration function is part of the affairs of the state government in providing immigration services, law enforcement, state security, and facilitating community welfare development.. The implementation of the three immigration functions should be a support in order to make immigration in the city of lhokseumawe more optimal, but in reality the implementation of the three functions of immigration in the city of lhokseumawe has not been carried out optimally and is not in line with the policies in Article 1 Paragraph (3) of Law Number 6 Year 2011, and there are still many obstacles and other obstacles that cause the application of this tri-role of immigration to not take place optimally. The results of the study concluded that (1) the implementation of the tri-immigration functions in Lhokseumawe City had not been carried out optimally and had not been in line with Article 1 Paragraph (3) of Law Number 6 of 2011. (2) In the implementation of the tri-immigration functions, various obstacles were encountered, namely: : The area that is the responsibility of the Immigration Office Class II TPI Lhokseumawe covers 1 city and 2 regencies namely "Lhokseumawe City, North Aceh Regency and Biruen Regency", coordination factors where there is a lack of cooperation in two-way communication between immigration and the community and community role factors which is sometimes the lack of public awareness to report to the immigration office when there are foreigners living in their area, which has resulted in the three immigration functions in Lhokseumawe City not being optimal.(3) There are various efforts in the implementation, for example: immigration counseling which intends to provide an understanding of immigration, the implementation of the Foreigner Reporting Application (APOA) which is believed to be very supportive of the immigration authorities in terms of controlling foreigners in the work area of the immigration office in Lhokseumawe City, organizing The Immigration Administration (TAK) action which intends to reduce foreigners who can threaten security and order cannot exist in Indonesia, implementing cooperation with the relevant agencies is one of the right things to support the Lhokseumawe Immigration Office in carrying out its duties and create a Foreigner Monitoring Team (TIMPORA).

Keywords

Implementation, Tri function, Immigration, Lhokseumawe.

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A. Introduction

Indonesia is a state of law, the purpose of implementing the law is to realize the ideas of people's expectations. Because the development of people's lives today is no longer only at the national level, but also at the international level, namely in the field of immigration. In Indonesia, immigration is contained in Law Number 6 of 2011.

Article 1 paragraph (3) of Law Number 6 of 2011 explains that "the immigration function is part of state government affairs in providing immigration services, law enforcement, state security, and facilitating community welfare development", the article explains that immigration itself functions as part of the affairs of the state government that organizes immigration services, apart from being an element of government, to realize justice and public welfare. Immigration is the implementation of the law that must be enforced. Because law enforcement against migrants in accordance with statutory regulations results in a safe and peaceful country, and fair law enforcement makes national security safer.

This immigration includes a component of the realization of the ideals of Pancasila and the demand for sovereignty over the territory of Indonesia in the context of realizing a state and national order for a just and prosperous society in accordance with the 1945 Constitution of the Republic of Indonesia. The Immigration Institution plays an important and strategic role, especially in implementation of the main tasks and functions (tupoksi). As an agency that directly and indirectly serves immigration applicants, for example: Travel documents, namely travel documents such as travel documents and passports of the Republic of Indonesia. Immigration facilities for foreigners: visa issuance, residence permits, immigration control and law enforcement and immigration technology systems.

The immigration function is carried out by the minister or immigration official which includes immigration check locations and cross-border posts, Article 1 paragraph (1) explains that "immigration is a matter of traffic of people entering or leaving the territory of Indonesia and its supervision in order to maintain the upholding of state sovereignty the meaning of this article is traffic of people entering or leaving the territory of the Republic of Indonesia and supervision of foreigners in Indonesia". Control of foreigners in the territory of Indonesia in the form of monitoring foreigners who enter, stay, operate and leave the territory of Indonesia, criminal justice actions in the form of immigration investigations which include components of many systems, the criminal justice system.

Countries will respond wisely and carefully, adapting optimally to their respective socio-political circumstances, so as not to affect their corporate sector and economy, or harmonious relations between countries. As is the case in Indonesia, foreigners who wish to enter Indonesia's sovereign territory must comply with the provisions of a pre-determined residence permit.

Foreigners who want to enter Indonesian territory must comply with existing regulations in Indonesian territory. Travel letter for all people who enter Indonesia after obtaining permission granted with a visa or travel document to enter Indonesian territory issued by the immigration officer at the immigration office. And in harmony with the goals and objectives in Indonesia. This is very supportive so that the application of the three immigration functions is optimal.

Foreigners who are allowed to enter the territory of Indonesia are people who as long as they are in the territory of Indonesia bring benefits to the territory of Indonesia and do not harm the territory of Indonesia. However, in the event of causing damage or inconvenience to the territory of Indonesia and non-compliance with the current laws and regulations, however, because there are three immigration functions, immigration services, law enforcement agencies and Through national security, the three parties that make up the tri-function can overcome problems that are not desirable, thereby reducing territorial vulnerability to the entry and exit of foreigners.

The implementation of this tri-immigration function includes an implementation whose implementation can be said to be not so simple, but if implemented optimally, the implementation of the Tri-Immigration feature is the most important aspect in achieving and creating security. Indonesia's rich wealth is the reason why many foreigners are attracted to visit Indonesia. Therefore, it is a special task for immigration officers to carry out stricter supervision so that foreigners who want to enter Indonesian territory do not have the opportunity to do things that are contrary to existing regulations in Indonesian territory.

B. Research Method

This study includes 3 problem formulations, namely: How is the Implementation of the Three Immigration Functions in Lhokseumawe City, What Are the Obstacles in the Implementation of the Tri Functions in Lhokseumawe City and How are Efforts to Handle Obstacles in the Implementation of the Three Functions, The type of assessment that the author uses in this study is a qualitative study, namely a study that tends to use analysis, the theoretical basis is used so that the study is more specific to the reality in the field, in this type of qualitative study the data obtained from the analysis from the first to the completion of the assessment mechanism. Studies that have an object of study regarding attitudes that exist in humans and society are carried out through study techniques. The study approach uses empirical juridical methods including studies that link the law with real human attitudes. If this simple formulation can be used as a foundation, so that the scope of empirical legal studies is the accuracy of the law, it means to what extent the law really exists in the reality of life. This study has a descriptive nature, Descriptive assessment is an assessment that intends to properly illustrate the characteristics of a person, situation, indication or distribution of an indication or frequency of the existence of a special bond between an indication and other indications in society. For this paper, the author carried out an assessment in the city of Lhokseumawe, in this case the study was devoted to the Lhokseumawe Immigration Office. This assessment was carried out at the immigration class II TPI Lhokseumawe location with the consideration that the Office could fulfill the information related to this assessment. The types of data that the author uses in this study include: Primary data, namely data that the author gets directly from interviews with resource persons. Secondary data, namely data obtained by the author from various sources related to the issue that the author raises, both include: Legislative policies related to the assessment; results of previous studies, journals, papers, and books. In terms of data collection, the authors use the following methods: Field Assessment, namely through direct interviews with informants and respondents who are believed to be able to submit information based on the needs of the assessment. Library research, which is a study that

obtains data through reading written secondary materials which are intended to complete the study of this thesis. The tool meant here is the assessment instrument used. Like an interview guide, the determination of this instrument takes into account the number of interviewees, the location and data of the conduct of the assessment.

C. Research Results Discussion

1. Implementation of the Three Immigration Functions in Lhokseumawe

The Unitary State of the Republic of Indonesia is a sovereign legal state that is independent and has the right to determine its own constitutional system, including the immigration system. Immigration is a subsystem of the government administration system and requires clear, consistent and directed arrangements. Immigration law will become part of the legal and constitutional system of the Republic of Indonesia where immigration law appears when the community plays a social role. Managing, knowing and understanding what is meant by immigration leads to active participation in public legal awareness, which is specifically characterized by compliance and compliance with immigration laws.

Immigration is a series of activities related to the provision of services, law enforcement, and security against movements in and out of the territory of Indonesia. The realization of providing law enforcement and security services for the entry and exit of people into and out of Indonesia's sovereign territory must be adequate so that the implementation of the three immigration functions can be used as a legal basis for advancing immigration control in Indonesia to be realized effectively. Explaining the definition of the three immigration functions in Article 1 paragraph (3) of Law Number 6 of 2011 explains that: "The immigration function is part of the affairs of the state government in providing immigration services, law enforcement, state security and facilitating community welfare development",

In short, the immigration function is carried out as a function of the government or state administration and public services to provide relief to Indonesian citizens or foreigners who want to travel or visit the area. The implementation of the immigration function meets expectations in the field of immigration duties, namely immigration duties which are part of the task of monitoring the movement of people who leave the territory of Indonesia and pass through immigration checkpoints. State sovereignty over the judicial district or exclusive business district.

Based on the principle of national sovereignty, the state has the power to regulate and decide on its own without interference from other parties. So operationally the position, role and function of immigration can be translated into the concept of "Tri-Function of Immigration." Immigration functions in general are public service, law enforcement and security. The position, role and function of immigrants can thus be translated into the concept of "Tri-Function of Immigration". Therefore, this function is carried out in an integrated and balanced manner in its implementation, and the implementation of the immigration function along the borders of Indonesia is carried out by immigration officers at the immigration office and border checkpoints. Similarly in Lhokseumawe, according to the policy of the law, so that in Lhokseumawe City there is an Immigration Office class II TPI Lhokseumawe City, with the intention that if the three immigration functions are filled with a vision, namely to make immigration people who are expert, authoritative and have international insight. Meanwhile, its mission is:

1. Provide prompt service,
2. Provide quality facilities for service to the community.
3. Monitoring and controlling foreigners in order to secure and support national development.

Nationally, the main tasks and functions of immigration are also known as the Three Immigration Functions. This Tri Function of Immigration includes:

1. "Regulation on various matters regarding the traffic of people going out, entering and staying from and into the territory of the Republic of Indonesia.
2. Regulations regarding various matters regarding the supervision of foreigners in the territory of the Republic of Indonesia.
3. Inspection of travel documents, whether the country left behind, the country visited, or the country passed through.

In the city of Lhokseumawe, the implementation of the three immigration functions in the city of Lhokseumawe is considered to have been carried out optimally. The Immigration Office Class II TPI Lhokseumawe has the following functions:

1. "Performing immigration duties in the field of immigration information and communication facilities"
2. Carry out immigration duties in the field of immigration status.
3. Carry out immigration duties in the field of immigration control and enforcement.

In general, the immigration function in various countries will always be associated with the function of selecting the country for foreigners who enter, stay, and wish to stay in the country, using measures as long as the presence of the foreigner does not affect security. Beneficial for the country's economic development.

2. Obstacles in the Implementation of the Three Immigration Functions in Lhokseumawe City.

According to the results of the study, it can be concluded that the obstacles obtained in the implementation of the immigration tri-function are:

- a. An area

The immigration area office class II TPI Lhokseumawe covers a "wide enough working area consisting of Lhokseumawe City, North Aceh Regency and Bireuen Regency" This wide area results in limited access to control which in turn opens the scope for an increase in the emergence of irregularities in the provisions of the Immigration statutory policies, especially by foreign nationals. And this is still one of the obstacles to finding foreigners who abuse their residence permit for work or other purposes. Even though this permit was given to help the people of Indonesia, especially the city of Lhokseumawe.

- b. Coordination factor

In its implementation, the big responsibility delegated to the Immigration Office in relation to the supervision of foreigners in the territory of Indonesia, especially in the city of Lhoksumawe has many obstacles, one of which is the lack of two-way communication between the Immigration Office and local institutions, when working together, other actors must be involved. with love, mutual trust, and a common goal.

- c. Community role factor

The lack of public awareness to report to the immigration authorities if foreigners live in their territory is a very common obstacle in immigration matters.

Implementation of programs and activities is not always successful, and obstacles often arise when trying to implement the programs and activities that have been defined. The Immigration Office Class II TPI Lhoksumawe also has several obstacles to take action against foreigners who violate the Immigration Office of Lhoksumawe City.

Many people consider foreigners in Lhoksumawe City to be special people, and many ignore the identity of foreigners who come to the Lhoksumawe area without knowing that it is also a hotbed of illegal immigrants. The community believes that the immigration problem is not a big problem, although this immigration problem is no longer a new issue in the Lhoksumawe area, when these illegal immigrants enter Indonesian territory, especially the Lhoksumawe area, they face various problems that may occur. Various problems arise, such as labor problems, crimes related to human trafficking between countries (drugs, money laundering, trafficking in women and children).

The role and function of immigration is a very important and strategic part. In other words, foreigners enter, live and do activities in Lhokseumawe city, then leave Lhokseumawe territory and even leave Indonesian territory. However, fulfilling the role of this immigration function is not an easy task, especially considering the constraints faced by the territory of Indonesia, namely the geographical location of the territory of the Unitary State of the Republic of Indonesia. Due to this geographical reason, the presence of foreigners in Indonesia is increasing from year to year because it is an archipelagic country consisting of two continents namely Asia and Australia, the Pacific Ocean and thousands of islands. These causes have attracted many foreigners to the Lhokseumawe area.

3. Efforts to Overcome Obstacles in the Implementation of the Three Immigration Functions

The efforts made by the Lhokseumawe Immigration Office to deal with the tri-function of immigration are through immigration counseling, making APOA (Foreigner Reporting Applications) and implementing TAK (Immigration Administrative Actions).

1) Immigration counseling

Counseling aims to provide knowledge about immigration, change mindsets and attitudes in accordance with Law Number 6 of 2011 concerning Immigration, take advantage of the importance of immigration in carrying out immigration functions, and increase immigration awareness. Actions, complaints or investigations fall under the category of immigration complaints.

2) Implementation of APOA (Foreigner Reporting Application)

This includes the immigration information system operated by the Bureau of Immigration Supervision and Enforcement (WASDAKIM). This system is very helpful in monitoring and reporting the presence of foreigners in the immigration area so that it is faster and easier, very useful for immigration authorities in terms of monitoring foreign nationals who live or reside in the Lhokseumawe area as is. difficult in practice to monitor their activity. Violations or problems by foreigners or disturbances in the community within a certain period (1 x 24 hours).

3) Implementation of TAK (Immigration Administration Action)

In the case of the implementation of immigration law, it is clearly stated that violations are subject to immigration administration actions (non projusticia) and immigration actions (projustitia) to the factors that influence immigration administration

actions to be taken according to article 75 paragraph 1 of law no. 6 of 2011 regarding immigration in this article. "Immigration officials are authorized to take immigration administrative actions against foreigners who are in the territory of Indonesia who carry out dangerous activities and are reasonably suspected of endangering security and public order or not respecting and disobeying the laws and regulations for detention that can be carried out against foreigners until deportation detention, if it has not been carried out, then detention can be carried out for a maximum period of 10 years, as in Article 85 of Law No. 6 of 2011 concerning Immigration".

4) Implementing Coordination with Relevant Agencies

Coordination with relevant cross-sectoral agencies is very appropriate to maximize the role of supervisors in Lhoksumawe Immigration. Public and private institutions have a role to play in this oversight. Security-related agencies such as the National Police, agencies affiliated with the TNI and Kesbangpol, as well as companies employing foreigners will make it easier for immigration officials to record and report the presence of foreigners they feel in Lhokseumawe.

5) Creating TIMPORA (Foreigner Monitoring Team)

TIMPORA consists of several offices at the city level, empowered and empowered to supervise foreigners in all sectors. TIMPORA is currently the most powerful weapon in Lhokseumawe to detect the presence of foreign nationals. So that it can be a tool to eradicate foreign presence from the ground up.

D. Conclusion

Immigration can function effectively, well, and optimally if its implementation is based on existing statutory policies. Immigration is also included as a gatekeeper in a country. This is because immigration is the first and last institution that "filters" the presence and departure of foreigners to Indonesian territory. Immigration has a role and function, the immigration function is in article 1 paragraph (3) explaining that "immigration functions are immigration services, law enforcement, state security and facilitating community welfare development". Lhokseumawe City itself has the implementation of the three immigration functions that have not been optimal. With the enactment of Law Number 6 of 2011, the implementation of immigration is realized in an optimal and accurate manner.

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