

ABSTRACT

This research aims to examine the characteristics and effectiveness of Immigration Administrative Measures (IAM) as instruments of immigration law enforcement in Indonesia. The findings indicate that IAM possesses a multidimensional character encompassing preventive, repressive, coercive, administrative or non-judicial, discretionary, and sovereignty-protective elements. These characteristics affirm that Indonesian immigration law is conceptually situated within the framework of administrative law, in which administrative measures function as the primary mechanism of law enforcement. Empirically, IAM is considered more effective than criminal immigration sanctions due to its expediency, flexibility, and capacity to address violations directly without requiring lengthy judicial proceedings. Nevertheless, such effectiveness has not yet been fully optimized, owing to persistent deficiencies in legal substance marked by normative ambiguity, the broad scope of discretion vested in immigration officials, and the lack of harmonization between legal structure, substance, and legal culture, as articulated in the theories of Lawrence M. Friedman and Soerjono Soekanto.

Based on these findings, this study recommends the implementation of comprehensive immigration law reform aimed at clarifying the distinction between administrative measures and criminal sanctions, reaffirming Immigration Administrative Measures as the principal instrument of law enforcement, and positioning criminal sanctions as an ultimum remedium. Furthermore, it is necessary to strengthen implementing regulations, enhance the capacity of immigration human resources, ensure the availability of adequate facilities and infrastructure, and promote public legal awareness in order to establish an immigration system that is effective, equitable, and oriented toward the protection of state sovereignty as well as the respect for human rights

Keywords: *immigration law enforcement, immigration administrative measures, administrative sanctions, legal effectiveness, Indonesia*

Penelitian ini bertujuan untuk menganalisis karakteristik serta efektivitas Tindakan Administratif Keimigrasian (TAK) sebagai instrumen penegakan hukum keimigrasian di Indonesia. Hasil penelitian menunjukkan bahwa TAK memiliki karakter multidimensional yang meliputi sifat preventif, represif, koersif, administratif atau non-yudisial, diskresioner, serta protektif terhadap kedaulatan negara. Karakteristik tersebut menegaskan bahwa hukum keimigrasian Indonesia secara konseptual berada dalam rezim hukum administrasi negara yang menempatkan tindakan administratif sebagai instrumen utama penegakan hukum. Secara empiris, TAK dinilai lebih efektif dibandingkan sanksi pidana keimigrasian karena bersifat cepat, fleksibel, dan mampu merespons pelanggaran secara langsung tanpa melalui proses peradilan yang panjang. Namun demikian, efektivitas tersebut belum berjalan optimal akibat masih adanya kelemahan pada substansi hukum yang bersifat kabur, luasnya ruang diskresi pejabat imigrasi, serta belum terharmonisasinya struktur, substansi, dan budaya hukum sebagaimana dikemukakan oleh teori Lawrence M. Friedman dan Soerjono Soekanto.

Berdasarkan temuan tersebut, penelitian ini merekomendasikan perlunya reformasi hukum keimigrasian secara komprehensif dengan memperjelas pembedaan antara tindakan administratif dan sanksi pidana, menegaskan Tindakan Administratif Keimigrasian sebagai instrumen utama penegakan hukum, serta menempatkan sanksi pidana sebagai ultimum remedium. Selain itu, diperlukan penguatan regulasi pelaksana, peningkatan kapasitas sumber daya manusia imigrasi, penyediaan sarana dan prasarana yang memadai, serta pembangunan kesadaran hukum masyarakat guna menciptakan sistem keimigrasian yang efektif, berkeadilan, dan berorientasi pada perlindungan kedaulatan negara serta penghormatan terhadap hak asasi manusia.

Kata kunci: penegakan hukum keimigrasian, tindakan administratif keimigrasian, sanksi administratif, efektivitas hukum, Indonesia