

PENEGAKAN HUKUM KEIMIGRASIAN BAGI PELANGGARAN VISA IZIN TINGGAL WARGA NEGARA ASING DI KABUPATEN BULELENG

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Abstrak

Penelitian ini bertujuan untuk (1) mengetahui pengaturan mengenai penegakan hukum keimigrasian terkait dengan pelanggaran visa izin tinggal oleh warga negara asing di Kabupaten Buleleng, serta (2) mengetahui dampak yang dirasakan setelah diberikannya hukuman berupa sanksi administratif maupun pidana bagi warga negara asing yang melanggar izin tinggal atau *over stay*. Adapun jenis penelitian yang digunakan adalah jenis penelitian hukum empiris, dengan sifat penelitian deskriptif. Lokasi penelitian ini dilaksanakan di Kantor Imigrasi Kelas II TPI Singaraja. Teknik pengumpulan data yang digunakan yakni dengan teknik studi dokumen, observasi serta wawancara. Dalam penelitian ini teknik penentuan sampel yang digunakan adalah teknik *Non Probability Sampling* dan penentuan subjeknya menggunakan teknik Purposive Sampling. Teknik pengolahan dan analisis data secara kualitatif. Hasil penelitian menunjukkan bahwa (1) bentuk penegakan hukum yang diberikan bagi WNA pelanggar izin tinggal atau *over stay* dikenakan Tindak Administratif Keimigrasian (TAK) berupa pembayaran denda, mengurus administrasi, serta pendeportasian kembali ke negara asalnya, namun apabila belum memiliki biaya kepulangan, WNA akan menunggu di ruang detensi sampai batas waktu yang ditentukan maupun sampai memiliki biaya untuk membeli tiket kepulangan. (2) sanksi administratif serta pidana memberikan dampak hukum berupa adanya pembatasan serta pengekangan sesuai pada pasal 75 Ayat (2) huruf a Undang-Undang Nomor 6 Tahun 2011 tentang Keimigrasian yang menyebabkan WNA tidak mudah kembali ke negara tempat melakukan pelanggaran akibat data diri yang terdaftar di Keimigrasian sebagai orang dalam daftar pencegahan dan penangkalan.

Kata kunci: *Over stay*, Pelanggaran Izin Tinggal, WNA, Hukum Keimigrasian.

Immigration Law Enforcement for Violation of Foreign Citizens' Stay Permit Visa in Buleleng Regency

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Abstract

This study aims to (1) find out the arrangements regarding immigration law enforcement related to violations of residence permit visas by foreign nationals in Buleleng Regency, and (2) find out the impact is felt after the imposition of punishments in the form of administrative and criminal sanctions for foreign nationals who violate residence permit or over stay. The type of research used is empirical legal research, with descriptive research characteristics. The location of this research was carried out at the TPI Singaraja Class II Immigration Office. The data collection technique used was document study, observation and interview techniques. In this study the sampling technique used was the Non Probability Sampling technique and the subject determination used the Purposive Sampling technique. Qualitative data processing and analysis techniques. The results of the study show that (1) the form of law enforcement given to foreigners violating residence permits or over stays is subject to Immigration Administrative Actions (TAK) in the form of paying fines, administering administration, and deporting back to their country of origin, but if they do not have a return fee, foreigners will waiting in the detention room until the specified time limit or until they have the cost to buy a return ticket. (2) administrative and criminal sanctions have legal impacts in the form of limitations and bans in accordance with Article 75 Paragraph (2) letter a of Law Number 6 of 2011 concerning Immigration which causes foreigners to not easily return to the country where the violation was committed due to personal data registered at Immigration as a person in the prevention and prevention list.

Keywords: *over stay, Violation of Stay Permit, Foreigner, Immigration Law.*