



Immigration law enforcement policy against guarantor (Case study at the directorate of immigration supervision and enforcement of the directorate general of immigration)

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Abstract

Immigration constitutes regulations concerning the movement of individuals entering or leaving the territory of Indonesia and its supervision to safeguard national sovereignty. Indonesia's immigration legal policy is selective, enabling the Immigration institution of Indonesia to determine permissions or refusals for foreigners regarding entry, residence, and activities in Indonesia. Foreigners present in Indonesia are obliged to have a guarantor responsible for their presence. The purpose of this paper is to analyze the legal regulations, the process of enforcing immigration laws regarding guarantees for foreigners in Indonesia, and the influencing factors. The applied research method is normative-empirical legal research, which combines normative legal analysis with practical application in empirical situations. The findings of this study indicate that the legal regulations concerning the enforcement of immigration law regarding guarantees for foreigners are stipulated in Law No. 6 of 2011 on Immigration and its implementing regulations. The enforcement of immigration law, from an administrative aspect, is carried out by the Directorate General of Immigration through the Directorate of Immigration Supervision and Enforcement. Factors influencing the enforcement of immigration laws regarding guarantors include legislative constraints, limited personnel of Immigration Civil Servants (PPNS) across the Indonesian regions, sufficient infrastructure, the necessity to increase legal awareness among the community, and cultural factors.

Keywords: Policy, immigration law enforcement, guarantor

Introduction

Advances in information technology, telecommunications, and transportation have made it easier for people to move, giving rise to a very significant escalation of immigration flows (migratory flows) between countries. (Santoso, 2007)^[15]. The more foreigners who enter and are in Indonesian territory with all their interests, the social interaction between humans cannot be prevented and will continue (Jazim Hamidi, 2015)^[8]. This social interaction will later cause social symptoms in society, especially between Indonesian people and foreigners, both socio-economic, political, legal and religious symptoms.

Various human reasons, both individuals and groups, to move from one place to another, both within one region and across other regions or neighboring countries, to meet physical needs, also for reasons of visiting family, looking for work, seeing a different world than area, tourism, studying, and so on. An increase in migration flows between countries can have a positive impact (Zulyadi *et al.*, 2021)^[23]. The positive impacts include modernizing society and encouraging the country's economic growth for countries that are able to make the best use of the flow of migration in and out of their territory. Because human migration activities are always dynamic in accordance with the nature of humans who always want changes in their lives (Santoso, 2016)^[16]. Determination of Indonesian immigration law politics is selective or selective policy makes Indonesian Immigration institutions have an operational basis in rejecting or allowing foreigners, both in terms of entry, presence, and activities in Indonesia (Ahmad & Sa'adah, 2021; Nugroho, 2022)^[1, 12] that is:

1. Provide benefits for the welfare of the people, nation and state of the Republic of Indonesia;

2. Not endanger security and public order; And
3. Not hostile to the people, nation and state of Indonesia.

Based on this selective policy, foreigners who are permitted to enter and reside in Indonesian territory and are granted a residence permit in accordance with the intent and purpose of coming to Indonesia must meet these criteria. Thus, once again we see that the meaning of immigration itself is a matter of the traffic of people entering or leaving the Indonesian Territory and its supervision in order to maintain the upholding of state sovereignty. The important role of the immigration aspect in the structure of state life can be seen in the regulation of entry and exit of people from and into Indonesian territory, and the granting of residence permits and supervision of foreigners while in and carrying out activities in Indonesian territory (Joni Rumagit *et al.*, 2022; Rotua *et al.*, 2023; Setiawan *et al.*, 2022)^[9, 14, 17].

The concept of state sovereignty in immigration law refers to how the state government is able to uphold its full sovereignty and maintain national security and order. Immigration law and its enforcement are the last bastion of national sovereignty (Dauvergne, 2008)^[3], a selective policy, which upholds the value of human rights, regulates the entry of foreigners who will enter Indonesian territory. This policy is intended so that only foreigners who provide benefits and do not endanger security and public order are allowed to enter Indonesian territory.

Immigration law which is part of the legal system in force in Indonesia, which specifically is part of the State Administrative Law subsystem. The immigration function is a function of administering state administration or administering government administration, therefore as part of the administration of executive power, namely the

function of state administration and government, immigration law can be said to be part of the field of state administrative law. In order to guarantee benefits and protect various national interests, the Government of Indonesia has promulgated a statutory regulation as a form of guidance on principles, service procedures, Based on data from the Press Release on the Performance Achievements of the Directorate General of Immigration at the end of 2022, conveyed by the Acting Director General of Immigration, Widodo Ekatjahjana, that traffic for international travelers is also observed to be much busier when compared to 2020-2021. As of December 23, 2022, the number of people passing in and out of the Indonesian Territory was 18,547,268, with 9,956,654 Indonesian citizen passers and 8,590,614 foreign passers. The total immigration stay permits issued reached 446,156 and were dominated by Visit Stay Permits (ITK) of 316,919. The Limited Stay Permits (ITAS) issued were 128,093, while the Permanent Stay Permits (ITAP) were 1,144 (Immigration, 2002).

Everyone who will carry out activities to enter and leave the territory of Indonesia must have valid and valid travel documents and foreigners are also required to have valid and valid visas, unless otherwise stipulated by law and international agreements, this is regulated in Article 8 paragraphs (1) and (2) of Law Number 6 of 2011 concerning Immigration. Visas are divided into 4 (four) types as stipulated in Law Number 6 of 2011 Article 34 concerning Immigration, namely diplomatic visas, service visas, visit visas and limited stay visas.

Law Number 6 of 2011 concerning Immigration Article 40 paragraph (1) that the issuance of visit visas and limited stay visas is the authority of the Minister. Where the Minister in this case according to Article 1 number 4 is the Minister who organizes government affairs in the field of law and human rights. Based on Article 4 paragraph (3) of Regulation of the Minister of Law and Human Rights Number 29 of 2021 concerning Visas and Stay Permits, the authority to issue visas is carried out by the Director General of Immigration or a designated Immigration Officer. Furthermore, in Article 5 it is reaffirmed regarding the appointed Immigration Officers including:

1. Immigration Officer appointed at the Directorate General of Immigration;
2. Immigration Officer appointed at the Representative of the Republic of Indonesia; or
3. The Immigration Officer appointed at the Immigration Checkpoint or at another place designated as the immigration checkpoint.

Based on this explanation, including visit visas and limited stay visas are issued and signed by the appointed Immigration Officer in accordance with these provisions. The visa granted is the basis for granting a Stay Permit, meaning that the type of visa applied for at the Representative of the Republic of Indonesia is automatically intended to obtain a certain Stay Permit while in Indonesia in accordance with the Visa held in accordance with Article 48 paragraph (1) and paragraph (2) of the Law - Law Number 6 of 2011 concerning Immigration.

Regarding the issue of granting immigration residence permits, this cannot be separated from the existence of guarantees carried out by the guarantor. The guarantor is responsible for the existence and activities of the guaranteed

foreigner while living in Indonesian territory and is obliged to report any change in civil status, immigration status, and change of address. Foreigners who are required to have a guarantor are regulated in Article 63 of Law Number 6 of 2011. It is even explained in Article 63 paragraph (3) where: The guarantor is obliged to pay the costs incurred to repatriate or expel the guaranteed foreigner from the territory of Indonesia if the foreigner concerned:

1. the validity period of his Stay Permit has expired; and/or
2. subject to Immigration Administrative Actions in the form of Deportation.

Based on this explanation, we can see how central the guarantor's role is. However, along with the enactment of the new normal period and followed by the enactment of the transition period from pandemic to endemic Covid-19 in Indonesia, there has been an increasing number of visits and traffic of foreigners. The impact of gradually returning the number of visits by foreigners has had a positive influence on the community's economic sector, especially in the field of tourism which had been in suspended animation due to the impact of the pandemic that we have felt since the beginning of 2020. Meanwhile, this positive impact has always been accompanied by negative impacts. from the increasing number of foreigners entering Indonesian territory. The Director General of Immigration, Silmy Karim, in a press release on 03 April 2023, stated that from January to March 2023 the Directorate General of Immigration had deported 620 Indonesian citizens who violated immigration law. The deportation of hundreds of foreigners for several immigration violations such as misusing visas and residence permits, overstaying, disrupting public order, misbehaving, and not complying with Indonesian regulations (Humas Direktorat Jenderal Imigrasi, 2023) ^[6].

The positive and negative impacts of the increasing number of foreign visits to Indonesia can give us a little picture regarding the importance of the role of guarantor for foreigners as part of immigration law in Indonesia. In this regard, it is a question whether the current immigration law policy has clearly and definitely regulated the foreign guarantor and what is its role in enforcing immigration law in Indonesia.

In line with the problems formulated earlier, the purpose of this research is to analyze and examine legal arrangements, law enforcement and the factors that influence immigration against foreign guarantors.

Research Methods

The materials used are legal materials and tools which are all integrated closely related to the Legal Policy for Foreigners Guaranteeing in the Context of Enforcement of Immigration Law in Indonesia, consisting of primary and secondary data, as follows:

- a. Primary Data, namely data obtained directly from research in the field, through interviews at the Directorate General of Immigration.
- b. Secondary data, namely data obtained from literature studies by conducting studies in order to gain understanding from various literacy, which consists of: Primary legal materials, namely legal principles contained in laws and regulations; Secondary legal materials, namely materials that are closely related to

primary legal materials and can help analyze and understand primary legal materials. Tertiary legal materials, namely materials that provide information, instructions and explanations about secondary legal materials (Ali, 2021) ^[2].

Furthermore Erwin Pollack provides the notion of legal research, namely as a research to find inconcretions, which includes various activities to find and determine which is an appropriate or inappropriate law so that it can then be applied inconcretically in resolving certain cases (Soekanto, 2007b) ^[19].

Pollack provides an understanding of legal research by emphasizing the practical aspect, namely to find laws that can be used to resolve a concrete event. The concrete events in this study are related to the legal policy of foreign guarantor in the context of enforcing immigration law in Indonesia, so that it will be pursued by the method which will be described below.

Considering that this research does not only want to photograph norms in the form of foreign guarantor immigration law policies, but also wants to photograph immigration law enforcement related to foreign guarantors, the type of this research is normative-empirical legal research. Normative-empirical legal research is legal research regarding the enactment of normative legal provisions (codifications, laws or contracts) in action in every particular legal event that occurs in society.

According to Yin, research can be classified into 3 forms, namely exploratory case studies, descriptive case studies, and explanatory case studies (Yin, 2009) ^[22]. Considering that this research is expected to provide a complete description of the problem under study, by continuing to compare law in a book with law in society, this research is a descriptive case study.

The study used two approaches, namely the statute approach and the case approach. The statutory approach (statute approach) was chosen considering that in this study it will look at national regulations as a whole related to the legal policy of guaranteeing foreigners against the enforcement of immigration law in Indonesia. The case approach was chosen considering that this research will look at cases of violations of immigration law in Indonesia.

This study uses the normative-empirical legal research method. The reason this method was chosen is because this research examines the enactment of policies and the implementation of normative legal provisions in action in each particular legal event by studying legal principles, norms in laws and regulations, opinions of legal experts (doctrines), and legal and non-legal literature relating to the subject matter of this study (Efendi *et al.*, 2016) ^[4]. Of course, the data in action is complemented by in-depth interviews where interviews were conducted with the Sub-coordinator of Immigration Control Region II at the Directorate of Immigration Supervision and Enforcement of the Directorate General of Immigration, namely Mr. Midran Dylan, A.Md.Im., SH, M.Sc., where this interview was conducted to find out about the legal policy of foreign guarantors in the context of enforcing immigration law in Indonesia.

The data collection technique in the preparation of this thesis research was carried out by means of a literature study. Literature study is carried out by reading, taking notes and quoting as well as conducting an assessment of all literature that is relevant to the problem to be studied so that

later a comprehensive and integral understanding is obtained, so that it is beneficial to provide solutions to the problem under study (Sumitro & Metri, 1990) ^[21].

Data processing techniques are carried out after the library and field data have been collected, by means of: Data checking (editing), namely correcting the completeness, correctness and suitability of the problem; Data reconstruction (reconstructing), namely rearranging data in an orderly, sequential and logical manner so that it is easy to understand; Systematizing data (Systematizing), namely placing data according to the systematic framework of the subject matter and sub-topics (Sumitro & Metri, 1990) ^[21].

Data analysis is a follow-up of data processing. Analysis of the data obtained in order to obtain a conclusion from the material obtained according to the results of the study using qualitative descriptive analysis, namely analysis in the form of a detailed description or description that will describe, explain or illustrate the facts obtained from the research conducted. The data that has been obtained from the results of the research is then interpreted in the form of sentences that are arranged systematically in order to get conclusions from the results of the research conducted. In drawing conclusions, the inductive method is used, which describes the data obtained by placing the results of the analysis in particular, then general conclusions are drawn (Nasution, 2008) ^[11].

Results and Discussion

Arrangements Concerning Immigration Law Enforcement Against Foreign Guarantor

a. The 1945 Constitution of the Republic of Indonesia

The 1945 Constitution of the Republic of Indonesia is the highest legal source of all legal products in Indonesia. The 1945 Constitution of the Republic of Indonesia also has a function as a means of control, in the sense that the 1945 Constitution of the Republic of Indonesia is to control whether lower legal norms are compatible with higher legal norms.

The function of the 1945 Constitution of the Republic of Indonesia as the highest legal norm is to serve as the basis for drafting laws and regulations. Legislation made to regulate law in Indonesia should not be made haphazardly. The making must be in accordance with the principles of the formation of statutory regulations. Laws and regulations must have clear objectives, are really needed and useful for the community, and are transparent and open.

Article 28 of the 1945 Constitution of the Republic of Indonesia basically contains the meaning of the state guaranteeing comprehensive human rights which include the right to live, the right to form a family, to receive protection from violence and discrimination, to develop oneself through fulfillment of basic needs, equal treatment in the eye of the law, the right to embrace religion and worship according to religion, and other rights including the right to choose a place to live in the territory of the country and leave it and have the right to return.

Human rights in moving and choosing a place of residence are guaranteed by the 1945 Constitution of the Republic of Indonesia as the highest legal basis in Indonesia or as the basis for establishing other laws and regulations under it. The Law on Immigration is based on Article 28 E paragraph (1), where Law Number 6 of 2011 on Immigration regulates more clearly and in detail regarding the regulation of immigration in Indonesia, including re-defining it in more detail regarding arrangements regarding guarantors. for foreigners.

b. Constitution

The first arrangements regarding immigration were regulated in Law Number 9 of 1992 concerning Immigration which was passed by the DPR on March 4, 1992. Apart from being the result of a review of various previous laws and regulations which were partly a legacy of the Dutch East Indies Government, also unites/compiles the substance of the immigration laws and regulations that are scattered in various products of the previous immigration laws and regulations until the enactment of Law Number 9 of 1992.

The proposal to update Law Number 9 of 1992 concerning Immigration was immediately included in the National Legislation Program (Prolegnas) to be discussed by the legislature (DPR). After going through lengthy discussions with Commission III of the DPR, finally the new Immigration Bill was approved and proposed to be passed into law at the DPR Plenary Session on April 7, 2011. Then on May 5, 2011, the President of the Republic of Indonesia ratified the Act. Law Number 6 of 2011 concerning Immigration, which was promulgated in the State Gazette of the Republic of Indonesia of 2011 Number 52, Supplement to the State Gazette of the Republic of Indonesia Number 5126.

In addition to Government Regulation Number 31 of 2013 concerning Regulations for Implementing Law Number 6 of 2011 concerning Immigration, in 2021 Government Regulation Number 48 of 2021 concerning the Third Amendment to Government Regulation Number 31 of 2013 concerning Implementation of Law Number 6 of 2011 concerning Immigration. This Government Regulation was promulgated to implement Article 106 and Article 185 letter b of Law Number 11 of 2020 concerning Job Creation where in essence what regulates guarantors is in the section on how the mechanism for arranging guarantors regarding visas and second home residence permits and changes to other mechanisms regarding guarantor administration.

c. Ministerial regulation

1. Regulation of the Minister of Law and Human Rights Number 29 of 2021 concerning Visas and Stay Permits

Regulation of the Minister of Law and Human Rights Number 29 of 2021 concerning Visas and Stay Permits is a series of legal products of the Minister of Law and Human Rights which regulate the granting of visas and residence permits as part of the technical regulations that regulate the implementation of Law Number 6 of 2011 concerning Immigration. The new thing that is regulated in detail from this Permenkumham is the existence of technical rules for granting visas and second home residence permits which are a new type of visa and residence permit as part of efforts to increase foreign investment in Indonesia.

2. Regulation of the Minister of Law and Human Rights Number 36 of 2021 concerning Immigration Guarantees

Regulation of the Minister of Law and Human Rights Number 36 of 2021 concerning Immigration Guarantor is one of the legal products which is a breakthrough from the Directorate General of Immigration as part of strengthening the immigration control function towards the existence of Immigration Guarantors. In fact, there is a mechanism for Immigration Supervision itself, especially related to the sections on checking the eligibility of immigration

guarantors. However, in reality, the Directorate of Immigration Supervision and Enforcement often finds that there is a fictitious or actual guarantor between registered addresses and real conditions in different fields. This is a form of immigration violation and is commonly found in practice in the field.

As a basis for consideration of the promulgation of Regulation of the Minister of Law and Human Rights Number 36 of 2021 concerning Immigration Guarantor this is in the context of creating legal certainty for immigration services and increasing guarantor compliance in providing guarantees for foreigners. In this regulation, there are a total of 33 articles. After being promulgated in 2021, the implementation of Minister of Law and Human Rights Regulation Number 36 of 2021 concerning Immigration Guarantees is experiencing obstacles. There are many pros and cons related to one of the articles related to administrative sanctions, where one form of administrative sanction for the guarantor is immigration coaching at the Immigration Detention Center for 5 (five) days. Many are of the opinion that Indonesian citizens cannot be subject to sanctions in the form of detention and in the immigration law regulations that regulate above this Regulation of the Minister of Law and Human Rights there is not a single article that regulates or mentions sanctions in the form of detention for Indonesian citizens. Because there are still pros and cons, the Regulation of the Minister of Law and Human Rights regarding Guarantor from 2021 until now cannot be fully enforced. This is very unfortunate considering that because just one formulation of this article has resulted in the entire formulation of the regulations that have been promulgated, it cannot be properly enforced.

d. Decree of the Director General of Immigration

Decree of the Director General of Immigration Number: IMI-0197.GR.01.01 of 2021 concerning Procedures for Imposing Administrative Sanctions on Immigration Guarantors is a regulation in the form of a Decree or *Beschikking*. The terms "decisions" or "decisions" are used to refer to the results of administrative determination or decision-making activities (*beschikking*s). In the context of implementing Article 29 of Regulation of the Minister of Law and Human Rights Number 36 of 2021 concerning Immigration Guarantees, it is necessary to stipulate a Decree of the Director General of Immigration concerning Procedures for Imposing Administrative Sanctions on Immigration Guarantees.

The Guarantee Policy has been regulated in Law Number 6 of 2011 concerning Immigration and Government Regulation Number 31 of 2013 concerning Implementation Regulations of Law Number 6 of 2011 concerning Immigration. Likewise, the guarantee sanction has actually been regulated in Article 118 Chapter XI

Enforcement of Immigration Law against Foreign Guarantor

There are efforts that can be used to enforce law, namely

a. Preventive Efforts

In this effort, what is being done is in the form of supervision carried out on foreigners who are in the work area. This preventive effort is carried out through a variety of immigration guidance and supervision activities which are carried out solely not only as part of law enforcement efforts, but also as part of coaching efforts and as a means of

outreach and learning, both for guarantors and foreigners. This is expected to reduce immigration crimes that can occur. This activity can be carried out through immigration guidance and supervision by carrying out data collection and outreach to immigration guarantors, especially those in the form of corporations where they act as guarantors for several foreigners, especially as guarantors for foreign workers or others.

This repressive effort can be carried out when no violations have been found or there are potential violations that will occur in the future, so that this effort can be carried out. However, if violations of immigration law have been found, especially if Nyang is already a criminal offence, repressive measures must be taken.

b. Repressive Efforts

According to Soedarto, what is meant by repressive measures are all actions taken by law enforcement officials after a crime or criminal act has occurred (Ekaputra & Kahir, 2010) ^[5]. In relation to law enforcement against foreigners who are in the territory of the Republic of Indonesia. This repressive effort is carried out when there has been a violation of immigration law, whether committed by a foreigner or by a guarantor. These violations can be in the form of administrative or criminal violations. For violations that are administrative in nature and mild in nature, they can proceed with the process of granting Immigration Administrative Actions, but if they are already criminal offenses, then they can proceed with the investigation process by Civil Servant Investigators through the Pro Justisia process.

This repressive effort is expected to provide a deterrent effect for violators of immigration laws, both foreigners and guarantors. With this effort, enforcement of immigration law is carried out strictly in accordance with the existing positive law so that it is hoped that it can reduce the number of violations of immigration law.

The efforts that have been made by the Directorate General of Immigration through the technical directorates in charge have been carried out in the form of the two efforts as described above. With these two efforts it is expected to maximize results in enforcing immigration law, repressive efforts through supervision and guidance carried out by the Directorate General of Immigration and the Immigration Office as extensions in the regions as a manifestation of the seriousness of the Directorate General of Immigration in enforcing immigration law. In addition, it is hoped that it can reduce the number of immigration violations and criminal acts through supervision that is coaching and immigration data collection,

This proves that government policies, in this case policies related to immigration law, are able to reduce the number of violations in enforcing immigration law. Even though the policy is implemented under certain conditions, namely pandemic conditions, the policy plays an important role in law enforcement and reducing the number of immigration violations. During the Covid 19 pandemic, at the beginning of 2020 until the end of 2022, the world community was very limited in their movements or mobilization, so that in the context of enforcing immigration law, it could be carried out optimally, because the focus at that time was controlling and preventing Covid 19 with full supervision from all stakeholders involved including Immigration.

Factors Affecting Enforcement of Immigration Law against Guarantor

Soerjono Soekanto in his book entitled Factors Influencing Law Enforcement there are 5 (five) factors that influence the law enforcement process (Soekanto, 2007a) ^[18].

Legislative Factors

The meaning of the law is law in the material sense, namely regulations made by legitimate central and regional authorities. So that in a statutory regulation there will be several conditions that must be fulfilled by the statutory regulation itself.

The statutory regulations governing guarantors for foreign nationals have clearly been regulated in the form of laws up to Ministerial Regulations and Decrees of the Director General of Immigration. Regulation of the Minister of Law and Human Rights Number 36 of 2021 concerning Immigration Guarantor was promulgated as a form of effort to provide legal certainty for immigration services and increase guarantor compliance in providing guarantees to foreigners. However, in practice since it was promulgated in 2021, this Regulation of the Minister of Law and Human Rights has not been able to run optimally.

Law Enforcement Factors

Law enforcers are role models in society who should have certain abilities, in accordance with the aspirations of the community. Therefore, this group of role models must be able to choose the right time and environment in introducing legal norms or rules, as well as providing good examples. Civil Servant Investigators ("PPNS") are investigators who come from civil servants to carry out investigations of certain crimes.

Apart from that, based on article 1 number (11) of Law no. 2 of 2002 concerning the Police, Civil Servant Investigators are one of the bearers of the functions of the police which assist the Indonesian National Police and exercise their authority based on their respective laws. Whereas in Perkab article 1 number (3) No. 6 of 2010 concerning Management of Investigations by Civil Servant Investigators, PPNS are certain Civil Servant Officials who are given special authority by law to conduct criminal investigations in accordance with the law which forms the basis of their respective laws and in carrying out their duties are under coordination and supervision of Police Investigators.

Facility and Infrastructure Factors

Organization is a group that has a series of activities needed to achieve a goal. In order for organizational goals to be achieved effectively and efficiently, the organization must utilize existing resources, both human resources that have been placed to carry out certain activities in accordance with their respective expertise and other resources such as the necessary tools. To support the smooth implementation of the activities of an agency/organization, facilities and infrastructure must be managed properly so that they can function as they should. The management of these facilities and infrastructure is carried out through a process or series of activities in order to regulate,

In accordance with the Instruction of the President of the Republic of Indonesia Number 3 of 1971, every State Institution is obliged to carry out the accounting of State property/assets in an orderly and regular manner. One of the objectives of accounting for State Property is to serve as

information material for the management of goods management starting from planning and determining the needs of goods, procurement of goods, storage and control of goods, maintenance of goods, control of goods, and disposal of goods.

Based on the phenomena that occur in the field, the facilities and infrastructure of the Directorate General of Immigration, especially the Directorate of Immigration Supervision and Enforcement have been supported by good facilities and infrastructure and by referring to the Immigration Management Information System (SIMKIM) as a reference and big data in the immigration system Indonesia has provided information that can be used as the main ingredient in the next investigation process. Besides that, with the support of the provision of facilities and infrastructure, it is considered quite good.

Community Legal Awareness Factor

The factor of public legal awareness is one of the obstacles in enforcing immigration law in Indonesia. Legal awareness in this community, due to a lack of understanding of immigration law so that violations of immigration law are rife, the public does not even react to seeing the rise of these violations.

For this reason, legal counseling on immigration is very urgent to be carried out to the community on a regular basis. Legal education related to immigration must also be carried out optimally, where after conducting legal education monitoring and evaluation should also be carried out regarding the extent of understanding received by the public regarding this immigration law. Besides that the implementation of good and smooth counseling certainly cannot be separated from the attention and support of the community itself. The positive response expected from the community will make counseling run more optimally (Rizquallah *et al.*, 2022) ^[13].

Legal counseling is organized with the aim of creating a better legal awareness of the community so that every member of the community is aware of and lives up to their rights and obligations as citizens and creates a legal culture in attitudes and behavior that is aware, obedient and obeys the law and respects human rights (Article 2 Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number: M-01.PR.08.10 of 2007 concerning Amendments to the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number: M01.PR.08.10 of 2006).

Legal awareness is different from legal compliance even though both are concretized in attitudes and actions or human behavior in society. According to Max Weber, legal compliance is related to coercion, namely sanctions, so that someone obeys the law because he is afraid of the sanctions he can receive. Whereas in legal awareness, obedience arises by itself based on conscience without coercion.

Legal counseling is part of the development of national law, while the development of national law is part of national development. Legal counseling activities are one form of socialization to describe how justice is (Sudjito, 2008) ^[20].

The role of law as a tool for community development as stated by Roscoe Pound needs to be placed on a mutually agreed perception to understand the nature, essence and consequences of accepting a conception. If law is given a role as a means of change and development, then this

thinking proves that there is awareness of the mutual influence between law and society (Sudjito, 2008) ^[20].

Kelsey and Herane put forward the philosophy of counseling is to work with the community so that they can increase their dignity as human beings. This opinion contains understanding. First, extension workers must work with the community. The presence of extension workers is not as a determinant or coercion, but he must be able to create an atmosphere of dialogue with the community and be able to grow, mobilize, and maintain community participation. Second, counseling does not create dependency but must be able to encourage creativity and self-reliance in the community so that they have the ability to be more independent, self-help, self-funding and self-management for the implementation of activities in order to achieve the goals, hopes and desires of the target community. (Sudjito, 2008) ^[20].

Cultural Factors

The Indonesian people who are famous for their hospitality to foreign nationals are one of the attractions for foreign tourists in making Indonesia a tourist destination. Based on data from InterNations, Indonesia is included in the top list of the friendliest countries in the world based on the Internations version of the Expat Insider 2022 survey. In the previous year, Indonesia was in the 7th position as the friendliest country. InterNations itself is the largest global network of expatriates in the world, with members reaching 4.5 million people spread across 420 cities around the world. InterNations has an official office in Munich, Germany (Mutia, 2022) ^[10].

The data shows how most Indonesian people with a culture of hospitality accept and treat foreign nationals who enter Indonesia, especially tourists. This makes Indonesia a country that is open to changes originating from external factors in society, one of which is the presence of foreigners entering Indonesia. This culture is one of the influential factors in law enforcement against guarantors. Indonesian citizens, both individually and as legal entities, who have responsibility as guarantors have a tendency to protect and have great empathy for foreign nationals, especially in humanitarian matters. Based on the noble values of Pancasila, Indonesian people are one of the friendliest and most open societies in accepting change while upholding moral values and behavior as well as religion and customs prevailing in society. This is also what makes Indonesia's attractiveness not only with its natural and cultural beauty, but also with the behavior and attitudes of the Indonesian people themselves.

Conclusion

Legal arrangements concerning enforcement of immigration laws against guarantors can be found starting from Article 28E of the Constitution of the Republic of Indonesia as a source of Indonesian legal regulations regarding immigration then Law Number 6 of 2011 concerning Immigration, Government Regulation Number 31 of 2013 concerning Regulations for Implementing the Law Law Number 6 of 2011 concerning Immigration, as amended by Government Regulation Number 48 of 2021 concerning Amendments to Government Regulation Number 31 of 2013 concerning Regulations for Implementing Law Number 6 of 2011 concerning Immigration, and Regulation of the Minister of Law and Human Rights Number 36 of

2021 concerning Immigration guarantor, besides that also with the Decree of the Director General of Immigration Number: IMI-0197.GR.01.01 of 2021 concerning Procedures for Imposing Administrative Sanctions on Immigration Guarantees.

Investigation and Investigation of Immigration Crimes is carried out as a form of law enforcement against violations of Immigration crimes including those related to immigration guarantors. Laws and regulations governing law enforcement against immigration guarantors as the basis for the process of enforcing immigration law against guarantors. Through the existing legal umbrella, law enforcement officials in this case the Director General of Immigration can provide sanctions in the form of administrative sanctions for immigration guarantors who are proven to have violated immigration law as well as investigations and investigations carried out by civil servant investigators through pro justitia procedures for criminal acts. immigration carried out by the guarantor.

Factors influencing immigration law enforcement are divided into 5 (five) factors consisting of law factors, law enforcement factors, facilities and infrastructure factors, legal awareness factors in society, and cultural factors. From these five factors, it can be said that enforcement of immigration law in Indonesia has been going well and involving various elements in society. On the basis of laws and regulations that can accommodate any existing problems, coupled with the performance of professional law enforcement officials, supported by available facilities and infrastructure, as well as with Indonesian society and cultural factors, the enforcement of immigration law against foreign guarantor can goes well,

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