

# Implementation Of Immigration Control Of Foreigners In The Context Of Deportation

La Ode Husen<sup>1</sup>, Syahrudin Nawi<sup>2</sup>, Nurul<sup>3</sup>,  
Indra Gunawan Mansyur<sup>4</sup>

<sup>1</sup>[laode.husen@umi.ac.id](mailto:laode.husen@umi.ac.id)

<sup>2</sup>[syahrudin.nawi@umi.ac.id](mailto:syahrudin.nawi@umi.ac.id)

<sup>3</sup>[nurul.gomar@umi.ac.id](mailto:nurul.gomar@umi.ac.id)

<sup>4</sup><mailto:Indragunawanm@gmail.com>

<sup>1,2,3</sup>, Lecture Faculty Of Law Universitas Muslim Indonesia.

<sup>4</sup>, Student of the Postgraduate Doctor of Law  
Programme at Universitas Muslim Indonesia.

## Abstract

The purpose of this research is to know and analyse the implementation of supervision and deportation of foreign nationals and explain the factors that influence the implementation of supervision and deportation of foreign nationals at the Kendari Class I TPI Immigration Office. The research method used is non-doctrinal research method or empirical research by distributing questioners and interviews to respondents with stratified sampling, namely community leaders, academics and general immigration service users. The results showed that the essence of immigration control is the creation of law enforcement, through legal awareness, legal obedience to foreign nationals so that no legal deviations occur. The implementation of supervision and deportation of foreign nationals at the Immigration Office Class I TPI Kendari is based on the Immigration Law Immigration Supervision has not been implemented optimally. The factors that influence the implementation of supervision and deportation of foreign nationals at the Kendari Class I Immigration Office are legal structure factors, legal

culture, legal equality and facilities and infrastructure factors.

Keyword: Supervision, Immigration, Deportation of Foreigners.

### **A. Background of the Problem**

Immigration institutions occupy a major and strategic position in the context of control and supervision of foreigners, which not only raises the consequence of the demand for an optimal role in formulating immigration policies concerning foreigners, but also can provide benefits and advantages for the life of the nation and state of Indonesia. The movement of people from one country to another can be one of the causes of various immigration problems, and is a challenge that requires an increased ability to anticipate the rapid flow of change.

Immigration offences and crimes will also arise with the arrival of foreigners in the territory of Indonesia, in response to this, strict action will be taken against offences committed by foreigners. Immigration action imposed can be in the form of deportation as one of the special and distinctive actions of the immigration function.

With the enactment of Law of the Republic of Indonesia Number 6 Year 2011 on Immigration, actions against irregularities and violations in the field of immigration can be imposed through immigration actions or through judicial proceedings.

The globalisation of the world has always had an impact on increasing the traffic of people and goods between countries, so that the boundaries of the State are increasingly easy to penetrate for various human interests such as trade, industry, tourism and so on. This phenomenon has been a problem or concern of countries in the world since long ago because each country has sovereignty to regulate the traffic of people who will enter and exit the territory of their country even for visiting or temporary stay.

To regulate this matter, in Indonesia there are laws and regulations that govern it, namely, Law Number

6 Year 2011 on Immigration. This law is a regulation that regulates the traffic of people entering or leaving the territory of the Republic of Indonesia and its supervision in order to maintain the sovereignty of the state.

A person who travels or migrates is a human right and basic human freedom as stated in the Law of the Republic of Indonesia Number 39 of 1999 concerning Human Rights Article 9 paragraph (2), namely: Everyone has the right to live in peace, security, peace, happiness, physical and mental prosperity. Philosophically, humans as social beings want to associate with other humans as a fulfilment of human rights and equality between countries, Sociologically, humans travel between countries because they are driven to survive and improve their standard of living, and Juridically, for the orderliness of human travel between countries, of course, it is regulated by the laws and regulations that apply in the country visited.

Supervision of foreigners in Indonesia includes the entry and exit of foreigners to and from the territory of Indonesia and the presence and activities of foreigners in the territory of Indonesia. Supervision of foreigners who will enter the territory of Indonesia is carried out since applying for a visa at the representative of the Republic of Indonesia abroad, then when arriving at the port of Immigration Checkpoint or TPI, which decides to refuse or give permission to enter, After the foreigner is given permission to enter according to his visa, his supervision moves to the immigration office whose working area includes the foreigner's residence, when the foreigner leaves the territory of Indonesia, the Immigration Officer at TPI will give a sign of departure with a record that there are no things that prevent him.<sup>1</sup>

Services and supervision in the field of immigration are carried out based on the principles of selective policy, which means that only foreigners who

---

<sup>1</sup> H. Zainuddin Ali, *Filsapat Hukum*, (Sinar Grafika Cetakan Pertama, Jakarta, 2006) hal. 10

can provide benefits for the welfare of the people, nation and state of Indonesia and do not threaten or endanger security and public order and are not hostile, both to the people, nation and unitary state of the Republic of Indonesia based on Pancasila and the 1945 Constitution are allowed to enter or leave the territory of Indonesia.

### **B. Formulation Of The Problem**

Based on the background previously described, then to further focus this research the formulation of the problem to be discussed by the author is how the implementation of supervision and deportation of foreign nationals at the Immigration Office Class I TPI Kendari? and What factors affect the implementation of supervision and deportation of foreign nationals at the Immigration Office Class I TPI Kendari?

### **C. Grounded Theory**

#### **1. Sovereignty Theory**

The Doctrine of absolute state sovereignty" that the doctrine of state sovereignty is absolute, Bodin who is the initiator of the doctrine of sovereignty scientifically suggests that state sovereignty indicates the existence of legislative power and the state is different from other communities, because the state has the highest power or called Summa Potestas. Sovereignty is the power to make laws and as a tool to exercise sovereignty effectively. Bodin's opinion is reinforced by Hobbes that there are no restrictions on making laws by states that have sovereignty, there are no principles of natural law, what exists is the ability to regulate effectively the restrictions on absolute power and the ruler. So Bodin and his followers see sovereignty more from the principle of domestic order. Although there are some differences of opinion between Bodin and his followers, they still basically agree that sovereignty cannot be divided, it must exist in one unit.<sup>2</sup>

---

<sup>2</sup> Iman Santoso, *Opcit*, hal 33-34.

As explained in Article 1 number 1 of Law No. 6 of 2011 Concerning Immigration, it confirms that "Immigration is the traffic of persons entering or leaving the territory of Indonesia as well as their supervision in order to maintain the sovereignty of the state." The function of immigration is part of state government affairs in providing immigration services, law enforcement, state security and facilitating the development and welfare of the community. The function of immigration is part of state government affairs in providing immigration services, law enforcement, state security and facilitating development and public welfare.<sup>3</sup>

Since a state's involvement in international relations depends on its legal capacity, it is important to delimit the scope of its jurisdiction to provide an understanding of its position in international law. Since a state's jurisdiction within its territory is the basis of its activities, the first step in analysing state power under international law is to clarify the legal meaning of state territory.

The notion of "state territory" has two elements: the composition and extent of the area intended by the state's territory, and, the legal nature of the state's authority over the territory. And what is meant by sovereignty over territory, means that these two elements must be fulfilled.<sup>4</sup> Jadi wilayah suatu negara itu harus jelas susunannya dalam arti berupa daratan, pulau-pulau, sungai, danau, perairan pedalaman, laut teritorial, landas kontinen; yang jelas batas-batasnya, karena dalam batas itulah suatu negara menjalankan kekuasaan atau kedaulatannya.<sup>5</sup>

The most important part of a country's territory is its land which has borders. It is this land area that is

---

<sup>3</sup> *Undang-Undang Republik Indonesia, Nomor 6 Tahun 2011 tentang Keimigrasian*, (Jakarta Sinar Grafika, 2011).

<sup>4</sup> Iman Santoso, *Opcit* hal 67.

<sup>5</sup> Cikita Fatika Sari Hidayat, Mulyati Pawennei, Salmawati, Efektivitas Penyidikan Terhadap Penyalahgunaan Narkotika: Studi Kasus Polrestabes Makassar, *Journal of Lex Generalis (JLS)* Volume 4, Nomor 2, Pebruari, 2023, P-ISSN: 2722-288X, E-ISSN: 2722-7871, <https://pasca-umi.ac.id/index.php/jlg/article/view/1354/1551>

generally occupied/settled by the population, in accordance with the nature of man himself as a creature that lives on land. This area in international law is commonly referred to as the territorial area and includes the sea area and the continental shelf of the territorial sea. In Article 2 of Law Number 6 of 2011 concerning Immigration, every Indonesian citizen has the right to travel outside and enter the territory of Indonesia, as well as foreigners who have met the requirements can enter the territory of Indonesia after obtaining an entry mark, so that, every person who enters or leaves the territory of Indonesia must have a valid and valid travel document.

## **2. Theory of Jurisdiction**

Another theory that is also used in this thesis is the theory of "territorial jurisdiction" where it is explained that jurisdiction is the authority to implement the provisions of the national law of a sovereign state and this is part of the implementation of state sovereignty as state jurisdiction within its territorial boundaries will remain attached to the sovereign state.<sup>6</sup>

Regarding jurisdiction, the international community recognises that every state has exclusive rights because of the principle of state sovereignty within the territorial limits of the state concerned without any attachment or restriction from international law.<sup>7</sup> This jurisdiction originates from state sovereignty which gives birth to the authority / power of the state based on international law to regulate everything that happens in the state.

Jurisdiction is an attribute of a state's sovereignty. A state's jurisdiction refers to its competence to regulate people and property under its national laws (criminal and civil). This competence includes Jurisdiction to prescribe (and prohibit), to

---

<sup>6</sup> Yudha Bhakti Ardhiwisastra, *Hukum Inernational, Bunga Rampai*, (Bandung, Alumni 1999) hal 16

<sup>7</sup> Syahrudin Nawi, Salle, Andi Risma, *Problematika Kontrak Baku Pada Berbagai Perjanjian*, *Journal of Lex Generalis (JLS) Volume 4, Nomor 1, Januari 2023: 67-68, P - ISSN: 2722-288X, E-ISSN: 2722- 7871, <https://pasca-umi.ac.id/index.php/jlg/article/view/1280/1459>*

adjudicate and to execute Laws. Jurisdiction is a reflection of the fundamental principles of state sovereignty, equality and non-interference in each other's internal affairs.

Based on its sovereignty, it can be derived the right, power or authority of the state to regulate internal and external problems. In other words, from sovereignty, state jurisdiction is derived or born. With these rights, powers and authorities or with jurisdiction, a state regulates in more detail and clearly the problems it faces so as to realise what is the goal of the state. Thus it can be concluded that only sovereign states can have jurisdiction according to international law. Regarding jurisdiction, the international community recognises that every state has exclusive rights, due to the principle of state sovereignty within the territorial limits of the state concerned without any attachments or restrictions from international law. Jurisdiction originates from state sovereignty which gives birth to the authority / power of the state based on international law to regulate everything that happens within the state, equality of status and non-interference in each other's internal affairs.

International immigration law does not only regulate the movement of people in and out or the supervision of foreigners in a country, but has also been linked to the prevention of people leaving Indonesian territory and the deterrence of people entering Indonesian territory. In addition to the regulatory function which contains aspects of administrative law, immigration law also has the function of immigration police law enforcement. This function includes matters such as the refusal of foreigners to enter the territory of the Republic of Indonesia because they do not meet the requirements, the imposition of immigration measures, and the cancellation of residence permits, in addition to immigration measures, administrative measures such as administrative fines may also be imposed. It must be distinguished that the fines imposed here are administrative in nature, which are declared by

administrative officials, not criminal fines as referred to in Article 10 of the Criminal Code, which are decided by criminal court judges.

### **3. Theory of Authority**

Authority has an important position in the study of constitutional law and state administrative law. Every state and government administration must have legitimacy, namely the authority granted by law. In various references there are various views of experts regarding authority,

Indonesian constitutional law expert Bagis Manan emphasised that authority in legal language is not the same as power (*macht*). Power only describes the right to do or not to do. In law, authority also means rights and obligations (*rechten en plichten*). In relation to regional autonomy, rights mean the power to self-regulate (*zelfregelen*) and self-manage (*zelfbesturen*), while obligations horizontally mean the power to administer the government properly. Vertical means the power to govern in an orderly manner within the State as a whole. Along with the main pillar of the rule of law, namely the principle of legality (*legaliteitsbeginsel* or *het beginsel van wetmatigheid van bestuur*). Based on this principle, it is implied that government authority comes from laws and regulations, meaning that the source of authority for the government is laws and regulations.

### **4. Supervision Theory**

The supervisory function is carried out on planning and implementation activities. Supervisory activities as a management function intend to determine the level of success and failure that occurs after planning is made and implemented. Success needs to be maintained and if possible improved in the next manifestation of management / administration within an organisation / certain work unit. Conversely, every failure must be corrected by avoiding its causes both in planning and implementation. The supervisory function is carried out, in order to obtain feedback (*feed back*) to carry out



repairs if there are errors or irregularities before they become worse and difficult to correct.

### **5. Legal Protection Theory**

The presence of law in society is to integrate and coordinate interests that usually conflict with each other. Therefore, the law must be able to integrate them so that the clash of interests can be minimised. The term "law" in English can be referred to as law or legal.

This subchapter will discuss the meaning of law in terms of linguistic terminology that refers to the meaning in several dictionaries as well as the meaning of law that refers to several opinions or theories conveyed by experts. The discussion of law here does not intend to make a definite limitation on the meaning of law because according to Immanuel Kant "the definition or meaning of law is something that is still difficult to find because of the wide scope and variety of fields that are used as a source of legal discovery". The terminological definition of law in Indonesian according to the KBBI is "rules or customs that are officially considered binding, which are confirmed by the authorities or government, laws, regulations, and so on to regulate community life, standards or rules regarding certain natural events, decisions or considerations determined by judges in court, or verdicts". Legal protection was created as a means or instrument to regulate the rights and obligations of legal subjects. In addition, the law also functions as an instrument of protection for legal subjects.

## **D. Research Results and Discussion**

### **1. General Overview of Deportation**

Deportation is a loan term derived from the English "deportation", which is an action to remove foreigners legally. According to the provisions of Article 1 point (36) of Law Number 6 of 2011 concerning Immigration, expulsion or deportation is the act of forcibly removing foreigners from the territory of Indonesia, this action is carried out because their presence is undesirable. Based

on Article 13 of Law Number 6 Year 2011, expulsion or deportation is an immigration action in the form of forcibly repatriating foreigners to their country of origin or to another place outside the territory of Indonesia as a result of their undesirable presence in the territory of the State of Indonesia based on certain reasons.

According to L. Oppenheim, in inter-state relations it has been generally recognized that every country has the right to expel foreigners, either from part or all of the country's territory.<sup>8</sup>

In the Dutch colonial era, the regulation that gave the authorities the right to act against people they disliked was contained in Article 35 of the Indische Staatsregeling (the equivalent of the Constitution which stated that the Governor-General of the Dutch East Indies, with the agreement of the Raad van Indie, could expel foreigners who were not born in the Dutch East Indies and were deemed a danger to the order and security of the country. "State residents may be expelled from Indonesia only in the manner prescribed in Articles 35 and following of the Indische Staatsregeling (on the basis of the so-called extraordinary rights, *exorbitante rechten*, of the Governor-General). For non-residents, police action is sufficient.<sup>9</sup> After the independence of the Republic of Indonesia, foreigners who are in Indonesian territory, apparently endanger security, peace, decency, welfare and do not obey the applicable laws and regulations can be subject to state administrative legal action as stipulated in Article 5 of Law Number 9/drt/1953 concerning Supervision of Foreigners. The provisions of Article 5 paragraph (1) of Law Number: 9/drt/1953, stipulates that: foreigners who are dangerous to the peace, decency or public welfare or do not heed the regulations made for foreigners residing in Indonesia, by the Minister of Justice: (1) may be required to reside in a certain place in Indonesia; (2) may be prohibited from being in certain places in Indonesia from

---

<sup>8</sup> Ajat Sudrajat Havid, *Formalitas Keimigrasian Dalam Perspektif Sejarah*, (Jakarta ; Direktorat Jenderal Imigrasi, 2008) hal. 281

<sup>9</sup> Wahyudi Ukun, *Opcit*, hal 35.

which he must leave; (3) may be expelled from Indonesia, even though he is a resident of the country. Immigration is part of the realization of the implementation of the enforcement of sovereignty over the Indonesian Territory in order to maintain the orderly life of the nation and state towards a just and prosperous society based on Pancasila and the 1945 Constitution. That today's global development encourages increased mobility of the world's population which has various impacts, both beneficial and detrimental to the interests and life of the nation and state of the Republic of Indonesia, so that legislation is needed that guarantees legal certainty in line with respect, protection, and promotion of human rights;

---

The purpose of the above explanation is that in order to maintain population mobility both in and out of the country of Indonesia, a regulation is needed to regulate the above, so that a regulation on Immigration is formed which is useful for the above regulation, which is also part of the realization of the implementation of the enforcement of sovereignty over the territory of Indonesia.

Law Number 6 Year 2011 was established to ensure legal certainty in line with the respect, protection and promotion of human rights, be it foreign nationals entering, leaving and residing in Indonesia or Indonesian citizens themselves. In line with the above, it is explained in Article 1 paragraph (3) of Law Number 6 Year 2011, that the immigration function is part of the state government affairs in providing immigration services, law enforcement, state security, and facilitating the development of public welfare.

### **C. Terms and Conditions of Deportation of Foreigners**

Expulsion or deportation is the act of removing foreigners from the territory of Indonesia because their presence is undesirable. Expulsion or deportation is an immigration action in the form of forcibly repatriating foreigners to their home countries or other places outside the territory

of Indonesia as a result of their unwanted presence in the territory of the State of Indonesia based on certain reasons. "According to L. Oppenheim, in inter-state relations it has been generally recognized that every country has the right to expel foreigners, either from part or all of the country's territory."<sup>10</sup>

Unwelcome presence and or activities in Indonesia, can be caused by the person concerned not obeying the applicable laws and regulations including regulations in the field of immigration, as well as committing acts that disturb public security and order that can endanger the safety of the community, nation and state. The implementation of deportation cannot be separated from other immigration measures, namely quarantine or detention and deterrence. Therefore, to forcibly remove foreigners from the territory of Indonesia, among others, requires time, money, and other means, so that for some cases of violation of regulations, while waiting for the time of deportation implementation requires quarantine or detention in the Detention Room or Immigration Detention Center or other places.

The terms and conditions of deportation according to Law Number 6 Year 2011 are explained in several articles, among others:

Article 13 paragraph 1 authorizes the Immigration Officer to refuse entry for foreigners who enter the territory of Indonesia in the event that the foreigner:

1. his/her name is listed in the deterrence list
2. does not have a legal and valid Travel Document.
3. has a fake Immigration Document.
4. does not have a Visa, except those exempted from the obligation to have a Visa.
5. has provided false information in obtaining a Visa.

---

<sup>10</sup> Ajat Sudrajat Havit, *opcit* hal 70

6. suffering from infectious diseases that endanger public health.
7. involved in international crimes and transnational organized crime.
8. is included in the wanted list for arrest from a foreign country.
9. involved in treasonous activities against the Government of the Republic of Indonesia.
10. being included in a network of prostitution, trafficking, and human smuggling practices or activities.

In addition to the aforementioned requirements, Immigration officers can spontaneously deport foreigners if it is proven that the foreign national is detrimental to the Indonesian state, disturbing security and order, so that deportation can be carried out directly without having to obtain a decision from a court that has permanent legal force.

Article 83 states that the Immigration Officer is authorized to place the Foreigner in

1. being in the Indonesian Territory without having a valid Stay Permit or having a Stay Permit that is no longer valid;
2. being in the Indonesian Territory without having a valid Travel Document;
3. subject to Immigration Administrative Action in the form of cancellation of Stay Permit for committing acts contrary to laws and regulations or disturbing public security and order;
4. waiting for the implementation of Deportation; or
5. waiting for departure out of the Indonesian Territory due to denial of Entry Stamp.

The Immigration Officer may place the Foreigner in another place if the Foreigner is sick, will give birth, or is a child. The implementation of Foreigner detention is carried out by a written decision of the Minister or a designated Immigration Officer. The decision as referred to in paragraph (1) shall contain at least: data of

foreigners subject to detention, reasons for detention; and place of detention.

The responses of respondents about the influence of Legal Culture on Factors Affecting the Implementation of Supervision and Deportation of Foreign Citizens at the Kendari Class I TPI Immigration Office, can be seen in the following table:

**Tabel 1 Hasil olahan data Primer Tahun 2023**

<b>Statement</b>	<b>Total</b>	<b>Percentage</b>
Influence	20	80
Less Influential	4	16
No influence	1	4
<b>Overall Respondees</b>	<b>25</b>	<b>100</b>

Based on table 1 above, it can be seen from 25 respondents that 80% of respondents who answered influenced, 14% of respondents who answered less influenced and 4% who answered did not affect the question of whether the Legal Culture Factor Affects the Implementation of Supervision and Deportation of Foreign Citizens at the Immigration Office Class I TPI Kendari And based on the Respondents' answers above, namely relatively influential.

## **2. Legal Structure Factors**

The legal structure includes all legal institutions, both government agencies and law enforcement officials such as: Police, Attorney, Judiciary, Correctional Institution, and Advocate.

The legal structure is an institution created by the legal system with various functions in order to support the operation of the system. This component is possible to see how the legal system provides services for the cultivation of legal materials in an orderly manner. and Law enforcement is a system in which there are members of the government who act in an organised manner to enforce the law by finding, deterring, restoring, or punishing.

The responses of respondents regarding the influence of the Legal Structure on the Factors Affecting the Implementation of Supervision and Deportation of Foreign Citizens at the Kendari Class I TPI Immigration Office, can be seen in the following table:

**Table 2 The Effect of Legal Structural Factors on the Implementation of Supervision and Deportation of Foreign Citizens At the Immigration Office Class I TPI Kendari**

Statement	Total	Percentage
Influence	18	72
Less Influential	5	20
No influence	2	8
<b>Overall Respondees</b>	25	100

Primary data processing results Year 2023

Based on table 2 above, it can be seen from 25 Respondents 72% of respondents who answered influenced, 20% of respondents who answered less influenced and 8% who answered did not affect the question of whether the Legal Structure Factor Affects the Implementation of Supervision and Deportation of Foreign Citizens at the Immigration Office Class I TPI Kendari And based on the Respondents' answers above, it is relatively influential.

### 3. Legal Awareness factor

Legal awareness can be interpreted as the awareness of a person or group of people to the rules or laws that apply. This is so that order, peace, tranquillity and justice can be realised in the relationships between people.

From a social and cultural point of view, Indonesia is a pluralistic society with many ethnic groups with a variety of different cultures. A law enforcer must be familiar with social stratification or layers of society that exist in an environment along with the existing order of status / position and role. Every social stratification must have its basis. Another thing that needs to be known and understood is about social institutions that

live, and are highly valued by the largest part of existing citizens.

By knowing and understanding these things, it can make it easier for law enforcers to identify the values and norms or rules that apply in the environment. In general, society in Indonesia is divided into two, namely the upper class (rich people) and the lower class (poor people). Law enforcement between the two is also very different in its resolution. This is because the mindset and knowledge are clearly different. If people are lower class, the desire or obedience to a law by someone is very unlikely or unwilling to obey the law that has been regulated.

This is due to the limited knowledge and education they have, and cannot know that there are sanctions that will be binding if violated (blue collar crime). Meanwhile, upper-class people tend to follow the law or existing rules, because they have more knowledge about the law and know the sanctions. This tends to be more orderly. In this upper class, if a crime occurs, it can be said to be white collar crime (for the sake of it).

The society in Indonesia is getting older, the number of poor people is increasing. So when viewed from the community factor, the problem of crime or law enforcement is in this layer. Each social stratification has its own basics, so that it can be done in various ways, including providing legal knowledge to people who may not really understand the law so that it makes it easier for them to identify the values and norms that apply in their environment.

The responses of respondents about the effect of Legal Awareness on Factors Affecting the Implementation of Supervision and Deportation of Foreign Citizens at the Kendari Class I Immigration Office, can be seen in the following table:

**Tabel 3 The Effect of Legal Awareness Factors on the Implementation of Supervision and Deportation of Foreign Nationals At the Immigration Office Class I TPI Kendari**

Statement	Total	Percentage
-----------	-------	------------



Influence	16	64
Less Influential	5	20
No influence	4	16
<b>Overall Respondees</b>	25	100

Primary data processing results Year 2023

Based on table 3 above, it can be seen from 25 Respondents 64% of respondents who answered influenced, 20% of respondents who answered less influenced and 16% who answered did not affect the question of whether the Legal Awareness Factor Affected the Implementation of Supervision and Deportation of Foreign Citizens at the Immigration Office Class I TPI Kendari And based on the Respondents' answers above, it is relatively influential.

#### 4. Facilities and Infrastructure Factors

Facilities are equipment that moves and is generally used directly, for example there is paper, pens, books, computers, and others. Meanwhile, infrastructure is a support and is generally an immovable facility, for example buildings and rooms.

Without certain facilities, it is impossible for law enforcement to run smoothly. These facilities include, among others, educated and skilled human resources, good organisation, adequate equipment, sufficient finance, and so on. Facilities have a very important role in law enforcement. Without these means or facilities, it will not be possible for law enforcers to harmonise their supposed role with their actual role.

Especially for these facilities, the following way of thinking should be adopted:

- a. What does not exist - the new one is corrected;
- b. What is broken or wrong - repaired or corrected;
- c. What is missing-addition;
- d. That which is stuck-smoothed out;  
What is backward or degenerate is advanced or improved.

The responses of respondents regarding the effect of Facilities and Infrastructure on Factors Affecting the

Implementation of Supervision and Deportation of Foreign Citizens at the Kendari Class I TPI Immigration Office, can be seen in the following table:

**Table 4 The Effect of Facilities and Infrastructure Factors on the Implementation of Supervision and Deportation of Foreign Nationals At the Immigration Office Class I TPI Kendari**

Statement	Jumlah	Presentase
Influence	20	80
Less Influential	3	12
No influence	2	8
<b>Overall Respondees</b>	25	100

Primary data processing results Year 2023

Based on table 4 above, it can be seen from 25 respondents, 80% of respondents who answered influenced, 12% of respondents who answered less influenced and 8% who answered did not affect the question of whether the Facilities and Infrastructure Factor Affected the Implementation of Supervision and Deportation of Foreign Citizens at the Immigration Office Class I TPI Kendari And based on the answers of the Respondents above, namely relatively influential.

**A. Conclusion**

1. The essence of immigration control is the creation of law enforcement, through legal awareness, legal obedience to foreign nationals so that no legal deviations occur.
2. The implementation of supervision and deportation of foreign nationals at the Immigration Office Class I TPI Kendari, namely based on the Immigration Law, immigration supervision has not been carried out optimally.
3. Factors Affecting the Implementation of Supervision and Deportation of Foreign Citizens at the Kendari Class I Immigration Office are Legal Structure Factors,

Legal Culture, Legal Equality and Facilities and Infrastructure Factors.

**REFERENCE**

Albert Sanusi. (2016). Penegakan Hukum Terhadap Tinak Pidana Penyalahgunaan Izin Tinggal Keimigrasian. jurnal flat justisia. fakultas Of law (Vol. 10 Issue 2), Lampung Unirsity Bandar lampung

Amiruddin. 2012. Pengantar Metode Penelitian Hukum. Jakarta: PT Raja Grafindo Persada.

Abdullah Sjahriful (James), "Memperkenalkan Hukum Keimigrasian", Ghalia Indonesia, Jakarta, 1993.

Ajat Sudrajat Havid, "Formalitas Keimigrasian Dalam Perspektif Sejarah", Direktorat Jendral Imigrasi, Jakarta, 2008.

Barda Nawawi Arief. 2016. Masalah Penegakan Hukum, Kebijakan Penanggulangan Kejahatan. Bandung: Citra Aditya Bakti, hlm.15.

Drs. Moh. Arif, "Keimigrasian di Indonesia Suatu Pengantar", Penerbit Jakarta Pusat Pendidikan dan Latihan Pegawai Departement Kehakiman, 1997.

Koerniatmanto Soetoprawiro, "Hukum Kewarganegaraan Dan Keimigrasian Indonesia", PT. Gramedia Pustaka Utama, Jakarta, 1996.

R. Felix Hadi Mulyanto dan Ir. Endar Sugiarto, "Pabean Imigrasi dan Karantina", PT. Gramedia Pustaka Utama, Jakarta, 1997.

Wahyudin Ukun, "Deportasi Sebagai Instrumen Penegakan Hukum dan Kedaulatan Negara di Bidang Keimigrasian", AKA Press, Jakarta, 2004.

M. Imam Santoso, Perspektif Imigrasi dalam Pembangunan Ekonomi dan Ketahanan Nasional, Jakarta: UI Press, 2004.

Muladi dan Barda Nawawi Arief, *Teori-Teori dan Kebijakan Pidana*, Bandung: Alumni, 1984.

Muhammad Indra, *Perspektif Penegakan Hukum dalam Sistem Keimigrasian Indonesia*, Disertasi, Progam Doktor Program Pascasarjana, Bandung: Universitas Padjadjaran, 2008.

Asshiddiqie Jimly, **Gagasan Kedaulatan Rakyat dalam Konstitusi dan**

**Pelaksanaannya di Indonesia**, Jakarta: Ichtiar Baru van Hoeve, 1994

H. Abdullah Sjahriful (JAMES), **Memperkenalkan Hukum Keimigrasian, Ghalia Indonesia**, Jakarta, 1993.

Jazim Hamidi dan Charles Christian, **HUKUM KEIMIGRASIAN BAGI ORANG ASING DI INDONESIA, SINAR GRAFIKA**, Jakarta, 2015.

Koerniatmanto Soetoprawiro, **Hukum Kewarganegaraan dan Keimigrasian Indonesia**, Gramedia Pustaka Utama, Jakarta, 1994.

La Ode Husen, Said Sampara, Sufirman Rahman, Sarifuddin Umar Independence And Accountability, Supreme Court In The Implementation: The Power Of Judgment In Indonesia, Imperial Journal of Interdisciplinary Research (IJIR) Vol-3, Issue-5, 2017 ISSN: 2454-1362, [https://www.researchgate.net/publication/330260244\\_Independence\\_And\\_Accountability\\_Supreme\\_Court\\_In\\_The\\_Implementation\\_The\\_Power\\_Of\\_Judgment\\_In\\_Indonesia](https://www.researchgate.net/publication/330260244_Independence_And_Accountability_Supreme_Court_In_The_Implementation_The_Power_Of_Judgment_In_Indonesia)

Nurul Qamar, Farah Syah Rezah, Universitas Muslim Indonesia, The Dichotomy of Approach in the Study of Legal Science: A Critical Review, SIGn Jurnal Hukum, E-ISSN: 2685 – 8606 || P-ISSN: 2685 – 86, Volume 4 Issue 2: October 2022 – March 2023,

<https://jurnal.penerbitsign.com/index.php/sjh/article/view/v4n2-3/91>

Cikita Fatika Sari Hidayat, Mulyati Pawennei, Salmawati, Efektivitas Penyidikan Terhadap Penyalahguna Narkotika: Studi Kasus Polrestabes Makassar, Journal of Lex Generalis (JLS) Volume 4, Nomor 2, Pebruari, 2023, P-ISSN: 2722-288X, E-ISSN: 2722-7871,

<https://pasca-umi.ac.id/index.php/jlg/article/view/1354/1551>

Muhammad Kamal, Vol 5 No 1 (2022): Substantive Justice International Journal of Law, Prospects for the New Capital City Policy in Law and Economic Perspectives, p. 86-108, june,2022.ISSN,2599-0462.

<https://substantivejustice.id/index.php/sucila/article/view/205/75>

Syahrudin Naw, Salle, Andi Risma, Problematika Kontrak Baku Pada Berbagai Perjanjian, Journal of Lex Generalis (JLS) Volume 4, Nomor 1, Januari 2023: 67-68, P - ISSN: 2722-288X, E-ISSN: 2722- 7871,

<https://pasca-umi.ac.id/index.php/jlg/article/view/1280/1459>

Sultan Alauddin Parawansa, A. Muin Fahmal, Askari Razak, Implementasi Partisipasi Masyarakat dalam Penerapan Peraturan daerah Nomor 6 Tahun 2009 Tentang Peternakan dan Penertibannya Di Kota Palopo, Journal of Lex Generalis (JLS), Volume 3, Nomor 3, Maret 2022, P-ISSN: 2722-288X, E-ISSN: 2722-7871,

<https://pasca-umi.ac.id/index.php/jlg/article/view/808/859>

La Ode Husen, Salle Salle, Arri Abdi Syalman, Abd. Kahar Muzakkir, Pengamanan Intelijen Kepolisian Terhadap Putusan Pengadilan Atas Objek Sengketa, SIGn Jurnal Hukum Vol. 1, No. 2 (Maret 2020) 136 – 148 e-ISSN: 2685 – 8606 p-ISSN: 2685 – 8614,

<https://jurnal.penerbitsign.com/index.php/sjh/article/view/v1n2-136-148/29>

Sufirman Rahman, Nurul Qamar, Muhammad Kamran, Efektivitas Pembagian Harta Bersama Pasca Perceraian: Studi Kasus Perkawinan Poligami, SIGn Jurnal Hukum, Vol. 1, No. 2 (Maret 2020) 104 – 118, e-ISSN: 2685 – 8606 || p-ISSN: 2685 – 8614,

<https://jurnal.penerbitsign.com/index.php/sjh/article/view/v1n2-104-118/27>

Mastura, Said Sampara, Nurul Qamar, Hak Mantan Narapidana Menjadi Calon Kepala Daerah Terhadap Putusan Mahkamah Kontitusi Nomor: 56/PUU-XVII/2019, Journal of Lex Theory (JLT) Volume 1, Nomor 2, Desember 2020 P-ISSN: 2722-1229, E-ISSN: 2722-1288,

<https://pasca-umi.ac.id/index.php/jlt/article/view/267/282>

Andi Muhammad Alqadri Syarif, Hambali Thalib dan Nur Fadhilah Mappaselleng, Efektivitas Penyidikan Terhadap Tindak Pidana Pencemaran Nama Baik Melalui Media Sosial: Studi Kasus di Polrestabes Makassar, Journal Of Lex Generalis Vol. 3 No. 9 September 2022, 1535.

<https://pasca-umi.ac.id/index.php/jlg/article/view/1085/1231>

Zainuddin Z, Hasbuddin Khalid, Legal Perception of the Community Regarding Productive Zakat and Its Utilization In Makassar, Volume 14 Number 1, January-March 2020: 69-82. 2020 FIAT JUSTISIA. Faculty of Law, Universitas Lampung, Bandar Lampung, Indonesia. ISSN: 1978-5186 | e-ISSN: 2477-6238,

<https://jurnal.fh.unila.ac.id/index.php/fiat/article/view/1796/1521>

Ilham Rasjid, Said Sampara, Nasrullah Arsyad, Efektivitas Peraturan Pemerintah Nomor 11 Tahun 2017 Tentang Manajemen Pegawai Negeri Sipil Terhadap Disiplin Pegawai Di Pemerintah Kota Palopo Journal of Lex Theory (JLT) Volume 1, Nomor 1, Juni 2020 P-ISSN: 2722-1229, E-ISSN: 2722-1288.

<https://pasca-umi.ac.id/index.php/jlt/article/view/42/41>

#### **PERATURANG PERUNDANG-UNDANGAN**

Undang-Undang Nomor 6 Tahun 2011 tentang Keimigrasian (UU 6/2011).

Peraturan Pemerintah Nomor 31 Tahun 2013 tentang Peraturan Pelaksana Undang-Undang Nomor 6 Tahun 2011 tentang Keimigrasian (PP 31/2013)

Peraturan Menteri Hukum dan HAM Nomor 4 Tahun 2017 tentang Tata Cara Pengawasan Keimigrasian

Peraturan Menteri Hukum dan HAM Nomor 50 Tahun 2016 tentang Tim Pengawasan Orang Asing.

Permenkumham No 33 Tahun 2018 tentang Sistem Pengawasan Keimigrasian untuk Mencegah dan atau Menanggulangi Kejahatan Terorisme, Perdagangan Manusia, Peredaran Narkotika dan Penyebaran Penyakit Menular Berbahaya melalui Pintu Lalu Lintas Orang.

#### **SUMBER LAIN**

Wikipedia (13:04:2012), **Google Maps dengan Coding Aplikasi**

UR1 : <http://margonda.com>, 01 Juni 2009

<http://maps.google.com>

<https://news.detik.com/berita-jawa-barat/d-4729200/imigrasi-tangkap-wna-china-pelaku-pengantin-pesanan-di-cimahi>

<https://ayobandung.com/read/2019/10/01/65506/wna-china-jual-perempuan-cimahi-dengan-modus-pengantin-pesanan>

<https://nasional.republika.co.id/berita/q1yq9j335/bermodus-pengantin-pesanan-wna-selundupkan-perempuan-cimahi>

<https://www.imigrasi.go.id/search?q=izin+tinggal>