

Implementation of Law No. 6 Year 2011 on Immigration Against Abuse of Visit Visa on Arrival at Immigration Office Class I TPI Denpasar

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ABSTRACT

The purpose of the research is to know and understand the implementation of Law No. 6 of 2011 concerning immigration against the abuse of visit visa on arrival at the Immigration Office Class I TPI Denpasar, from the initial problem, namely the existence of foreigners who come to Indonesia, especially Bali, because Bali is a province that one of them is in demand by foreigners, so there are not a few foreigners who come to Bali. However, with this, it does not rule out the possibility of abuse committed by foreigners, one of which is to abuse a visit visa on arrival. The informant in this research is one of the officers from the Immigration Intelligence and Enforcement Section (Inteldakim). This type of research uses qualitative with the type of case study. Data collection techniques using observation, interview and documentation methods. Based on the findings of this study, it shows that the maximum has been achieved which can be seen from the aspects of communication indicators, resources, disposition, and bureaucratic structure that have been carried out appropriately and well.

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1. INTRODUCTION

Indonesia is a country that has a very geographical location, seen from Indonesia itself which has many islands which makes Indonesia have a distance that is not close to neighboring countries. Indonesia is a country that has natural beauty and diverse cultures, with that it is necessary to increase the tourism section, because tourism is a sector that is known to have benefits and has the potential for development in this homeland. Tourism is divided into two words namely Pari and Wisata, Pari means abundant,

multiplied, full while Wisata means recreation, vacation. Therefore, the word "Tourism" means a vacation that is carried out abundantly and full of recreation [1]. According to [2], tourism is all forms of activity in communities that are directly related to tourists. According to [3] tourism is all forms that have a relationship with tourists, places that become tourist destinations, and so on. Speaking of the most famous region in Indonesia and even the world of the tourism sector is Bali Province, where Bali itself captivates domestic and

foreign tourists, Bali is also known for the hospitality of its people who have become customs, therefore tourism in Bali has become a travel destination by the world, local tourists and foreign tourists are competing to visit Bali, it can be seen from tourists both local and foreign every year has increased.

Speaking of the large number of foreign tourists to Indonesia, there are also not a few foreign tourists who commit various violations while in Indonesia, from residence permits, as entry marks, visas, documents on travel to the Republic of Indonesia, investigations of immigration administrative behavior, and immigration officers. Speaking of the law in immigration, it is a part that exists in the legal system in this country and has existed during the Dutch colonial period, the determination of an immigration law during the proclamation of Indonesian independence in 1945-

1991 in a formal way that has not undergone significant changes, therefore in 1992, precisely March 31, enacted Law on Immigration Number 9 of 1992, because at the time the determination of immigration was still spread in the determination of laws that were still very influenced by colonial law. In addition to the incompatibility related to changes in national life, some of it is the determination of the reference of the Dutch colonial government, some of which can no longer be used for its implementation, because along with the development of this big global that makes an increase in several forms of society in the world affected, Therefore, a new immigration law is needed as a form of sovereign law enforcement based on the territory in Indonesia related to existing problems in immigration, therefore in 2011, precisely on May 5, a Law of the Republic of Indonesia Number 6 of 2011 concerning Immigration was formed which replaced Law of the Republic of Indonesia Number 9 of 1992 concerning Immigration. With the enactment of Law No. 6 of 2011 on Immigration, which except for regulating the determination of this crime, is organized if with Immigration actions that are aimed at administrative, as well as supervision of foreigners carried out by administrative

means, which is a form of supervision carried out in the form of correspondence or document research in the form of recording, collecting data and presenting or disseminating information by manual or electronic means related to the traffic and activities of the foreigner. This activity is a supervision in the field which means supervising by monitoring, patrolling, disciplining by collecting evidence that refers to information, investigating people and signs that are interconnected with criminal acts in Immigration. Therefore, the important role of the Immigration sector in the form of life in the nation and state will still be seen from the regulation of the entry or exit of people from and within the territory of Indonesia, as well as providing residence permits and supervising foreigners while in the territory of Indonesia.

A visit visa will be issued to foreigners who travel to Indonesia and make a visit, whether it is a tourist visit, government duties, education and so on. Foreigners also get a visit visa upon arrival within the territory of Indonesia, if they enter into a group of countries with a Visit Visa Upon Arrival. This Visit Upon Arrival Visa also has a time limit of 30 (thirty) days stay and can be extended 1 (one) time only during the 30 (thirty) days stay. The Directorate General of Immigration of the Ministry of Law and Human Rights of the Republic of Indonesia provides additional space for Visit Visas Upon Arrival (Visa on Arrival) specifically for tourism to 42 countries which were previously only 23 countries and related to VoA specifically for Bali tourism was opened to 42 countries. Visit Visa on Arrival (Visa Om Arrival) / VoA that can enter the territory of Bali has the name of the country - the countries are as follows South Africa, United States, Saudi Arabia, Argentina, Australia, Netherlands, Belgium, Brazil, Brunei Darussalam, Philippines, Finland, Hungary, India, England, Italy, Japan, Germany, Cambodia, Canada, South Korea, Laos, Malaysia, Mexico, Myanmar,

Norway, Peru, Poland, Qatar, New Zealand, Seychelles, Singapore, Spain, Sweden, Switzerland, Taiwan, Thailand,

China, Tunisia, Turkey, United Arab Emirates, Vietnam. So, from the above background, the author raises the issue into a scientific writing entitled "Implementation of Law No.6 of 2011 concerning Immigration Against Abuse of Visit Visas Upon Arrival (Visa on Arrival) at the Immigration Office Class I TPI Denpasar".

2. LITERATURE REVIEW

As a support in the discussion of this research, researchers use some literature and research that is still relevant to the problems that are the object of this research. Although there is a connection between the discussions, this research still has differences in the discussion and the object of the research location and the indicators used in previous researchers. The previous research used as literature in this study entitled "Implementation of Visa on Arrival (VOA) Policy in Increasing Foreign Tourist Visits in Bali Province" was published in 2022 with the authors Adani, Astuningsih, Wahyono, and Sunaryo who chose a research locus in Bali. The discussion in this research uses 3 (three) implementation indicators from Charles Jones, namely organization, interpretation, and application (application).

The renewal of this research with previous research research is from the research location and the object of research, where this research examines the implementation of Law No. 6/2011 policies related to Visa on Arrival (VOA) abuse while previous researchers studied and focused more on the implementation of the Visa on Arrival (VOA) policy. Based on the background described above, the research took research at the Immigration Class I TPI Denpasar office on how conditions occur in the field from indicators related to policy implementation, which include communication, resources, disposition, and bureaucratic structure so that slowly the cases of misuse of Visit Visa on Arrival will be minimized.

3. METHODS

At the time of this research, the research time conducted was from October to December 2023. The research location is the Immigration Office Class I TPI Denpasar, Bali. This type of research is qualitative with the type of case study, namely there is a reference to the facts of the research case and is based on the philosophy of positivism in analyzing a person's behavior in a natural and interpretive manner for recommendations on the analysis of human behavior as a complex creature. The researcher in qualitative methods is a key instrument. The informant used in this research is one of the officers from the Immigration Intelligence and Enforcement Section (Inteldakim) so that later the data obtained by the researcher is objective and can be accounted for. This research data collection technique is observation, interviews, documentation, in the data analysis technique using a combined triangulation technique of the three (Sugiyono 2020). The data sources in this study are primary data carried out by observation (observation) and interviews (interviews) obtained from Immigration Intelligence and Enforcement Section officers (Inteldakim), and of course also using secondary data, namely literature review books, laws, documents, journals, articles, which will support the primary data itself.

4. RESULT AND DISCUSSION

Implementation is generally often associated with activities carried out to achieve a target, according to Wahab (2004: 64) implementation is a policy that is based on a process to carry out a policy decision (in the form of laws, government regulations, judicial decisions, and so on). The meaning of policy implementation Daniel A. Mazmanian and Paul A. Sabatier in Wahab, describes what is actually done after a program is announced to be used or formulated which is the center of attention of a policy implementation, namely from a phenomenon or activity that arises after the establishment of policy rules in a country, whose scope comes from efforts in its administration or from what arises from what is produced by

the community for this event. According to Purwanto and Sulistyastuti in an effort to understand this implementation in a wiser way by using two approaches, namely first, an approach by understanding implementation as part of a policy process which later implementation is one way of a series of processes in a policy. Second, an approach in which policy implementation is seen as a science or knowledge which cannot be separated in an effort to do something by experts to understand the problems in an implementation itself. So, in conclusion, implementation is an activity carried out by several figures to get something and in accordance with the policy targets that have been formed. To determine the implementation of the policy of Law No.6 of 2011 concerning Immigration against the abuse of George C. Edward III in 1980 in [4], argues that policy implementation has 4 (four) variables, namely communication, resources, disposition, and bureaucratic structure.

4.1 Communication

Good communication is perfect communication, which means communication that requires more than one direction, so that the communicator provides input and opinions, which later if this communication is carried out in two directions will minimize the occurrence of a miss communication so that later it will get a communication process that runs carefully, correctly, and precisely. This two-way communication style will facilitate everything in a conversation anywhere including in an agency, because this style is efficient for maintaining empathy and cooperation.

Related to the Immigration Office Class I TPI Denpasar, such communication can be seen in the implementer of the Immigration Intelligence and Enforcement Section (Inteldakim) which handles the abuse of Visit Visa on Arrival or Visa on Arrival. Based on an interview with an Inteldakim officer, the flow of communication carried out by fellow implementers and implementers with the person concerned is that the immigration team will transfer and hold an examination to the Immigration Office Class I TPI Denpasar, if it has been stated and admits

guilt, a detention will be carried out, which is an immigration administrative action that will be followed up by immigration officials based on Law No. 6. Year 2011 on immigration, then while waiting for the return process Inteldakim will input online geometric retrieval data and later the person concerned is asked to provide a ticket back to his home country, if the person concerned has prepared the ticket the implementer of the Immigration Office Class I TPI Denpasar will prepare the departure documents, then the person concerned will be escorted to I Gusti Ngurah Rai Airport until the last gate and take off, after which Immigration Intelligence will return to the office to input CEKAL, where CEKAL stands for Cegah Tangkal which comes from the words prevention and deterrence. If the person concerned cannot prepare a ticket, Inteldakim will bring the party concerned to do immigration administration to Rudenim (Immigration Detention Center) which will be given the opportunity to contact the family, guarantor, and consulate to finance the return of the person concerned.

4.2 Source

The success of an agency or organization is not only determined by the facilities it has, but must provide adequate human resources. In an agency or organization, of course, it requires human resources who are healthy, physical, spiritual and have a mentally disciplined, good, enthusiastic, responsible, and also the skills possessed must be in accordance with the challenges needed when working. These human resources are seen in how the performance of employees or employees who will be an important key to the running of an agency or organization in achieving its goals. By improving the quality of its human resources is one way to survive in the heat of this global competitor, because without competitive human resources, of course an agency or organization will experience lagging and will eventually be eliminated because it is unable to compete. Based on the results of these interviews, HR (Human Resources) who have involvement in the mechanisms and procedures if someone

misuses the Visit Visa Upon Arrival / Visa on Arrival are all Inteldakim Section officers involved and must still later use a warrant when carrying out their duties.

4.3 Disposition

Based on the findings in the interview, the disposition carried out by the Inteldakim Section (Immigration Intelligence

and Enforcement) is to carry out the BAP process (Berita Acara Pemeriksaan) to the person concerned, then it will be submitted to the Head of Office which will later be approved to carry out the deportation process. Speaking of deportation, Immigration Office Class I TPI Denpasar has data, as follows:

Table 1. Data on the Determination of Immigration Administrative Measures at the Immigration Office Class I TPI Denpasar Period of 2023 (January 1, 2023 - December 13, 2023) Misuse of Visit Visa Upon Arrival (Visa on Arrival).

MONTHS	NUMBER OF CASES
JANUARY	1
FEBRUARY	2
MARCH	-
APRIL	3
MAY	-
JUNE	2
JULY	2
AUGUST	4
SEPTEMBER	1
OCTOBER	1
NOVEMBER	7
DECEMBER	1

Source: Immigration Intelligence and Enforcement Section (Inteldakim) Immigration Office Class I TPI Denpasar

4.4 Bureaucratic Structure

Policy implementation will be influenced by the bureaucratic structure, where the internal bureaucratic structure will create Standard Operational Procedures (SOP) as a guideline for implementation at the Immigration Office Class I TPI Denpasar in the Standard Operational Procedures for Detainee Basic Needs Services on the abuse of Visit Visas Upon Arrival/Visa on Arrival.

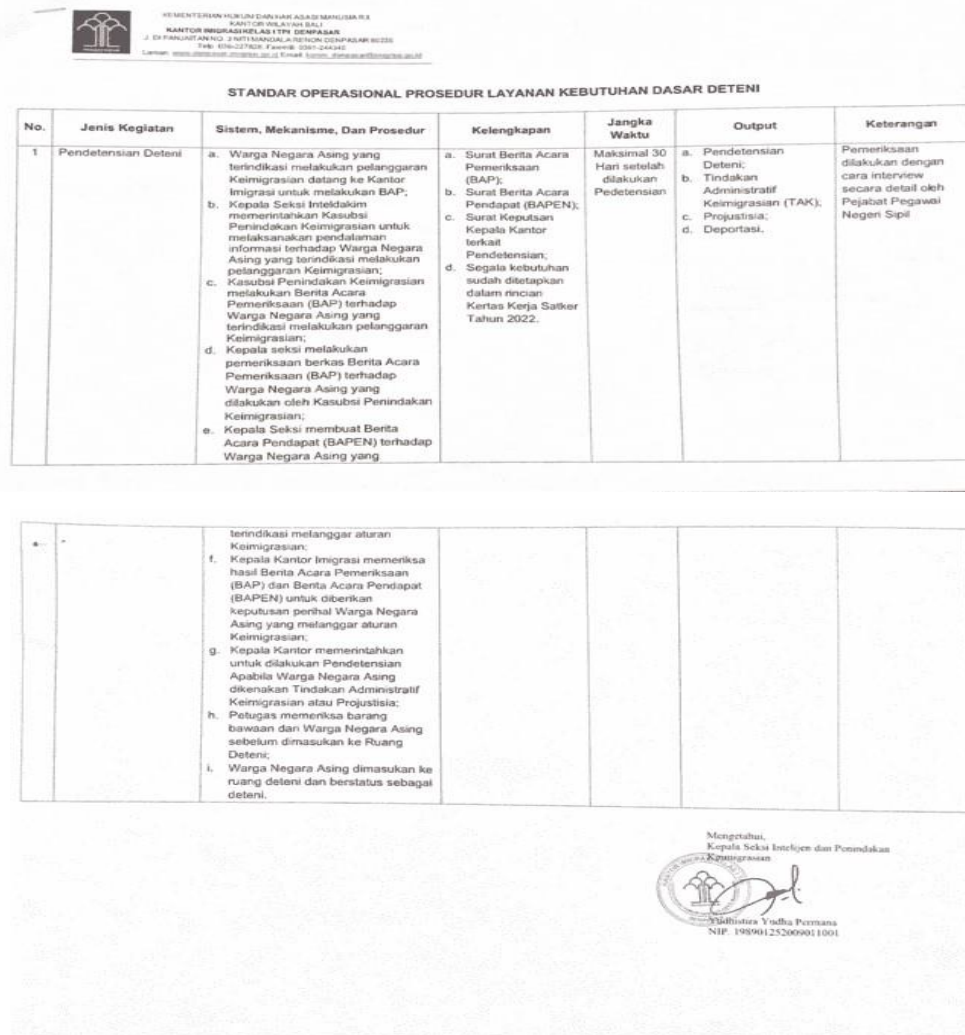


Figure 1. Detention Basic Needs Service Standard Procedure

5. CONCLUSION

Based on the discussion above, it can be concluded that the Implementation of Policy Law Number 6 of 2011 concerning Immigration at the Immigration Office Class I TPI Denpasar has been carried out optimally and reached the target, through Edward III's theory that there is an influence of Implementers who have a role to supervise and take action for people who abuse Visit Visas Upon Arrival (Visa On Arrival) based on 4 (four) supporting indicators, namely that they have carried out a very detailed communication flow and always coordinate with each other, With this perfect communication, it cannot be separated from the role of Human Resources itself, namely the implementer of all Intelidakim

(Enforcement Intelligence and Immigration) officers, related to the disposition that is carried out, it makes a structured direction that will be ready to be followed up, it cannot be separated from the role of the bureaucratic structure, namely the immigration has an SOP (Standard Operating Procedure) which will later become a reference for the implementation of all types of activities related to the abuse of Visit Visas Upon Arrival (Visa on Arrival).

Suggestions that can be submitted to the Immigration Office Class I TPI Denpasar will prioritize and add discipline, quality and competence optimally in conducting surveillance for foreigners in accordance with Law No. 6 of 2011 concerning immigration. When carrying out the composition with Immigration Intelligence and Enforcement

officers (Inteldakim) with each other later to be further optimized, so that the results of competence that reaches the target and maximum. Related to the Immigration Office Class I TPI Denpasar, it is expected to further advance the quality and level of human resources (Human Resources), by conducting regular and periodic training for all employees so that they can create optimism in the supervision of foreigners.

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