

PERAN KEMENTERIAN HUKUM DAN HAK ASASI MANUSIA REPUBLIK INDONESIA DALAM PENGAWASAN DAN PENINDAKAN ORANG ASING

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ABSTRAK

Femomena Globalisasi telah berdampak pada peningkatan lalu lintas Orang Asing yang masuk dan keluar Wilayah Indonesia. Fenomena tersebut tentu membawa dampak positif sekaligus dampak negatif. Maka, atas amanat dari UUD NRI 1945 yang kemudian dijabarkan oleh UU Keimigrasian mengatur segala lalu lintas orang asing yang masuk atau keluar Wilayah Indonesia serta pengawasannya yang kemudian disebut sebagai Keimigrasian. Penyelenggaraan Fungsi Keimigrasian tersebut diamanatkan kepada Kementerian Hukum dan Hak Asasi Manusia yang terbagi menjadi pengawasan dan penindakan. Penelitian ini diarahkan untuk menjabarkan peran, hambatan normatif serta upaya optimalisasi Peran Kementerian Hukum dan Hak Asasi Manusia Dalam melaksanakan fungsi Keimigrasian. Untuk memecahkan permasalahan tersebut, maka digunakan metode pendekatan yuridis normatif yaitu penelitian yang menggunakan legal positivisme yang menyatakan bahwa hukum identik dengan norma-norma tertulis dengan cara studi kepustakaan dan kemudian disajikan berupa teks naratif. Berdasarkan hasil penelitian, peran Kementerian Hukum dan Hak Asasi Manusia dalam melaksanakan pengawasan dan penindakan didasarkan kepada kebijakan selektif dan mengacu pada Konsep Trifungsi Keimigrasian yang melibatkan berbagai instansi multisektoral. Kemudian, kami menemukan terdapat beberapa hambatan-hambatan yang berasal dari instrumen perundang-undangan yang belakangan dikeluarkan oleh pemerintah berakibat kepada eksistensi kebijakan selektif. Untuk itu, kami merekomendasikan optimalisasi dengan berpijak pada kebijakan selektif dan perkembangan teknologi dan masyarakat. Dapat disimpulkan bahwa peran Kementerian Hukum dan Hak Asasi Manusia dalam melaksanakan pengawasan dan penindakan keimigrasian Orang Asing adalah sangat penting dalam kehidupan bernegara. Maka, kami menyarankan perlunya perhatian pemerintah dan para akademisi agar dalam pelaksanaannya optimal sesuai dengan kebijakan selektif dan konsep trifungsi keimigrasian.

Kata Kunci : *Peran, Orang Asing, Keimigrasian*

**ROLE OF THE MINISTRY OF LAW AND HUMAN RIGHTS OF THE REPUBLIC OF
INDONESIA IN SUPERVISION AND ACTION OF FOREIGNERS**

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ABSTRACT

Globalization phenomena has had an impact on increasing the traffic of foreigners entering and leaving Indonesia. This phenomenon certainly has a positive impact as well as a negative impact. Then, on the mandate of the UUD NRI 1945 which was later described by UU Keimigrasian manage all traffic of foreigners entering or leaving Indonesian territory and its oversight were then referred to as Immigration. The implementation of the Immigration Function is mandated to the Ministry of Law and Human Rights which is divided into supervision and enforcement. This research is directed to describe the role, normative barriers and efforts to optimize the role of the Ministry of Law and Human Rights in carrying out the function of Immigration. To solve this problem, a normative juridical approach is used, namely research that uses legal positivism which states that law is identical to written norms by means of literature study and then presented in the form of narrative text. Based on the research results, the role of the Ministry of Law and Human Rights in carrying out supervision and en

forcement is based on selective policies and refers to the Immigration Trifunction Concept which involves various multisectoral agencies. Then, we found that there were several obstacles that came from the statutory instruments that were recently issued by the government which resulted in the existence of selective policies. For that, we recommend optimization based on selective policies and developments in technology and society. It can be concluded that the role of the Ministry of Law and Human Rights in carrying out the supervision and enforcement of the immigration of foreigners is very important in the life of the state. So, we suggest the need for the attention of the government and academics so that its implementation is optimal in accordance with selective policies and the concept of immigration trifunctions

Keywords: Role, Foreigners, Immigration