

Effectiveness of Immigration Law Enforcement in The Review of The Implementation of Administrative Immigration and Criminal Actions (Case Study: Class I Immigration Office Special Tpi Semarang)

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Abstract. *The purpose of this research is to examine and analyze the effectiveness of immigration law enforcement in the implementation of administrative and penal measures against immigration violations at the Class I Special Immigration Office TPI Semarang; as well as to identify the inhibiting factors affecting the effectiveness of immigration law enforcement, both in terms of administrative and penal aspects, and to propose possible solutions. This research employs an empirical juridical approach, combining the study of legal literature (secondary data) and primary data obtained through direct interviews with immigration officials. The research is descriptive-analytical in nature, as it seeks to describe the implementation and obstacles of immigration law enforcement, which are then analyzed juridically and concluded. The results of the research show that the implementation of administrative immigration actions at the Class I Special Immigration Office TPI Semarang has been effective, as evidenced by the consistent enforcement of deportation, deterrence, revocation of stay permits, and administrative fines in a timely and appropriate manner. Penal enforcement for serious violations has also been carried out up to the prosecution stage in court, as in the case of a Nigerian national who misused a visit visa for illegal trade activities. However, the effectiveness of immigration law enforcement is still hampered by several factors, including limited detention facilities, a shortage of competent human resources, budget constraints, weak inter-agency coordination, and low legal awareness among the public. These challenges affect the achievement of both legal effectiveness and legal certainty in the enforcement of immigration law. Therefore, strengthening institutional capacity, enhancing officer competence, providing adequate supporting facilities, and optimizing inter-agency coordination are required as solutions to improve effectiveness and ensure legal certainty in immigration law enforcement.*

Keywords: *Administrative Actions; Effectiveness; Immigration; Legal Certainty; Penal Enforcement.*

1. Introduction

The Republic of Indonesia is a unitary state as mandated in Article 1 paragraph (1) of the 1945 Constitution. Judging from its geographical and demographic location, Indonesia is one of the countries where strategic crossings between countries occur. The consequences of the progress of the globalization era include the development of information technology, communication and transportation, namely the tendency to increase relations between nations globally which encourages the flow of human traffic between countries, so that this relationship gives rise to the complexity of human mobility problems between countries. According to Article 26 point (1) of the 1945 Constitution, those who become citizens are native Indonesian people and people from other nations who are legalized by law as citizens.¹

The increase in the traffic of people and goods between countries, such as trade, industry, tourism and so on, has been a concern for countries in the world since ancient times because each country has the sovereignty to regulate the traffic of people who will enter and leave their country's territory and even to visit or stay temporarily. This has resulted in changes in relations between countries and "within" countries. The flow of information, capital and people moves very quickly across all state boundaries. No country can encompass all aspects of state administration in one stand-alone mechanism and control system without cooperation with other countries.²

Immigration is one of the government agencies, one of whose activities is providing services to the community. Services in terms of providing all immigration permits in the form of Visas, Entry Permits, Foreigner Registration, Re-Entry Permits, Non-Return Exit Permits, Indonesian Travel Documents, Departure Signs, Entry Signs, Immigration Certificates and Immigration Changes. Immigration service locations include the immigration sector or sub-sector at Indonesian Representatives abroad, during travel by plane or ship, immigration checkpoints, Immigration Offices, Immigration Divisions at Regional Offices of the Ministry of Justice and Human Rights, and the Directorate General of Immigration. Supervision of Foreigners in the territory of Indonesia, in the form of supervision of foreigners entering, their whereabouts, activities and leaving the territory of Indonesia, among others, can give rise to 2 (two) possibilities, namely: First, Foreigners obey the applicable regulations and do not carry out activities that are dangerous to public security and order, this does not cause Immigration or State problems. Second, Foreigners do not obey the laws and regulations in force in Indonesia, this causes problems and can be subject to legal action.³

Indonesia as a geographically strategic country, faces significant challenges related to immigration. Immigration management is an important aspect in maintaining the sovereignty and security of the country, including handling various administrative violations and

¹Bambang Hartono, Law Enforcement Efforts Against Immigration Crimes, *Progressive Justice*, Volume 3 Number 1 March 2012, pp. 62-75

²Syahril Loetan, Millenium Development Goals (MDG) and Development Programs in Indonesia, Article in the *International Law Journal of the Institute for International Law Studies*, Faculty of Law, University of Indonesia, Volume 1 Number 1, October 2003, p. 61.

³Wahyudin Ukun, *Deportation as an Instrument of Law Enforcement and State Sovereignty in the Field of Immigration*, AKA Press, 2004, p. 4.

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immigration crimes.⁴

Immigration law enforcement is an important element in the Indonesian legal system, which functions to regulate the flow of movement of people, both Indonesian and foreign citizens, into and out of the country. This is regulated in Law Number 6 of 2011 concerning Immigration, which provides a legal basis for administrative immigration actions and criminalization for violators of immigration regulations, the implementation of immigration law enforcement in Indonesia still faces various obstacles, such as overlapping authority between institutions, limited competent human resources, and minimal supporting infrastructure.⁵

Immigration has two main aspects, namely the administrative aspect, which involves the procedures for entering, leaving, and staying in Indonesia, and the criminal aspect, which is imposed on more serious violators. The Class I Special Immigration Office of TPI Semarang, as one of the institutions that has the authority to carry out immigration duties, has a very important role in enforcing this law effectively.

Immigration problems in Semarang are increasingly complex with the increasing flow of international migration, cross-border economic activities, and Semarang's strategic position as a port city and economic center in Central Java.⁶ Determining administrative or criminal action against violators of immigration regulations often causes polemics among law enforcement officers, especially in cases that are in the "grey zone" of regulations.⁷

In practice, immigration law enforcement in Indonesia still faces various challenges, both from the administrative and criminal aspects. One real example occurred in the working area of the Semarang Class I Special TPI Immigration Office, where a Nigerian citizen with the initials OE was found to have misused his visit permit and overstayed for more than six months. In addition to overstaying, the person concerned was also suspected of conducting business activities without a valid permit. Based on these findings, the Immigration Office took firm steps by imposing administrative measures in the form of deportation and deterrence. Furthermore, this case was also processed criminally for violating the provisions of Law Number 6 of 2011 concerning Immigration. This case is important evidence that immigration law enforcement does not only depend on an administrative approach alone, but also requires support from the criminal aspect in order to provide a deterrent effect and ensure orderly immigration.

Immigration law enforcement must consider two dimensions, namely the conformity between legal norms and practices in the field and success in preventing or handling violations that occur, in this case referring to the reality where even though regulations have been established, their implementation is still constrained by various external factors, such as lack of resources and effective supervision.

⁴Sihar Sihombing, 2023, "Immigration Law in the Perspective of Indonesian Law," Nuansa Aulia, Jakarta, pp. 47-48.

⁵Iman Santoso, "Immigration Perspective in the United Nation Convention Against Transnational Organized Crime," International Law Journal 4, no. 1, 2022, pp. 39-52

⁶Ridwan HR, 2022, "Government Discretion and Responsibility in Organizing Immigration", Total Media, Yogyakarta, pp. 112-115.

⁷Jazim Hamidi and Charles Christian, 2021 "Immigration Law for Foreigners in Indonesia", Sinar Grafika, Jakarta, pp. 74-76.

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Immigration law enforcement should be carried out firmly, consistently and fairly by referring to applicable laws and regulations, especially Law Number 6 of 2011 concerning Immigration.⁸An ideal immigration legal system should be able to provide legal certainty, benefits, and justice for all parties while taking into account humanitarian aspects and respect for human rights.⁹On the contrary, referring to the idealism that every legal action must have a real impact on preventing and overcoming violations, and provide a deterrent effect for violators. Therefore, it is important to evaluate the extent to which the effectiveness of immigration law enforcement is, both in terms of administrative actions and criminalization applied at the Class I Special TPI Semarang Immigration Office.

The gap in immigration law enforcement raises questions about the effectiveness of the current law enforcement model. The Semarang Class I Special TPI Immigration Office, as one of the front lines in immigration law enforcement, is a relevant locus for analyzing how immigration law enforcement discretion is implemented in practice.¹⁰An in-depth investigation into the decision-making process and immigration case handling patterns in these institutions is expected to produce recommendations to improve the effectiveness and efficiency of immigration law enforcement in Indonesia.¹¹

From the description above, the author is interested in conducting research with the title "Effectiveness of Immigration Law Enforcement in the Review of the Implementation of Immigration Administrative Actions and Criminalization (Case Study at the Class I Special TPI Semarang Immigration Office)"

2. Research Methods

The approach method used in this study is the empirical legal approach method. Empirical legal research is conducted by examining library materials which are secondary data and are also called library research. Empirical research is conducted by conducting research in the field which is primary data.¹²

3. Results and Discussion

3.1. The effectiveness of immigration law enforcement in implementing administrative and criminal actions against immigration violations at the Class I Special TPI Semarang Immigration Office

Immigration law enforcement is a strategic process in maintaining state sovereignty and order in national and state life.¹³The existence of the Special Class I Immigration Office TPI Semarang as an institution implementing immigration duties has a great responsibility in ensuring that every foreign citizen (WNA) who enters, resides, and carries out activities in

⁸Abdullah Sjahrif, 2022 "Introducing Immigration Law," Ghalia Indonesia, Jakarta, pp. 23-25.

⁹Bagir Manan, "Immigration Law in the National Legal System," Journal of Law and Development 6, no. 2 (2022), pp. 155-167.

¹⁰Indroharto, "Effectiveness of Immigration Law Enforcement in Indonesia," Journal of Legal Studies 8, no. 2 (2023): 205-218.

¹¹Moh. Mahfud MD, 2021 "Immigration Law Politics in Indonesia," LP3ES, Jakarta, pp. 89-92.

¹²Ronny Hanitijo Soemitro, 1990, Legal Research Methodology and Jurisprudence, Ghalia Indonesia, Jakarta, p. 56.

¹³Mahfud MD, Legal Politics in Indonesia, (Jakarta: LP3ES, 2012), p. 213.

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the territory of Indonesia, especially in the Semarang City area, is in accordance with applicable legal provisions.¹⁴

The effectiveness of immigration law enforcement is measured through two main approaches, namely: immigration administrative actions (TAK) and immigration criminalization.¹⁵ Both are legal instruments that have been regulated in Law Number 6 of 2011 concerning Immigration. In the empirical context in the Semarang Immigration Office's work area, these two approaches have been implemented in various forms of legal actions and decisions against immigration violators.¹⁶

1. Effectiveness of the Implementation of Immigration Administrative Actions

Administrative immigration actions (TAK) are the main instrument in handling non-criminal immigration violations, such as overstay, misuse of visit visas, to administrative violations of residence permits. In practice at the Semarang Class I Special Immigration Office, TAK is the first and fastest response to violations, with actions such as deportation, deterrence, revocation of residence permits, and administrative fines.

Based on the results of field observations and case studies, actions such as deportation, deterrence, revocation of residence permits, and administrative fines have been applied consistently. One concrete example is the handling of the case of a Nigerian citizen with the initials OE who abused his visit residence permit and overstayed for more than six months. The administrative actions taken in the form of deportation and deterrence show that administrative mechanisms can run effectively as a form of control over the abuse of immigration permits.

The effectiveness of the implementation of these administrative measures is also seen in the monitoring and reporting system for foreigners carried out through the Foreigner Reporting Application (APOA) which is mandatory for foreigners' guarantors (sponsors).¹⁷ The Semarang Immigration Office routinely conducts immigration intelligence patrols and surprise surveillance activities (surprise inspections) at locations suspected of being the residence or illegal activities of foreign nationals.

The effectiveness of TAK is seen in the speed and accuracy of implementing preventive and corrective sanctions. For example, in handling foreign nationals who commit overstay violations for more than 60 days, immigration officers in Semarang have been able to complete the documentation process, administrative investigations, and repatriation of foreign nationals to their home countries in a relatively short time, in accordance with the provisions of Article 75 of Law Number 6 of 2011.

In addition, the Immigration Office is also actively conducting regular foreigner surveillance operations, both independently and through cross-sector cooperation, such as joint operations with the TNI, Polri, and the Manpower Office. Data obtained from interviews with officials at the Immigration Office show that in the past two years, there has been an increase in the number of administrative actions given proportionally and based on accurate investigation results.

¹⁴ Directorate General of Immigration, Semarang Immigration Office Performance Report 2023.

¹⁵ Soerjono Soekanto, *Factors Influencing Law Enforcement*, (Jakarta: Rajawali Pers, 2004), p. 4.

¹⁶ I Gde Pantja Astawa, *Indonesian Immigration Law*, (Bandung: Refika Aditama, 2020), p. 89.

¹⁷ Directorate General of Immigration, "APOA – Foreigner Reporting System", www.imigrasi.go.id.

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Based on an interview with Mr. Bagus Hendrawan, SH as Head of Immigration Enforcement Sub-Section, he explained that:¹⁸

"Administrative action is considered a form of fast and appropriate resolution, and provides more efficient legal certainty compared to criminalization, especially for non-criminal administrative violations such as overstaying without malicious intent or minor procedural violations."

2. Effectiveness of the Implementation of Immigration Criminalization

Criminalization of immigration violations is used as a further repressive step. In the case of serious violations or those containing elements of crime, such as document forgery, human smuggling, or misuse of residence permits for illegal activities (for example, unlicensed business activities), the criminalization approach is carried out as a repressive and preventive effort.¹⁹ Criminalization has a dual function, namely as an effort to enforce justice and as a deterrent effect for perpetrators and society.²⁰

The Class I Special Immigration Office of TPI Semarang has demonstrated its commitment to carrying out criminal penalties through close coordination with other law enforcement officers. Law enforcement in the form of criminal penalties is carried out through the process of investigation and inquiry by immigration officials, in coordination with the police and prosecutors. Several cases have been successfully handled to the trial stage and received criminal sentences in court. Based on the case of a Nigerian citizen with the initials OE who misused a visit visa to run an illegal trading business, which after investigation, was continued to the realm of criminal prosecution because it was proven to have violated Articles 122 and 123 of the Immigration Law, this shows that the Immigration Office does not only rely on administrative actions, but also enforces the law to the judicial level.

The effectiveness of criminalization is also reflected in the enforcement of the principles of justice and equality before the law. Violators, both foreigners and Indonesian citizens, are processed legally without discrimination. This step sends a strong message that violations of immigration regulations are not only resolved administratively, but can also result in imprisonment or fines in the judge's decision.²¹

The Semarang Immigration Office also shows openness in conveying the results of case handling to the public through official channels such as websites and social media. This transparency supports accountability and increases public trust in the effectiveness of the law.

In the context of effectiveness, this criminalization approach shows that immigration law at the Semarang Immigration Office is not merely symbolic, but is actually enforced to the point of producing a court decision. In other words, immigration law has crossed administrative boundaries and entered the criminal justice system, which confirms the

¹⁸Interview with Mr. Bagus Hendrawan, SH as Head of Immigration Enforcement Sub-Section on May 10, 2025.

¹⁹Dwidja Priyatno, *Criminal Policy and the Criminal Justice System*, (Jakarta: Prenadamedia, 2013), p. 45.

²⁰Romli Atmasmita, *Criminal Law Theory and Policy*, (Bandung: CV Mandar Maju, 2005), p. 132.

²¹Suparman Marzuki, "Administrative and Penal Synergy in Immigration Law Enforcement", *Journal of Law & Legislation*, Vol. 4 No. 1 (2021): 98.

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seriousness of the state in handling immigration law violations.²²

Convergence of Administrative and Criminal Actions Immigration law enforcement in Semarang is not carried out partially, but rather based on the principle of legal integration, namely combining two enforcement channels selectively according to the type and severity of the violation.²³In some cases, administrative law enforcement and criminal law enforcement do not stand alone, but often go hand in hand in one case. Deportation can be accompanied by criminal proceedings, or vice versa, criminal proceedings are carried out first before deportation. This shows the flexibility and responsiveness of the immigration law system at the Semarang Immigration Office in responding to violations of the law based on the nature, impact, and context of the violation. This convergence approach shows effectiveness not only on the formal legal side, but also on policy strategies.²⁴This shows the institution's ability to read the dynamics of violations and the accuracy of choosing the most appropriate and efficient law enforcement methods.

If analyzed based on the theory of legal effectiveness put forward by Soerjono Soekanto, then the enforcement of immigration law at the Class I Special TPI Semarang Immigration Office shows the conformity between the applicable legal norms and their implementation practices. In this context, the law as a written norm that regulates immigration actions both in the form of administrative actions and criminalization has been implemented in a real and measurable manner in the field. The enforcement of administrative actions such as deportation and deterrence is carried out based on applicable laws and regulations, showing that legal norms are not only theoretical (law in the book), but also applied concretely (law in action). Furthermore, the criminalization of serious violations is evidence that the law also functions as an instrument to achieve justice and a deterrent effect. This shows that the law has been effective in guiding the behavior of foreign citizens to comply with the provisions of law in Indonesia. Thus, the effectiveness of the law in the context of immigration is not only determined by the existence of legal rules, but also by the success of its implementation in resolving violations fairly, quickly, and appropriately, as happened at the Semarang Immigration Office.

Thus, it can be concluded that immigration law enforcement carried out by the Semarang Class I Special TPI Immigration Office has been running effectively in implementing administrative and criminal actions. This effectiveness is reflected in the institution's ability to enforce legal provisions proportionally, firmly, and on target against immigration violations that occur. Handling violations through administrative actions such as deportation and deterrence has provided a quick solution to minor violations, while serious violations are followed up to the criminal process to ensure legal certainty and provide a deterrent effect. The combination of administrative and criminal approaches is carried out in an integrative and adaptive manner according to the characteristics of the violation, so that the main objective of immigration law enforcement, namely maintaining state sovereignty and public order, can be achieved optimally in the Semarang Immigration

²²Rika Saraswati, "Effectiveness of Immigration Law Enforcement in Indonesia", *Journal of Legal Studies*, Vol. 6 No. 2 (2019): 210.

²³Satjipto Rahardjo, *Law and Social Change*, (Yogyakarta: Genta Publishing, 2009), p. 72.

²⁴Arief, Barda Nawawi, *Problems of Law Enforcement and Criminal Law Policy in Combating Crime*, (Jakarta: Prenadamedia, 2017), p. 65.

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Office's work area.

3.2. Inhibiting factors and solutions to the effectiveness of immigration law enforcement, both in administrative and criminal aspects at the Class I Special TPI Semarang Immigration Office

Ideal immigration law enforcement must be carried out firmly, fairly, and efficiently. However, in its implementation at the Semarang Class I Special TPI Immigration Office, there are a number of obstacles that affect effectiveness, both in administrative and criminal aspects. These obstacles come from internal and external factors that directly impact the optimization of immigration functions.

First, the main obstacle comes from limited facilities and infrastructure, especially in terms of temporary shelter facilities (immigration detention centers). Currently, the Semarang Immigration Office does not have its own detention center, so it must rely on cooperation with Rudenim in other areas. As a result, the process of detaining and repatriating foreigners becomes inefficient, requires additional time and costs, and increases operational security risks. In the theory of law enforcement according to Soerjono Soekanto, the facility and infrastructure factor is one of the determinants of the effectiveness of the law; if it is not adequately available, then the implementation of the law will be hampered even though the legal norms are good.²⁵

Based on an interview with Mr. Bagus Hendrawan, SH as Head of Immigration Enforcement Sub-Section, he explained that:²⁶

"One of the main obstacles in supporting the effectiveness of immigration law enforcement in the field is the limited temporary accommodation facilities for foreign nationals who violate immigration. Currently, the Semarang Class I Special TPI Immigration Office does not have an adequate detention house in its own location, so the temporary detention process must cooperate with immigration detention houses in other areas, such as the Surabaya Immigration Center or Semarang Immigration Center. This certainly creates operational obstacles, both in terms of time, cost, and security. Ideally, the existence of a detention house in a nearby location will greatly support the smooth running of the law enforcement process, both administrative and criminal."

Second, the lack of trained human resources (HR) is also an obstacle. The number and competence of immigration officers are not yet balanced with the workload faced, especially in the context of a large and complex work area. The lack of advanced training and specialization in immigration law enforcement results in low capacity to handle certain cases professionally and quickly.

Third, budget constraints also contribute to the weak effectiveness of law enforcement. The Semarang Immigration Office's working area covers a very large area, but the budget allocation for immigration supervision and investigation activities is still considered inadequate. As a result, the implementation of supervision operations and legal follow-up on immigration violations is not optimal, even delaying the handling process which should be fast.

²⁵Soerjono Soekanto, *Factors Influencing Law Enforcement*, (Jakarta: Rajawali Pers, 2004), pp. 4–7.

²⁶Interview with Mr. Bagus Hendrawan, SH as Head of Immigration Enforcement Sub-Section on May 10, 2025

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Based on an interview with Mr. Bagus Hendrawan, SH as Head of Immigration Enforcement Sub-Section, he explained that:²⁷

"It is less accommodating overall because law enforcement covers a wide area and includes many fields, the work area is very broad so that a budget is needed to reach distant areas."

From the results of the interview, it can be seen that the burden of carrying out tasks is also influenced by the area, while to accommodate the implementation of immigration law enforcement, facilities and infrastructure supported by good funding certainly play a very important role in reaching the scale of operations. The effectiveness of the investigation will certainly be more effective if the increase in each factor between the area, human resources and facilities and infrastructure in carrying out tasks supported by good funding also increases in line with the area. Conversely, the larger the area, the less effective the scale of operations will be if it is not supported by sufficient human resources and adequate facilities and infrastructure should support the implementation of immigration law enforcement carried out at the Class I Special TPI Semarang Immigration Office.

Fourth, there is a lack of coordination between law enforcement agencies, such as the police, prosecutors, or employment agencies. This causes overlapping authority and difficulty in making joint decisions regarding the resolution path (administrative or criminal).²⁸This weak coordination often results in inconsistency in the implementation of legal actions and slows down the handling of cases.

Fifth, external factors are also no less important, namely the low legal awareness of the community, both foreign nationals and guarantors (companies/individuals). Guarantor often employs foreign nationals only with a visit visa because of the lower time and cost. Meanwhile, some foreign nationals admit to not knowing the prohibition on conducting business activities or working without a permit.²⁹In Soekanto's view, society is an important element in the effectiveness of law because the level of public compliance with the law determines whether the law will run as it should.³⁰

In a follow-up interview, Mr. Bagus Hendrawan, SH, as Head of Immigration Enforcement Sub-Section, also explained that:³¹

"The community in this case is the Guarantor and the Company that employs the foreign nationals and the foreign nationals themselves. The Guarantor and the Company still violate the regulations by employing foreign nationals using only a visit visa. This is based on the reasons, namely the short time estimate and the costs incurred are cheaper. The management of permits to employ foreign nationals in Indonesia is known to be difficult and must be done at the Center, namely in Jakarta. For foreign nationals themselves, there are still many violations with various reasons, such as invitations from friends and not knowing about the regulations related to work visas."

²⁷Interview with Mr. Bagus Hendrawan, SH as Head of Immigration Enforcement Sub-Section on May 10, 2025

²⁸Dellyna Shant, *The Concept of Law Enforcement*, (Yogyakarta: Liberty, 1988), p. 93.

²⁹Jazim Hamidi and Charles Christian, *Immigration Law for Foreigners in Indonesia*, (Jakarta: Sinar Grafika, 2021), p. 145.

³⁰Soerjono Soekanto, *Effectiveness of Law and the Role of Society*, in *Sociology of Law*, (Jakarta: Rajawali Pers, 2008), p. 68.

³¹Interview with Mr. Bagus Hendrawan, SH as Head of Immigration Enforcement Sub-Section on May 10, 2025

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Solutions to overcome obstacles To overcome the obstacles above, several strategic solutions can be developed:

1. Construction or procurement of immigration detention houses (rudenim) in the Semarang Immigration Office work area so that the detention and deportation process can be carried out independently and efficiently.
2. Increasing the number and competence of human resources through special training, recruitment of immigration investigators, and clear and structured division of tasks.
3. Increasing budget allocation for immigration monitoring and investigation activities, especially to reach remote areas that are immigration work areas.
4. Optimizing cross-sector coordination by forming a permanent integrated team between Immigration, the Police, the Prosecutor's Office, and the Manpower Office in handling immigration violations.
5. Massive socialization of immigration law to the public, especially guarantor companies and foreign nationals, so that they understand visa regulations, residence permits, and prohibitions on activities that violate provisions.

When analyzed with Soerjono Soekanto's Theory regarding the effectiveness of law, it is stated that there are five factors that influence the success of law enforcement: (1) the law itself (substance), (2) law enforcement officers, (3) means or facilities, (4) society, and (5) legal culture. The obstacles that occurred at the Class I Special TPI Semarang Immigration Office show that the first four factors are closely related. For example, weaknesses in facilities have an impact on the performance of officers, and the lack of public awareness complicates the law enforcement process. Therefore, the solutions offered must lead to comprehensive improvements in these factors.

In addition to being analyzed with the theory of legal effectiveness by Soerjono Soekanto, obstacles in enforcing immigration law at the Semarang Class I Special TPI Immigration Office can also be examined through the perspective of the theory of legal certainty. According to Gustav Radbruch, one of the main objectives of law is to provide legal certainty, in addition to justice and benefit.³²Legal certainty means that the law must be predictable, enforced consistently, and provide clear guarantees of legal protection for all parties.

In the context of immigration, legal certainty means that every foreign citizen and guarantor must know and understand the consequences of any violation of immigration law. However, when the system experiences obstacles such as limited detention facilities, overlapping authority between agencies, or delays in the investigation and prosecution process, legal certainty cannot be optimally enforced.³³The delay in taking action against violators makes the law appear unclear and creates a grey area in the legal process.

Furthermore, in practice, inconsistencies in the application of measures between one case and another due to lack of coordination or institutional weaknesses also reduce the level of legal certainty.³⁴For example, foreign nationals who commit administrative violations can be

³²Gustav Radbruch, "Legal Philosophy," in *The Legal Philosophies of Lask, Radbruch and Dabin*, ed. Kurt Wilk (Cambridge: Harvard University Press, 1950), p. 74–77.

³³Satjipto Rahardjo, *Legal Science*, (Bandung: Citra Aditya Bakti, 2006), p. 47.

³⁴ Maria Farida Indrati, *Legal Science: Types, Functions and Content Material*, (Yogyakarta: Kanisius, 2012), p. 101.

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deported without further process, while similar violations elsewhere are processed criminally. This irregularity creates a perception of discrimination and reduces the credibility of immigration law.

Therefore, to enforce legal certainty, it is necessary to standardize immigration law enforcement procedures, strengthen regulatory instruments, and enforce consistent and non-discriminatory laws. Good legal certainty will also support the investment climate and international cooperation, because foreigners will feel safe and protected by a fair and clear legal system.

4. Conclusion

From the description in the previous chapters, the author concludes the research entitled "Effectiveness of Immigration Law Enforcement in the Review of the Implementation of Immigration Administrative Actions and Criminalization (Case Study: Class I Special Immigration Office TPI Semarang)" as follows: 1. The effectiveness of the implementation of administrative actions is seen from the ability of the Semarang Immigration Office to provide a quick and appropriate response to non-criminal violations, such as overstaying and misuse of visit visas. Actions such as deportation, deterrence, revocation of residence permits, and administrative fines are carried out proportionally and based on the provisions of Law Number 6 of 2011 concerning Immigration. The administrative action process is also supported by the use of a technology-based reporting system such as the Foreigner Reporting Application (APOA), as well as routine and surprise surveillance operations carried out by immigration officers, both independently and together with related agencies. 2. Meanwhile, the effectiveness of criminalization can also be seen from the success of the Immigration Office in prosecuting serious violations containing criminal elements, such as document forgery and misuse of residence permits for illegal activities. In several cases, including the case of the Nigerian citizen with the initials OE, the legal process was continued to the prosecution and trial stages, indicating that the Immigration Office does not only rely on administrative resolution, but also enforces immigration law judicially to provide a deterrent effect and ensure legal justice. 3. The application of a combination of administrative and criminal measures in an integrated and selective manner reflects the high responsibility of the institution in responding to the diverse character of immigration violations. This strengthens the position of the Semarang Immigration Office as an institution capable of carrying out law enforcement functions professionally, accountably, and adaptively to the dynamics of law and society in the field.

Thus, the effectiveness of immigration law enforcement at the Class I Special TPI Semarang Immigration Office can be categorized as running optimally and has supported efforts to maintain state sovereignty, public order, and provide legal certainty and protection in the implementation of immigration policies in its area of duty. 4. Factors that hinder the effectiveness of immigration law enforcement, both in administrative and criminal aspects at the Class I Special Immigration Office TPI Semarang

This study found that the effectiveness of immigration law enforcement at the Class I Special TPI Semarang Immigration Office still faces a number of obstacles, both in terms of administrative and criminal aspects. These obstacles include limited facilities and infrastructure, such as the unavailability of immigration detention houses; lack of competent

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human resources in immigration enforcement and investigation; limited operational budget for supervision; weak coordination between law enforcement agencies; and low legal awareness among the public, including guarantors and foreign nationals. These obstacles are interrelated and have a direct impact on the effectiveness of the implementation of administrative and criminal actions. Therefore, the solutions offered in this study include improving infrastructure and supporting facilities, developing human resource capacity through training and recruitment of special personnel, strengthening cross-sector cooperation, and comprehensive socialization of immigration law to the public. With these efforts, it is hoped that the implementation of immigration law enforcement can take place more optimally, effectively, and fairly.

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