Article Title

The Role of Intelligence against Foreigner Problems in South Sulawesi Province: A Case Study of Law Enforcement

Author(s)

Hendrik F. Siregar
Sekolah Tinggi Ilmu Hukum Painan

Sayid Ali Zainal Abidin Assegaf
Universitas Muslim Indonesia

Correspondence Email
h.fasco@gmail.com

ABSTRACT

This study aims to examine and analyze the effectiveness of the Role of Intelligence and the factors influencing law enforcement against foreigner problems in South Sulawesi Province. This research uses empirical legal research methods. The primary data collection was carried out using a questionnaire, while the secondary data was collected using literature study techniques. The data obtained in this research is quantified using a quantitative descriptive analysis model, then described using a frequency distribution table for answer research purposes. The results show that the role of Intelligence in law enforcement against foreign problems consists of administrative control and field surveillance. The implementation of these two roles has been less effective in South Sulawesi Province. As for what influences the role of Intelligence in law enforcement against foreigner problems, it consists of three dominant factors: legal factor, law enforcer factor, and cultural factor. These three factors are less influential in supporting Intelligence's role. This condition simultaneously answers the problem regarding the role of Intelligence which is less effective against foreign problems in South Sulawesi Province. Therefore, it is recommended for the Ministry of Law and Human Rights strengthen the Foreign National Oversight Team's position based on the MoLHR Regulation. In addition, the Ministry must provide an adequate budget allocation to the Foreign National Oversight Team regarding the need to provide complete facilities to support the role of field surveillance. Furthermore, Intelligence personnel in the Foreign National Oversight Team must ensure that information is up to date so that it can make strategic decisions and policies. Thus, the effectiveness of the role of Intelligence in law enforcement against foreigner problems in South Sulawesi Province can be realized in the future.

Keywords: Foreigner; Immigration; Intelligence; Law Enforcement.

INTRODUCTION

The development of the current global, national, and regional situation in Indonesia has increased rapidly (Ingarasi & Suwigno, 2022). At the same time, this increase also increases threats such as border violations, small frontier islands, natural disasters, illegal activities, horizontal conflicts, and energy scarcity (Rustam, 2016). Developments in many areas show that organized transnational crime, particularly from the presence of foreigners, has become a real threat to Indonesia (Chapsos & Hamilton, 2018).

Foreigners who visit Indonesia must provide benefits and be useful to Indonesia (Nugroho, 2018). Therefore, oversight is needed to ensure that foreigners provide benefits when they enter, do activities, and settle in all parts of Indonesia. In addition, immigration law enforcement needs to be improved, both from the administrative aspect and the aspect of immigration crime. Foreigner oversight also aims to safeguard state sovereignty and people's welfare from various threats that may arise (Juaningsih et al., 2020). In this case, it cannot be guaranteed that foreign activities in Indonesia are under applicable regulations. Furthermore, if this problem is not serious and is not ready to be handled, it will create significant problems and threats to national stability.

Various problems occur due to foreigners carrying out modus operandi in various forms to be in Indonesia. For the sake of individual interests, foreigners commit violations of the law, such as misusing residence permits, overstaying, and carrying out other illegal activities. Some of the illegal activities most often found by law enforcers include drug crimes, terrorism, and human trafficking. Therefore, it is necessary to take strategic steps to anticipate threats and disturbances that foreigners may cause by strengthening the intelligence function, especially in enforcing immigration laws. In this case, law enforcers can prevent crimes that may arise by processing data and information early before foreigners enter Indonesia.

It is not enough for oversight activities to be carried out only by immigration authorities in the field of foreign traffic control in Indonesian territory (Syahrin & Syahada, 2020). As the leading sector, Immigration still has to coordinate with law enforcers in several related agencies (Ariani, 2018). For example, the State Intelligence Agency, the Police Intelligence and Security Agency, the Junior Attorney General Intelligence, the Armed Forces Strategic Intelligence Agency, National Cyber and Encryption Agency, and other related agencies. In addition, Immigration also needs to involve the participation of the local community. Collective oversight efforts that are well coordinated in a coordinating system that runs effectively between agencies are needed to improve security and minimize the occurrence of violations in the field of Immigration. Coordination can be carried out by exchanging information about the existence and activities of foreigners in each region at every level of authority up to the enforcement process, both administratively and pro-justice. The community, as the party that generally interacts directly with foreigners, also has a very central role in assisting and supporting the oversight of the presence and activities of foreigners in their area (Mayakapti, 2019).

One of the problems regarding the presence and activities of foreigners that can be studied is law enforcement against foreigners' problems in South Sulawesi Province. On 10 June 2017 in Makassar City, the Police arrested two foreigners from Turkey named Mr. Ceylan Hayrullah and Mr. Yoru Ismail (Lobubun, 2018). The Police arrested the two foreigners for hacking Bank Syariah Mandiri ATMs in several areas in Makassar City. The actions of the two perpetrators were successfully uncovered based on initial information from Bank Syariah Mandiri customers who complained that their money had disappeared from their accounts. Bank Syariah Mandiri and the Police then took the first step by examining the customer's transaction history. For example, seeing the time and place where an unusual money withdrawal transaction occurred. From the results of the CCTV footage of the related ATM, it was observed that two suspicious persons were conducting transactions at the time and place of the hacking incident.

Furthermore, Bank Syariah Mandiri and the Police developed information. Finally, they found the whereabouts of the perpetrators of ATMs hackers who were temporarily making money withdrawal transactions at other ATMs. Bank Syariah Mandiri and the Police followed the two foreigners from Turkey to Hotel Horizon Makassar. From the results of a search of the hotel room, police officers secured several pieces of physical evidence, including:

1. Cash in the amount of IDR 75,000,000.00 (seventy-five million rupiahs);
2. Laptops as much as one unit;
3. Scanner tool as much as one unit;
4. Passport as much as two pieces;
5. A notebook containing the customer's ATM PINs that have been hacked as much as one piece; and
6. ATM card duplicates as many as 44 pieces.

From the results of the interrogation, police investigators revealed that the modus operandi of the perpetrators was to record customers' data using an ATM card scanner tool. Furthermore, the perpetrators made money withdrawal transactions at ATMs in the early hours of the morning. The hackers chose this time to minimize the presence of customer responses when they saw a withdrawal notification sent to their smartphones. Finally, the perpetrator can make several withdrawal transactions, collect as much money as possible, and have enough time to escape the crime scene.

Based on the description above, this study aims to examine and analyze the effectiveness of the Role of Intelligence and the factors influencing law enforcement against foreigner problems in South Sulawesi Province.

METHOD

This research uses empirical legal research methods whose object of study includes the provisions of laws and regulations (*in abstraco*) and their application to legal events (*in concreto*) (Qamar & Rezah, 2020). Furthermore, this type of empirical legal research focuses on legal practice as a social phenomenon in terms of the reciprocal relationships caused by social phenomena, including economic, political, social, psychological, and anthropological aspects (Irwansyah, 2021). This research was carried out in South Sulawesi Province from August to October 2019. The sample in this research consisted of 40 respondents, including:

1. Immigration Intelligence with ten respondents;
2. State Intelligence Agency with ten respondents;
3. Police Intelligence and Security Agency with ten respondents;
4. Junior Attorney General Intelligence with five respondents; and
5. Armed Forces Strategic Intelligence Agency with five respondents.

The types and sources of data used in this research are as follows:

1. Primary Data is data obtained from respondents based on sample determination;
2. Secondary Data is data obtained from searching legal literature, including laws and regulations, references, legal scientific journals, legal encyclopedias, and texts or official publications.

The primary data collection was carried out using a questionnaire with 40 respondents. While the secondary data was collected using literature study techniques on primary, secondary, and tertiary legal materials. The data obtained in this research is then quantified using a quantitative descriptive analysis model, then described using a frequency distribution table for answer research purposes (Sampara & Husen, 2016).

RESULTS AND DISCUSSION

A. The Effectiveness of the Role of Intelligence in Law Enforcement against Foreigner Problems in South Sulawesi Province

The legal basis, which is used as a reference in analyzing the effectiveness of the Intelligence role in law enforcement against foreigner problems in South Sulawesi Province, consists of the following:

1. Law of the Republic of Indonesia Number 6 of 2011 on Immigration (hereinafter referred to as Law No. 6 of 2011);
2. Law of the Republic of Indonesia Number 17 of 2011 on State Intelligence (hereinafter referred to as Law No. 17 of 2011);
3. Regulation of Minister of Law and Human Rights of the Republic of Indonesia Number 30 of 2016 on Immigration Intelligence (hereinafter referred to as the MoLHR Regulation No. 30 of 2016);
4. Regulation of Minister of Law and Human Rights of the Republic of Indonesia Number 50 of 2016 on Foreign National Oversight Team (hereinafter referred to as the MoLHR Regulation No. 50 of 2016);
5. Regulation of Minister of Law and Human Rights of the Republic of Indonesia Number 4 of 2017 on Procedures for Immigration Oversight (hereinafter referred to as the MoLHR Regulation No. 4 of 2017).

In this case, the laws and regulations above are the legal basis used by Intelligence to carry out Foreign National oversight. However, the MoLHR Regulation No. 30 of 2016 has been repeated by the Regulation of Minister of Law and Human Rights of the Republic of Indonesia Number 8 of 2022 on Immigration Intelligence (hereinafter referred to as the MoLHR Regulation No. 8 of 2022). In addition, the

role of Intelligence is not only executed by the State Intelligence Agency but also executed by Immigration Intelligence. The role of intelligence as based on Article 74 section (2) of Law No. 6 of 2011 regulates that to perform the function of Immigration Intelligence, Immigration Officers conduct a preliminary investigation of Immigration and Immigration security intelligence and has the authority to:

a. collect information from the public or government institutions;
b. check out any suspected premises or building where information and data are provided about the residency and activities of Foreign Nationals;
c. conduct an Immigration Intelligence operation; or
d. secure any Immigration data and information, as well as all Immigration duties.

From the provisions above, it can be understood that Immigration Intelligence has two functions: a preliminary investigation of Immigration and Immigration security. This function is also regulated in the MoLHR Regulation No. 8 of 2022. In essence, it can be understood that the function of Immigration Intelligence is to carry out preliminary investigations and Foreign National oversight. In this case, the preliminary investigation and oversight are in the form of efforts and activities to find information materials related to foreign problems, carried out openly and closely. Furthermore, based on Article 66 section (2) point b of Law No. 6 of 2011 regulates that:

> *"Immigration oversight comprises oversight of Foreign Nationals entering or exiting Indonesian Territory and their residency and activities in Indonesian Territory."*

Article 69 section (1) of Law No. 6 of 2011 regulates that:

> *"To carry out Immigration oversight of Foreign National activity in Indonesian Territory, the Minister establishes a Foreign National oversight team consisting of officials from relevant government agencies or institutions, either at central or regional level."*

From the provisions above, foreign oversight is intended to create a conducive situation from potential threats. In this regard, the effectiveness of the intelligence role is needed to ensure law enforcement against foreigner problems in South Sulawesi Province. Furthermore, law enforcement against foreigner problems is focused on several forms, including falsification of identity, foreigner registration and provision of oversight of foreigner books, abuse of residence permits, monitoring/patrolling, and geographic immigration vulnerability at crossings. The procedures for law enforcement are specifically regulated in the MoLHR Regulation No. 4 of 2017. In essence, it can be understood that the procedures for immigration oversight against foreigners include administrative control and field surveillance.

Based on this description, the effectiveness of the role of Intelligence in law enforcement against foreigner problems in South Sulawesi Province in terms of administrative control and field surveillance aspects can be seen in the following table.

Table 1. The Role of Intelligence in Terms of Administrative Control against Foreigner Problems in South Sulawesi Province

Indicator	Frequency	Percentage
Effective	19	47.50%
Less Effective	15	37.50%
Ineffective	6	15.00%
Total	**40**	**100,00%**

Source: Primary Data, 2019

Table 2. The Role of Intelligence in Terms of Field Surveillance against Foreigner Problems in South Sulawesi Province

Indicator	Frequency	Percentage
Effective	17	42.50%
Less Effective	14	35.00%
Ineffective	9	22.50%
Total	**40**	**100,00%**

Source: Primary Data, 2019

The role of intelligence in administrative control and field surveillance against foreign problems based on the two tables above still needs to be more effective. In this case, the standard measure of effectiveness is based on the Research and Development Agency of the Ministry of Internal Affairs, which is at intervals of 40% - 59.99%. Thus, the role of Intelligence in South Sulawesi Province needs to be increased to support the realization of law enforcement in the future.

On the other hand, the Immigration Intelligence of South Sulawesi Province has performed administrative control efforts using a foreigner reporting application system. However, the role of Intelligence is still less effective due to limited human resources: quality and quantity. In contrast, the presence of more and more foreigners spread throughout the South Sulawesi Province makes it difficult for Intelligence to exercise direct and comprehensive control. Meanwhile, field surveillance efforts are still minimally carried out by Immigration Intelligence due to limited supporting facilities in the field. Therefore, Immigration Intelligence officers maximize coordination patterns or carry out joint operations with law enforcers from other agencies as a form of surveillance directly to the field.

One of the State Intelligence Agency personnel who is part of the Foreign National Oversight Team in South Sulawesi Province said that:

"In joint operations, each relevant agency will delegate a number of its personnel based on an agreement at the Foreign National Oversight Team meeting. An Immigration Officer will be appointed as the leader of the joint operation. Suppose the results of the joint operation find a foreigner violating the provisions of the laws and regulations. In that case, the Foreign National Oversight Team will hand over the foreigner to the authorized agency for follow-up under the applicable laws and regulations."

One of the other Intelligence personnel further said:

"Intelligence personnel who are part of the Foreign National Oversight Team are on duty to provide information to Immigration as the leading sector. The Immigration party will follow up on the information and execute law enforcement against foreigners' problems."

From the description above, it can be understood that coordination and mediation between each intelligence personnel from related agencies are urgently needed in addressing foreign problems (Surbakti et al., 2021). In addition, it is necessary to maintain harmonization of inter-agency cooperative relations by intensely holding meetings or coordination meetings between members of the Foreign National Oversight Team. This effort is a form of preventing lost contact, as happened between the Immigration Service and the Police. In this case, the problem of lost contact will disrupt coordination roles among members of the Foreign National Oversight Team in South Sulawesi Province. Meanwhile, the flow and access of information between and from fellow members must always be active. With this information, the Foreign National Oversight Team can make strategic decisions and policies, considering the role of intelligence is to carry out early detection and warning (Husen et al., 2020). In the sense that the Foreign National Oversight Team can detect and prevent it before an incident that is detrimental to the country occurs (Citrawan & Nadilla, 2019).

In contrast, if an adverse event has occurred, the Foreign National Oversight Team must address it so that the problem does not get bigger. Furthermore, related agencies must provide law enforcement, so conditions and situations in the South Sulawesi Province area remain safe from foreign threats, challenges, obstacles, and disturbances. Thus, the effectiveness of the role of intelligence in law enforcement against foreigner problems in South Sulawesi Province can be realized in the future.

B. Factors Influence the Effectiveness of the Intelligence Role in Law Enforcement against Foreigner Problems in South Sulawesi Province

The role of Intelligence in law enforcement against foreigner problems in South Sulawesi Province is very important and urgent to improve. Given the increasing number of foreigners, it is difficult for Intelligence to conduct surveillance directly in the field. Meanwhile, foreign activities that are not monitored due to the lack of oversight carried out by Intelligence are a form of indifference to the potential threats that can arise. On the other hand, the role of Intelligence in law enforcement against foreigner problems in South Sulawesi Province is influenced by many factors. Soekanto (2016) put forward the theory of enforcement in which five factors influence law enforcement: legal factor, law enforcer factor, facilities factor, community factor, and cultural factor. However, the intelligence role against foreigner problems in South Sulawesi Province only focuses on three dominant factors influencing law enforcement: legal, law enforcer, and cultural factors.

1. Legal Substance

The legal substance is part of the legal factor, which is an indicator in determining the effectiveness of the Intelligence's role in law enforcement against foreign problems (Antomarta & Mansur, 2021). The legal substance is also interpreted as a manifestation of the provisions in laws and regulations. The legal substance that becomes the legal basis for analyzing the effectiveness of the Intelligence role in law enforcement against foreigner problems is Law No. 6 of 2011, Law No. 17 of 2011, the MoLHR Regulation No. 30 of 2016, the MoLHR Regulation No. 50 of 2016, and the MoLHR Regulation No. 4 of 2017. In this case, its laws and regulations are the legal basis used by Intelligence to carry out Foreign National oversight in South Sulawesi Province.

Based on the description above, the influence of the legal substance factor on the role of Intelligence against foreigner problems in South Sulawesi Province can be seen in the following table.

Table 3. The Legal Substance Factor related to Law Enforcement against Foreigner Problems in South Sulawesi Province

Indicator	Frequency	Percentage
Influential	15	37.50%
Less Influential	21	52.50%
No Influence	4	10.00%
Total	**40**	**100,00%**

Source: Primary Data, 2019

The table above shows that the legal substance factor is less influential in law enforcement against foreigner problems. The data also answers less effective problems related to Intelligence's role in administrative control and field surveillance against foreigners problems in South Sulawesi Province. Thus, the legal substance factor needs to be increased so that Intelligence's role can be more effective in law enforcement against foreigner problems in South Sulawesi Province.

2. Legal Structure

The legal structure is part of the law enforcer factor, which is an indicator in determining the effectiveness of the Intelligence's role in law enforcement against foreign problems (Anjasmara et al., 2022). The legal structure related to the role of Immigration Intelligence is influenced by the presence of law enforcers in several related agencies. For example, the State Intelligence Agency, the Police Intelligence and Security Agency, the Junior Attorney General Intelligence, the Armed Forces Strategic Intelligence Agency, National Cyber and Encryption Agency, and other related agencies. In addition, the effectiveness of the legal structure in Immigration Intelligence is also influenced by human resource factors. For example, the knowledge, expertise, skills, and professionalism factors of the law enforcer of Immigration Intelligence. The human resource factor is related to the ability of law enforcers to carry out accurate analyses for law enforcement against foreigner problems in South Sulawesi Province.

Based on the description above, the influence of the legal structure factor on the role of Intelligence against foreigner problems in South Sulawesi Province can be seen in the following table.

Table 4. The Legal Structure Factor related to Law Enforcement against Foreigner Problems in South Sulawesi Province

Indicator	Frequency	Percentage
Influential	16	40.00%
Less Influential	19	47.50%
No Influence	5	12.50%
Total	**40**	**100,00%**

Source: Primary Data, 2019

The table above shows that the legal structure factor is less influential in law enforcement against foreigner problems. The data also answers less effective problems related to Intelligence's role in administrative control and

field surveillance against foreigners problems in South Sulawesi Province. Thus, the legal structure factor needs to be increased so that Intelligence's role can be more effective in law enforcement against foreigner problems in South Sulawesi Province.

3. **Legal Culture**

The habits, opinions, ways of thinking, and ways of acting, both from law enforcers and from the public, influence the legal culture factor related to the role of Immigration Intelligence (Sinaga & Syahrin, 2020). Legal culture is important to support the legal system. Cultural variations give rise to certain perceptions of the authority of law enforcement. Therefore, law enforcement patterns should always be adapted to the local community's cultural conceptions, strengthening law enforcers' authority.

Based on the description above, the influence of the legal culture factor on the role of Intelligence against foreigner problems in South Sulawesi Province can be seen in the following table.

Table 4. The Legal Culture Factor related to Law Enforcement against Foreigner Problems in South Sulawesi Province

Indicator	Frequency	Percentage
Influential	17	42.50%
Less Influential	19	47.50%
No Influence	4	10.00%
Total	**40**	**100,00%**

Source: Primary Data, 2019

The table above shows that the legal culture factor is less influential in law enforcement against foreigner problems. The data also answers less effective problems related to Intelligence's role in administrative control and field surveillance against foreigners problems in South Sulawesi Province. Thus, the legal culture factor needs to be increased so that Intelligence's role can be more effective in law enforcement against foreigner problems in South Sulawesi Province.

CONCLUSIONS AND SUGGESTIONS

Based on the results and discussion above, it can be concluded that the role of Intelligence in law enforcement against foreign problems consists of administrative control and field surveillance. The implementation of these two roles has been less

effective in South Sulawesi Province. As for what influences the role of Intelligence in law enforcement against foreigner problems, it consists of three dominant factors: legal factor, law enforcer factor, and cultural factor. These three factors are less influential in supporting Intelligence's role. This condition simultaneously answers the problem regarding the role of Intelligence which is less effective against foreign problems in South Sulawesi Province. Based on the description of these conclusions, it is recommended for the Ministry of Law and Human Rights strengthen the Foreign National Oversight Team position based on the MoLHR Regulation. In addition, the Ministry must provide an adequate budget allocation to the Foreign National Oversight Team regarding the need to provide complete facilities to support the role of field surveillance. Furthermore, Intelligence personnel in the Foreign National Oversight Team must ensure that information is up to date so that it can make strategic decisions and policies. Thus, the effectiveness of the role of Intelligence in law enforcement against foreigner problems in South Sulawesi Province can be realized in the future.

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