

LEGAL ANALYSIS OF THE EFFECTIVENESS OF THE IMPLEMENTATION OF ADMINISTRATIVE ACTIONS IN IMMIGRATION (A RESEARCH STUDY AT THE CLASS II IMMIGRATION OFFICE OF TANJUNG BALAI KARIMUN)

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Abstract

Border areas such as Tanjung Balai Karimun have a strategic position as entry and exit points for foreign nationals (WNA), thus requiring strict and effective immigration supervision. One form of such supervision is the implementation of immigration administrative measures, as stipulated in Law No. 6 of 2011 concerning Immigration. However, in practice, the implementation of administrative measures such as refusal of entry, deportation, and prevention still faces various obstacles. This study aims to analyze the legislation, implementation, obstacles, and solutions for the implementation of immigration administrative measures at the Tanjung Balai Karimun Class II Immigration Office. This study uses a normative legal approach and an empirical legal approach with a sociological approach (socio-legal approach). Legal materials were obtained through document studies, interviews with immigration officials, and direct observation of the implementation of administrative measures in the field. The results of the study indicate that, from a normative perspective, the laws and regulations governing administrative measures are adequate and comprehensive, supported by implementing regulations such as Government Regulation No. 31 of 2013 as amended by Government Regulation No. 40 of 2023 and Ministerial Regulation No. 2 of 2025. However, from an implementation perspective, its implementation remains ineffective due to limited human resources, inadequate intelligence training, a lack of supporting facilities, weak inter-agency coordination, and low public legal awareness. Therefore, increasing institutional capacity, enhancing cross-sectoral coordination, utilizing intelligence technology, and providing legal education to the public are necessary strategies to systematically improve the effectiveness of immigration administrative actions.

Keywords: *Effectiveness, Immigration Administrative Measures, Law Enforcement, Immigration, Tanjung Balai Karimun*

1. Introduction

Immigration is an important instrument in maintaining national sovereignty, enforcing the law, and regulating cross-border mobility [1]. In the Indonesian context, immigration control is not merely an administrative issue but also a fundamental aspect of national defense and security. This becomes even more critical when discussing border areas such as Tanjung Balai Karimun, which serves as a strategic entry and exit point for foreign nationals (FNs). Its geographical proximity to Malaysia and Singapore makes this region vulnerable to various forms of immigration violations, including overstaying, misuse of residence permits, and the presence of undocumented foreigners. Law No. 6 of 2011 on Immigration provides a clear legal basis for the implementation of Immigration Administrative Measures (TAK), which include refusal of entry, deportation, prevention, and detention. However, the effectiveness of its implementation often faces obstacles, both in terms of human resources, infrastructure, and coordination between agencies [2]. For example, the limited number of immigration officers is disproportionate to the high volume of foreign nationals entering and exiting border areas, resulting in inadequate surveillance. Additionally, weak coordination with other agencies such as the police, the military, and local governments further undermines the effectiveness of immigration administrative actions [3].

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The challenges become increasingly complex when immigration is linked to transnational crimes, such as human trafficking, drug smuggling, or other criminal acts committed by foreigners. In this context, immigration is not merely an administrative oversight function but also a strategic tool for law enforcement and national security [1]. Therefore, the effectiveness of immigration administrative measures must be urgently examined both legally and empirically to ensure not only legal certainty but also the protection of national sovereignty. Furthermore, in the context of globalization, the movement of people across borders has become increasingly easy and rapid. This requires Indonesia to have an adaptive, responsive immigration system supported by modern technology. However, in reality, immigration surveillance systems in many regions, including Tanjung Balai Karimun, still face technological limitations, insufficient intelligence training, and a low legal awareness among the public. Given these conditions, research on the effectiveness of administrative immigration measures at the Class II Immigration Office in Tanjung Balai Karimun is very important. This analysis not only highlights the normative regulations based on Law No. 6 of 2011, but also their implementation in the field, the obstacles encountered, and the strategic solutions that can be offered [4].

In the era of globalization, immigration dynamics are not only about the movement of people from one country to another, but also related to the flow of information, goods, capital, and ideology [5]. Globalization opens up opportunities for progress, but at the same time presents risks. Increased human mobility, for example, increases the chances of foreigners entering the country, which can have positive impacts such as investment, technology, and culture [6]. However, on the other hand, cross-border movements also open loopholes for transnational crimes, including human trafficking, terrorism, narcotics, and cybercrime. Indonesia, as an archipelagic country with thousands of kilometers of coastline, faces enormous challenges in monitoring the movement of foreigners. Several areas are even known to be prone to illegal entry, such as Batam, Tanjung Balai Karimun, and Nunukan. This situation emphasizes that immigration cannot be viewed solely from an administrative perspective, but is also an integral part of national defense strategy. Therefore, strengthening the effectiveness of Immigration Administrative Measures (TAK) is an important step in ensuring national sovereignty and security [7].

In addition to external factors, there are also internal factors that exacerbate immigration problems in Indonesia. These include low public legal literacy regarding immigration, limited number of officials, weak use of technology, and the persistence of corruption in immigration services. Given these conditions, in-depth academic studies are needed to determine how immigration law instruments work in practice and how effective they are [8]. The selection of the Class II Immigration Office of Tanjung Balai Karimun as the research location was not without reason. Tanjung Balai Karimun is an area with a strategic geographical position because it is located on an international trade route and is in close proximity to Malaysia and Singapore. Every day, hundreds to thousands of people enter and exit through the international port in this area. Trade activities, tourism, and cross-border family ties contribute to high human mobility in the area [9].

This high level of cross-border activity presents both opportunities and challenges. There are many cases of overstaying, the use of visitor visas for illegal work, and human smuggling. As noted in this study, the cases of POAD bin Mat Tahir and Ibrahim bin Asrapi are clear examples of how weak supervision can lead to immigration violations. Although immigration authorities have taken legal action in the form of deportation and prevention, similar cases continue to recur. This indicates that the existence of positive law alone is insufficient [10]. What is more important is how it is implemented and enforced in the field, as well as how immigration authorities are supported by adequate systems, technology, and coordination. Based on the background description above, this study is formulated into three main questions:

- a. How are immigration administrative actions regulated based on Law Number 6 of 2011 concerning Immigration?
- b. How are immigration administrative actions implemented in the jurisdiction of the Class II Immigration Office of Tanjung Balai Karimun?
- c. What challenges and solutions are encountered in the implementation of immigration administrative actions in that jurisdiction?

This study aims to:

- a. Analyze the legal regulations governing immigration administrative actions based on Law Number 6 of 2011.
- b. Evaluate the implementation of immigration administrative actions in the jurisdiction of the Class II Immigration Office of Tanjung Balai Karimun.
- c. Identify obstacles and offer strategic solutions to improve the effectiveness of immigration administrative actions.

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Research related to immigration administrative actions has been conducted in several other regions, such as Pati, Surabaya, and Makassar. However, this study differs significantly because it focuses on the border region of Tanjung Balai Karimun with its unique characteristics. Unlike previous studies that emphasized general aspects of effectiveness or the imposition of sanctions, this study specifically analyzes the effectiveness of the implementation of immigration administrative actions in border areas using a normative-empirical approach.

2. Literature Review

2.1. Legal Theory as a Foundation (Grand Theory)

The study of immigration administrative actions cannot be separated from an understanding of the law itself. Within the framework of legal philosophy, law is seen as a means of achieving order, justice, and utility. According to Gustav Radbruch, there are three fundamental values of law, namely legal certainty (*Rechtssicherheit*), justice (*Gerechtigkeit*), and benefit (*Zweckmäßigkeit*). These three values often experience tension, but in practice, a balance must be sought. The effectiveness of immigration administrative actions, therefore, must be tested in terms of the extent to which immigration policies and practices are able to fulfill these three fundamental values [3]. If administrative actions are carried out without clear procedures, legal certainty will be lost. If they are carried out arbitrarily, justice will be undermined. And if they do not bring benefits to the order and security of the state, their usefulness will be questioned. Law in this context is understood not only as written norms (law in the book), but also as living practices (law in action). Roscoe Pound refers to law as “a tool of social engineering” a tool for engineering society to create order. Thus, immigration as part of state administrative law is an important instrument for social engineering in the field of cross-border human mobility [5].

2.2 Public Administration Theory and Law Enforcement (Middle Theory)

From a public administration perspective, immigration administrative actions are part of the implementation of state functions. Public administration emphasizes the importance of bureaucratic effectiveness, transparency, accountability, and good public service. Max Weber, in his theory of rational-legal bureaucracy, asserts that administrative implementation must be based on clear legal rules, not on the personal will of officials [6]. This means that immigration administrative actions must be carried out objectively, based on rules, and free from subjective interests. In the context of law enforcement, Satjipto Rahardjo argues that law should be seen as a social institution that lives and develops according to the needs of society. Law enforcement does not merely mean the rigid implementation of laws, but must also take into account the values of justice and benefit. Immigration administrative actions, therefore, are part of administrative law enforcement that prioritizes prevention and control, not just punishment. The aim is to maintain order and prevent greater crimes from occurring [8].

2.3 The Theory of Legal Effectiveness (Applied Theory)

Legal effectiveness is a measure of the extent to which a legal norm or rule can be applied and obeyed in reality. Lawrence M. Friedman argues that there are three important elements in a legal system: legal structure, legal substance, and legal culture. Legal structure includes institutions and law enforcement agencies, such as the Directorate General of Immigration and Immigration Offices. Legal substance includes legislation, such as Law No. 6 of 2011 on Immigration [7]. Legal culture includes public awareness of the law, the attitude of foreigners towards the rules, and the ethos of immigration officials in enforcing the rules. If these three elements function harmoniously, legal effectiveness can be achieved. However, if one element is weak for example, low legal culture among the public effectiveness will decline. The effectiveness of immigration administrative actions can be measured through several indicators, including: the success rate in preventing violations, consistency in applying rules, public satisfaction, and its impact on national security [5].

2.4 The Concept of Immigration in the Perspective of Indonesian Law

Immigration law in Indonesia is based on Law Number 6 of 2011 concerning Immigration. This law emphasizes that immigration is part of government affairs, which includes services, law enforcement, national security, and facilitation of community welfare. Immigration has the function of acting as a filter and gatekeeper for the entry and exit of foreigners [11]. This function is carried out through a licensing system (visas and residence permits), supervision of foreigners, and enforcement of violations. In this context, administrative immigration measures are an important instrument for enforcing rules without always having to bring cases to the criminal justice system. In addition to Law No. 6 of 2011, there are also subsidiary regulations such as Minister of Law and Human Rights

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Regulation No. 27 of 2014 on Administrative Immigration Actions [12]. This regulation details the types of administrative actions, including inclusion in a prevention list, restrictions, changes, revocation of residence permits, deportation, and prohibition of re-entry into Indonesian territory.

2.5 Immigration Administrative Measures

Immigration administrative measures (TAK) are the authority of immigration officials to take action against foreigners who violate regulations without going through criminal proceedings [13]. Some forms of TAK include:

- a. Inclusion in a prevention or exclusion list.
- b. Restriction, modification, or revocation of residence permits.
- c. Prohibition from entering or remaining in one or more specific locations within Indonesia.
- d. Requirement to reside at a specific location in Indonesia.
- e. Imposition of fees or charges.
- f. Deportation and refusal of re-entry into Indonesian territory.

TAK places greater emphasis on administrative and preventive aspects than on repressive measures. However, its effectiveness is often questioned due to challenges on the ground, such as limited human resources, weak inter-agency coordination, and the continued practice of abuse of authority.

3. Methodology

This study uses a normative-empirical legal research method. The normative method is used to examine the applicable legal norms related to immigration administrative actions as regulated in Law Number 6 of 2011 concerning Immigration and its implementing regulations. Meanwhile, the empirical method is used to see how these legal norms are applied in practice, particularly at the Class II Immigration Office of Tanjung Balai Karimun. The research approach used is:

- a. Statute approach, to examine positive legal provisions.
- b. Conceptual approach, with reference to legal theory, public administration, and legal effectiveness.
- c. Sociological approach, through field data collection in the form of interviews and observations.

Field research was conducted at the Class II Immigration Office of Tanjung Balai Karimun, Riau Islands, which is a strategic area with high mobility of foreigners, whether for tourism, trade, or work. This location was chosen because it often faces issues of foreigner residence permit violations and accompanying administrative actions. The data used in this study are divided into:

- a. Primary data, which is data obtained directly from the field through interviews with immigration officials, observation of the implementation of administrative actions, and related documentation.
- b. Secondary data includes primary legal materials (laws, government regulations, ministerial regulations), secondary legal materials (literature, journals, scientific articles), and tertiary legal materials (legal dictionaries, encyclopedias).

4. Results and Discussion

4.1 Implementation of Administrative Immigration Measures

The implementation of administrative immigration measures at the Class II Immigration Office in Tanjung Balai Karimun is based on the provisions of Article 75 of Law Number 6 of 2011 concerning Immigration. Based on interviews with local immigration officials, the most frequently applied administrative measure is deportation. Deportation is imposed on foreign nationals who violate their stay permits, engage in activities inconsistent with the permits granted, or are deemed to threaten public safety and order. The deportation process requires coordination with various parties, including airlines, the embassy of the foreign national's home country, and law enforcement authorities if there is resistance from the person being deported. In addition to deportation, other administrative measures applied include placing the foreign national's name on a blacklist. This listing aims to prevent foreign nationals who have committed serious violations from re-entering Indonesian territory. Another measure frequently applied is the restriction or revocation of residence permits, particularly for foreign nationals who misuse visitor visas for work purposes. In certain cases, administrative measures may require foreign nationals to reside in a specific location, where they are obligated to stay in an area easily monitored by immigration authorities. According to documentation, during the research period, there were over 50 cases of administrative measures implemented, with deportation being the most common form of action compared to other measures.

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4.2 Effectiveness of Administrative Actions on Immigration

The effectiveness of administrative actions on immigration is measured through several indicators, namely legal certainty, fairness, and usefulness. In terms of legal certainty, Law No. 6 of 2011 and its implementing regulations have provided a clear legal basis for immigration officials to act. However, in practice, there are still bureaucratic obstacles and differences in interpretation regarding the application of certain articles, which cause administrative actions to not always be implemented consistently. In terms of fairness, administrative actions are often considered an effective form of prevention and control, but in certain cases they give rise to perceptions of discrimination, especially when the actions imposed differ between foreigners from certain countries. In terms of benefits, administrative measures have proven to be effective in reducing the number of residence permit violations and deterring foreigners, although they have not been entirely successful in preventing illegal entry through unofficial channels. Interviews with people living near the port showed that most residents believe that immigration administrative measures have helped maintain public order. The community feels safer due to the deportation of foreigners who violate the rules. However, there are also views that the deportation process often takes a long time, as it requires approval from the embassy of the foreigner's country of origin. This results in some foreigners remaining in immigration detention centers for an extended period before being repatriated.

4.3 Supporting and Hindering Factors

The implementation of immigration administrative actions in Tanjung Balai Karimun is supported by several significant factors. First, the existence of a strong legal foundation, namely Law No. 6 of 2011 and Minister of Law and Human Rights Regulation No. 27 of 2014 on Immigration Administrative Actions, provides legitimacy for officials in exercising their authority. Second, immigration officials in Tanjung Balai Karimun are relatively professional and have received training on law enforcement procedures. Third, information technology support through a digital-based foreigner registration system has made it easier to monitor the presence of foreigners. Fourth, the strategic geographical location of Tanjung Balai Karimun makes it a priority for the central government in terms of immigration control. On the other hand, there are also obstacles that have prevented the optimal implementation of administrative measures. Limited human resources are the main obstacle, as the number of officers is not proportional to the high volume of foreign traffic. Coordination between relevant agencies, such as the police, the labor office, and the local government, is still not optimal, resulting in frequent delays in decision-making. Additionally, there are instances of abuse of authority by certain individuals, which undermine institutional integrity. Another challenge is the low level of legal awareness among both foreign nationals and local communities. Many foreign nationals are unfamiliar with Indonesia's immigration regulations, while some local residents tend to be lenient toward the presence of illegal foreign workers due to economic benefits.

4.4 Theoretical Analysis of Field Findings

When linked to Gustav Radbruch's theory of law, the implementation of immigration administrative actions in Tanjung Balai Karimun has demonstrated efforts to achieve utility, as administrative actions have proven capable of maintaining order and security in the region. However, legal certainty has not been fully realized due to bureaucratic obstacles and differences in the interpretation of regulations. Similarly, the aspect of justice has not been fully achieved due to perceptions of unequal treatment toward certain citizens. Meanwhile, according to Lawrence M. Friedman's legal system theory, there are three important elements that influence the effectiveness of law, namely legal structure, legal substance, and legal culture. From the legal structure aspect, the Tanjung Balai Karimun Immigration Office has competent personnel, although they are still limited in number. From the legal substance aspect, the laws and regulations related to immigration administrative actions are relatively complete, but their implementation is often inconsistent. From the legal culture aspect, there is still a lack of public awareness in supporting oversight of foreign nationals, resulting in the presence of illegal foreign workers being tolerated due to economic considerations. Therefore, the effectiveness of immigration administrative actions in Tanjung Balai Karimun can be considered fairly effective, though it still faces various challenges that need to be addressed.

5. Comparison

When compared to previous studies and the implementation of immigration administrative actions in other regions, the implementation of immigration administrative actions at the Class II Immigration Office of Tanjung Balai Karimun has its own unique characteristics. Previous studies, such as those conducted at the Class I Special Immigration Office at Soekarno-Hatta International Airport, indicate that deportation is the most dominant form of

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administrative action due to the extremely high volume of foreign arrivals at the international airport. This situation is relatively similar to that in Tanjung Balai Karimun, where deportation is also the most frequently used instrument. However, there are differences in terms of the factors hindering the implementation of administrative actions. In Soekarno-Hatta, the main obstacle lies in the large number of foreigners entering every day, while in Tanjung Balai Karimun, the obstacles are more due to limited human resources and inter-agency coordination. Compared to research at the Immigration Office in Batam, there are similarities in terms of the modes of residence permit violations frequently committed by foreigners, particularly the misuse of visit visas for work. However, the difference is that in Batam, there is a tendency for more cases of illegal foreign workers in the industrial sector, while in Tanjung Balai Karimun, it is more prevalent in the trade and maritime services sectors. In terms of effectiveness, both regions face issues related to bureaucracy and limited capacity of immigration detention facilities, which often result in deportation processes not always being carried out swiftly. Comparisons with other studies abroad, such as in Malaysia and Singapore, show that these countries have stricter regulations and faster enforcement against illegal foreign workers. In Singapore, foreign nationals who violate their stay permits can be immediately fined heavily and deported within days. This differs from Indonesia, where the deportation process often takes considerable time due to inter-agency coordination and diplomatic factors with the country of origin. This difference indicates that the effectiveness of administrative actions in Indonesia still needs to be improved to align with neighboring countries.

6. Conclusions and Suggestion

Based on the results of research on the effectiveness of the implementation of immigration administrative actions at the Class II Immigration Office in Tanjung Balai Karimun, it can be concluded that administrative actions, particularly deportation, revocation of residence permits, and inclusion in the list of prohibited persons, have been carried out effectively in maintaining order and security in the border area. The existence of legal basis in the form of Law Number 6 of 2011 on Immigration and its implementing regulations provides clear legitimacy for immigration officials in carrying out their duties. In terms of benefits, administrative actions have proven effective in reducing the number of visa violations and deterring foreign nationals from committing such offenses. However, this effectiveness has not yet been fully optimized due to various challenges, such as the limited number of personnel, lack of coordination between agencies, bureaucratic obstacles, and low legal awareness among both the public and foreign nationals. If analyzed using Gustav Radbruch and Lawrence M. Friedman's theory, the value of legal utility has been sufficiently achieved, but aspects of legal certainty and justice still need to be improved.

To improve the effectiveness of immigration administrative measures, several suggestions can be made. First, the government needs to increase the number of human resources in the field of immigration supervision and law enforcement, especially in border areas with high foreign traffic. Second, there needs to be improved coordination between agencies, including the police, labor offices, and local governments, so that enforcement can be faster and more consistent. Third, there is a need for more intensive dissemination of immigration laws to both the local community and foreigners so that compliance with regulations can be improved. Fourth, the government can emulate the good practices of neighboring countries such as Singapore and Malaysia, which emphasize swift, transparent, and consistent law enforcement. Finally, there needs to be stricter internal oversight to prevent abuse of authority by officials, ensuring the integrity of immigration agencies and strengthening public trust.

Author Contributions: A short paragraph specifying their individual contributions must be provided for research articles with several authors (**mandatory for more than 1 author**). The following statements should be used “Conceptualization: X.X. and Y.Y.; Methodology: X.X.; Software: X.X.; Validation: X.X., Y.Y. and Z.Z.; Formal analysis: X.X.; Investigation: X.X.; Resources: X.X.; Data curation: X.X.; Writing—original draft preparation: X.X.; Writing—review and editing: X.X.; Visualization: X.X.; Supervision: X.X.; Project administration: X.X.; Funding acquisition: Y.Y.”

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Data Availability Statement: We encourage all authors of articles published in FAITH journals to share their research data. This section provides details regarding where data supporting reported results can be found, including links to publicly archived datasets analyzed or generated during the study. Where no new data were created or data unavailable due to privacy or ethical restrictions, a statement is still required.

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