

SUPERVISION OF FOREIGN RESIDENT PERMITS IN THE AREA OF THE CLASS II IMMIGRATION OFFICE LHOKSEUMAWA

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ABSTRACT

The activity of supervising the residence permit of Foreign Citizens residing in the territory of the Republic of Indonesia is currently carried out by the Immigration Institution which occupies the most important and strategic position in the context of controlling and supervising the Residence permit of Foreign Citizens residing in Indonesia. Oversight of foreign citizens' residence permits with the research location at the Immigration Office Class II Lhokseumawe. The purpose of this study was to describe how effective the supervision of the residence permit of foreign citizens who violate the provisions of the applicable residence permit is and to find out the obstacles in monitoring the residence permit of foreign nationals within the Immigration Office Class II TPI Lhokseumawe. The approach used in this study is a qualitative approach that is descriptive in nature and analyzes the supervision of foreign citizens' residence permits. Based on the results of the research conducted, it can be concluded that in supervising the residence permit of Foreign Citizens within the Immigration Office of Class II Lhokseumawe, administrative and field supervision is carried out with accurate, timely, comprehensive and coordinated objectives. In addition, the obstacles in supervising the residence permit of Foreign Citizens are the lack of supervisory apparatus resources, lack of community coordination and the wide range of surveillance areas. An evaluation is needed so that the supervision of the residence permit within the Immigration Office Class II Lhokseumawe runs according to the target of the surveillance operation that has been set.

Keywords: "Effectiveness", "Supervision", "Residence Permit", "Foreign Citizen"

INTRODUCTION

The activity of supervising the residence permit of Foreign Citizens residing in the territory of the Republic of Indonesia is currently carried out by the Immigration Office which occupies the most important and strategic position in the context of controlling and supervising the Residence Permit of Foreign Citizens residing in Indonesia. This is in line with maintaining the sovereignty of the State and in line with the increase in international crimes such as trafficking in persons, people smuggling and narcotics crimes which are mostly carried out by organized international crime syndicates. The activity of monitoring the residence permit of foreign nationals in Indonesia carried out by the Immigration Office aims to observe, detect, prevent and take action if the foreign citizen violates the residence permit or carries out activities that are not in accordance with the residence permit granted to him while in the territory of Indonesia. With the supervision carried out by the government through the Immigration Office, not everyone can arbitrarily enter and exit the territory of Indonesia except for those who meet certain requirements.

The basic argument of this research is that in order to be able to assess the supervision of foreign citizens' residence permits, an understanding is needed that can help how the Class II Immigration Office of Lhokseumawe as a technical implementing unit of the Ministry and Human Rights should Its operational area includes Lhokseumawe City, North Aceh Regency and Bireuen Regency so that in supervising foreign citizens' residence permits, they can minimize the occurrence of violations in the form of falsification of residence permit documents carried out by foreign citizens based on the Immigration Law Number 6 of 2011.

Based on observations made by researchers, there are still findings of immigration stay permit violations committed by Foreign Citizens from Bangladesh who do not have an official residence permit document in North Aceh Regency and there are as many as 120 Foreign Citizens from Myanmar (ethnic Rohingya) who enter the territorial waters. North Aceh Regency without bringing

official residence permit documents. Based on this background, it is interesting for the author to conduct further research on the Supervision of Stay Permits of Foreign Citizens in the Immigration Office Area of Class II Lhokseumawe.

In accordance with the description of the background above, the problem in this study is how to monitor the residence permits of foreign citizens who are in the area of the Immigration Office Class II TPI Lhokseumawe and what are the inhibiting factors in monitoring the residence permits of foreigners who are in the area of the office. Immigration Class II Lhokseumawe. Based on the formulation of the research problem above, the research objective is to describe the supervision of the residence permit of Foreign Citizens who violate the provisions of the residence permit in force within the Immigration Office Class II Lhokseumawe and to determine the inhibiting factors in monitoring the residence permit of Foreign Citizens within the Office area. Immigration Class II TPI Lhokseumawe. The solution that can be offered is that in the era of the industrial revolution 4.0, it is currently necessary to have a foreigner surveillance application that can be accessed by everyone

LITERATURE REVIEW

Supervision as one of the important management functions does not need to be questioned like other management functions, because supervision can determine whether the process of achieving goals has been as planned or not. Siagian (2003) argues that supervision is the process of observing the implementation of all organizational activities to ensure that all work carried out goes according to a predetermined plan. Supervision is all activities carried out by managers in an effort to ensure that actual results are in accordance with planned results.

Manullang (2006) stated that: "Supervision is carried out by the superior of the official concerned. Because this kind of supervision is also called vertical or formal supervision because those who carry out this supervision are authorized people. Based on the above understanding, it can be concluded that supervision is a leadership effort that wants every job to be carried out properly. In other words, the purpose of supervision is to find out and assess the actual reality about the object being monitored, whether it is in accordance with what it should be or not. Based on previous research from other researchers related to immigration issues, the researcher saw that none of these studies specifically examined the supervision of foreign citizens' residence permits. Therefore, researchers are interested in researching the supervision of foreign citizens' residence permits at the Immigration Office Class II TPI Lhokseumawe, so that they can be input and references both for the Immigration Office, the community, academics and other parties in seeing how to monitor it. resident permit. Foreign countries that are in the territory of the Immigration Office must be carried out in accordance with the applicable rules, namely based on the Immigration Law Number 6 of 2011.

An effective monitoring system must be able to immediately report deviations so that actions can be taken for further implementation so that the overall implementation can actually match or approach what has been previously planned. Effective supervision according to Sarwoto (2010) is first, there is an element of accuracy, where the data must be used as guidelines and valid. Second, on time, which is collected, submitted and evaluated quickly and precisely where improvement activities are always carried out. Third, objective and comprehensive, in the sense that it is easy to understand. Fourth, centralized, by deciding the areas of deviation that most often occur. Fifth, it is economically realistic, where the cost of the monitoring system must be lower or equal to the benefits obtained. An effective monitoring system must be able to immediately report deviations so that actions can be taken for further implementation so that the overall implementation can actually match or approach what has been previously planned. Effective supervision according to Sarwoto (2010) is first, there is an element of accuracy, where the data must be used as guidelines and valid. Second, on time, which is collected, submitted and evaluated quickly and precisely where improvement activities are always carried out. Third, objective and comprehensive, in the sense that it is easy to understand. Fourth, centralized, by deciding the areas of deviation that most often occur. Fifth, it is economically realistic, where the cost of the

monitoring system must be lower or equal to the benefits obtained. Sixth, organizational realistic, which is in accordance with the reality that exists in the organization. Seventh, coordinated with the workflow, because it can lead to the success or failure of operations and must reach employees who need it. Eighth, flexible, must be able to adapt to the situation at hand, so as not to create a new system when conditions change. Ninth, as guidelines and operations, which must be able to show the standard deviation so that it can determine the correction to be taken. Tenth, accepted by members of the organization, and directs the implementation of the work of members of the organization by encouraging the role of autonomy, responsibility and achievement.

The supervisory function is to assist all management in carrying out their responsibilities effectively by carrying out analysis, assessment, recommendations and submission of reports regarding the activities being audited. According to Sule and Saefullah (2005), the supervisory function is basically a process carried out to ensure that what is planned goes as it should. Included in the supervisory function is the identification of various factors that hinder an activity, as well as taking the necessary corrective actions so that organizational goals can still be achieved. In conclusion, the supervisory function is needed to ensure that what has been planned and coordinated goes as it should or not. If it does not run properly, the supervisory function also carries out a process to correct ongoing activities so that they can continue to achieve what has been planned.

Research on the supervision of residence permits for foreigners has been widely carried out by previous researchers regarding the Legal System for Supervision of Foreign Workers Against Abuse of Visit Stay Permits to work at Foreign Investment Companies in Indonesia (2016). The function of immigration control in controlling radicalism after the application of a visa-free visit (2017) The research that the author analyzes has not been carried out by others that focus on monitoring the residence permit of Foreign Citizens. The difference in the research that the researcher will do with previous research is that previous research examined the abuse of Visit Stay Permits to work at foreign investment companies in Indonesia and the immigration control function after the application of a visit-free visa, while my research activities will discuss the supervision of foreign nationals in this case. focusing on the Rohingyas who were stranded in the waters of the North Aceh Regency and were accepted by the Acehnese people even though they violated their residence permits.

METHODS

The study in this study used a qualitative descriptive approach and analyzed the supervision of foreign citizens' residence permits. Data collection techniques were carried out through observation, interviews, and documentation as well as data analysis techniques through the stages of data collection, data reduction, data presentation, and drawing conclusions. The research schedule is planned for two years, besides that, this study will use a sampling method with a sample of 80 people with a distribution of 15 Immigration Office employees and 20 Rohingya and 35 residents around the refugee area. plus some experts. 10 people in law and academia.

RESULTS AND DISCUSSION

1. Oversight of Foreign Citizens' Residence Permits in the Class II Immigration Office Area of Lhokseumawe

Monitoring of Stay Permits of Foreign Citizens in the Immigration Office Area of Class II Lhokseumawe is carried out based on Law Number 6 of 2011 concerning Immigration which must be carried out by immigration officers, both immigration officials and immigration officials, especially those directly responsible for the implementation of duties and supervisory functions. Foreign Nationals are in the Intelligence and Immigration Enforcement Section. The existence of this regulation aims to objectively determine the standard method in supervising foreign nationals, so that the implementation process runs according to the standards that have been set. Here it can be seen that the implementation of the supervision of the residence permit of

Foreign Citizens is a form of sub-section of state administrative activities which is a process of carefully structuring and coordinating resources and state apparatus.

In anticipating the misuse of Immigration residence permits, it is necessary to supervise foreign nationals in the Immigration Office Class II Lhokseumawe. Supervision of residence permits for foreigners in accordance with Law Number 6 of 2011 concerning Immigration Article 66 paragraph (2) letter b states that "the supervision of the traffic of foreigners entering or leaving the territory of Indonesia as well as supervision of the presence and activities of foreigners. foreigners in the territory of Indonesia" Supervision includes administrative supervision and field supervision in an accurate, timely, objective, and coordinated manner with workflow.

Based on the results of supervision, Immigration administrative actions can be carried out if it is found that misuse of immigration residence permits in accordance with Article 75 paragraph (2) letter f of Law Number 6 of 2011 concerning Immigration is in the form of deportation. from Indonesian territory. The authority over the decision on Immigration Administrative Actions is the authority of the Immigration Officer given to Foreign Citizens residing in the territory of Indonesia who carry out dangerous activities and are reasonably suspected of endangering security and public order or not respecting or violating the laws and regulations properly. political considerations, economic considerations. , social and cultural considerations as well as security considerations. This understanding implies that all forms of administrative actions in the field of Immigration outside of criminal law actions or investigations are objectively included in the category of Immigration actions. In addition to positive legal provisions, according to international law, immigration in the form of deportation is not a criminal law act and this applies universally in other countries in the world. From this understanding, it can be explained that deportation is the right and appropriate step in solving the problem of residence permit violations committed by foreign nationals within the Immigration Office Class II Lhokseumawe.

Supervision of foreign citizens' residence permits has a very broad aspect so that a comprehensive supervision system is needed so that supervision can be carried out accurately, timely, objectively and coordinated with the workflow. Foreign Citizens from the beginning of their arrival are required to have valid travel documents, up to the activities carried out by Foreign Citizens. Monitoring of residence permits for foreign nationals aims to prevent foreign nationals from committing immigration violations related to residence permits, because if there is no supervisory action from the Immigration Office Class II TPI Lhokseumawe it will result in losses for Lhokseumawe City, North Aceh Regency. , and Bireuen Regency because it is the operational area of the Class II Immigration Office of Lhokseumawe.

oversight of foreign citizens' residence permits is carried out with two types of supervision, namely administrative supervision and field supervision. Administrative supervision is supervision that is carried out when immigration control is carried out on foreign nationals which can be carried out by the immigration office or on transportation means where there are foreign nationals in it. In the supervision of Foreign Citizens under administrative supervision, the administrative process carried out starts from the receipt of the Immigration service file submitted by the Foreign Citizen or the guarantor. The completeness of the application file is checked by the officer manually or systematically. Next, check the crossing data and block data on the Immigration information system. After that, the officers carry out the process of recording biometric data for Foreign Citizens. This process is carried out with the aim of collecting all information data on foreign nationals that will be needed later for the implementation of field supervision. With the completeness of data on Foreign Citizens at the Class II Immigration Office of Lhokseumawe, both administrative and field supervision can be carried out accurately, timely, comprehensively and coordinated in accordance with the Standard Operating Procedures (SOP) that have been established in accordance with Law No. 6 of 2011 concerning Immigration.

Field supervision is an activity of supervising foreign nationals that is carried out independently or jointly. Independent field supervision is field supervision carried out only involving officials and immigration office employees. Joint field supervision is the supervision of foreign nationals which is carried out jointly in coordination with relevant agencies such as the TNI, POLRI, Courts, Prosecutors, and Regional Government Agencies. Field surveillance activities are jointly implemented under the leadership of the Immigration Office. Supervision of Foreign Citizens by field supervision is carried out starting from the issuance of decrees and orders from the Head of Office related to the implementation of field supervision which forms a task force and orders the task force to carry out supervision activities on the residence permit of Foreign Citizens. Furthermore, the task force was ordered to hold a preparatory meeting to draw up an activity plan. Then carry out field supervision activities and continue with the preparation of a report on the implementation of activities which is submitted to the Head of the Immigration Office as the person in charge of supervision activities for Foreign Citizens as material for making accurate and objective decisions in forwarding the findings of the Immigration action stages. As a form of monitoring the residence permit of Foreign Citizens, the Class II Immigration Office of Lhokseumawe also uses breakthroughs or innovations in public services used by immigration officials in an effort to provide data on Foreign Citizens staying at their inn or residence in the form of a foreigner reporting application (APOA).) based on information technology. Oversight of foreign citizens' residence permits through the foreigner reporting application is a breakthrough that provides easy access for hotel managers or guarantors to convey the presence of Foreign Citizens to the Class II Immigration Office of Lhokseumawe so that the supervision can be carried out accurately, timely, objectively. with the coordination between the community and other parties through the online-based foreigner reporting application (APOA)

The Foreigner Reporting Application (APOA) was built to make it easier for hotels or lodging places as well as individuals who provide lodging, in reporting the presence of Foreign Citizens living in their place. By using the application for reporting foreigners, hotel and lodging owners no longer need to come to the Immigration Office regularly to

report foreigners manually. The owner of the hotel or inn is asked directly to report the data of foreigners staying at his place on the first day the foreign citizen starts staying. The foreigner reporting application is made on the legal basis of article 72 paragraph (2) of Law Number 6 of 2011 concerning immigration which reads "the owner or manager of an inn is obligated to provide data on foreigners staying at their lodgings if requested by the Immigration Officer on duty." From this understanding, it can be explained that the foreigner reporting application (APOA) aims to create accurate, timely, objective and coordinated supervision of foreign nationals in accordance with applicable regulations so that the number of residence permit violations committed by foreign nationals within the area of the Class Immigration Office II Lhokseumawe can be minimized properly.

2. Obstacles in Supervision of Residence Permits of Foreign Citizens in the Immigration Office Class II Lhokseumawe

In supervising the residence permit of Foreign Citizens in the Immigration Office Class II TPI Lhokseumawe, there are things that become obstacles in its implementation. The problem is in terms of the wide coverage of the work area, the lack of human resources, which can be seen from the number of employees in the Intelligence and Immigration Enforcement Section, which is only 5 people. Then the number of Foreign Supervision Teams (PORA TIM) formed is not proportional to the number of foreigners who are in the Immigration Office Class II Lhokseumawe area, while foreigners can enter for work, school or for purposes that are not in accordance with the visa. So it is very difficult to monitor the residence permit of foreigners and determine targets if the foreigner does not report back to the Immigration Office Class II Lhokseumawe.

The next obstacle in supervising the residence permit of foreign nationals is the lack of community participation because some people are still apathetic and do not care about the existence of foreign nationals, which is one of the obstacles in monitoring the residence permit of foreign nationals. Inhabitant. The lack of public participation in reporting suspicious foreign nationals indicates that the coordination system still needs to be strengthened by optimizing access to the foreigner reporting application (APOA) website that has been provided by the Class II Immigration Office of Lhokseumawe in order to improve supervision of residence permits for citizens. Overseas. Another factor that becomes an obstacle in monitoring the residence permit of foreign citizens is the lack of socialization carried out by the immigration authorities to the public, sponsors of foreign nationals, restaurants, educational institutions and commercial companies that employ foreign nationals regarding the procedures and working methods. mechanism for monitoring the residence permit of Foreign Citizens in the work operational area of the Class II Immigration Office of Lhokseumawe.

Then the obstacle in monitoring the residence permit of Foreign Citizens is the application of the foreigner reporting application where some inns, hotels and individuals do not have adequate devices in the form of scanners and computers to report foreigners through the Foreigner Reporting Application (APOA) Many lodging places are located in areas that have not been reached by the internet. The use of the internet is a must because the foreigner reporting application is based online. If the use of the foreigner reporting application (APOA) that has been provided by the immigration authorities to the public can be maximized, it can be ensured that the supervision of foreign nationals in the Immigration Office area of Class II Lhokseumawe can be more objective and on target because when there are reports from the public and other parties regarding the presence of foreigners whose activities are suspicious in the vicinity through the foreigner's reporting application, at that time the immigration office will immediately visit the reported location. . The request for reporting foreigners is a form of coordination given by the Class II Immigration Office of Lhokseumawe in overcoming obstacles in supervising foreign residents' residence permits.

In practice, sometimes companies and sponsors of foreign nationals are found who do not understand the duties and functions of the Immigration Office, so it is necessary to explain the duties and functions as well as the purpose of the arrival of the officer. This shows the lack of participation and coordination between the public, companies and sponsors who bring foreign nationals to the immigration office due to apathy towards the presence of foreign nationals in the Class II Immigration Office area of Lhokseumawe. The lack of coordination between the community and the immigration authorities is certainly an obstacle for the results of monitoring the residence permits of foreign citizens. If the coordination is well established, the supervision of the residence permit of Foreign Citizens can be carried out optimally.

In an effort to overcome the residence permit of Foreign Citizens in the area of the Class II Immigration Office of Lhokseumawe, a Foreigner Supervision Team (TIM PORA) has been formed. With the existence of the Foreigner Supervision Team at the Immigration Office, the

supervision of the residence permit of Foreign Citizens can be carried out more objectively, because the Foreigner Supervision Team is a special unit that is professionally trained in supervising the presence of Foreign Citizens. From the observations of researchers in the field, researchers also assessed the lack of cooperation carried out by the local government with the Immigration Office in efforts to overcome the residence permit of Foreign Citizens, this can be seen from the occurrence of residence permit violations within the Immigration Office Class II Lhokseumawe. In overcoming obstacles in supervising the residence permit of Foreign Citizens, cooperation and coordination between the immigration authorities and other relevant agencies is also required so that the supervision of the residence permit of Foreign Citizens within the Immigration Office of Class II Lhokseumawe can be carried out in accordance with the specified time.

In resolving these obstacles, the Class II Immigration Office of Lhokseumawe took steps and efforts in the form of increasing existing human resources and continuous coordination with the Directorate General of Immigration in assisting the activities of monitoring the residence permits of Foreign Citizens within the territory of the Class II Immigration Office Lhokseumawe. Thus, foreign nationals who wish to enter and settle down, especially in the work area of the Class II Immigration Office of Lhokseumawe, namely Lhokseumawe City, North Aceh Regency and Bireuen Regency must be considered from various aspects, both from politics, economy and socio-culture of the nation and state. For this reason, the Class II Immigration Office of Lhokseumawe needs to supervise foreign nationals and Immigration actions in a precise, thorough and coordinated manner without neglecting openness in providing services to foreign nationals.

CONCLUSION

Based on the results of qualitative research using observation, interviews and documentation techniques conducted at the Class II Immigration Office of Lhokseumawe, regarding the Supervision of Stay Permits for Foreign Citizens, the following conclusions can be drawn:

1. Monitoring of residence permits for foreign nationals within the Immigration Office Class II Lhokseumawe is carried out by the Intelligence and Immigration Enforcement Section through administrative supervision and field supervision based on Immigration Law no. 6 of 2011.
2. The inhibiting factor of the Class II Immigration Office of Lhoskeumawe in monitoring the residence permit of Foreign Citizens in the area of the Class II Immigration Office of Lhokseumawe in the form of a work area that is not balanced with the resources of the apparatus owned, this can be seen from the number of employees and officials in Implementation of duties and the supervisory function of foreigners is still lacking, namely only 5 employees in the Intelligence and Immigration Enforcement Section with work areas covering Lhokseumawe City, North Aceh Regency and Bireuen Regency. In addition, there is still a lack of available budget in monitoring the residence permit of foreign nationals and the lack of public participation in cooperating or coordinating in reporting suspicious foreign nationals on their residence permits in the neighborhood where they live. Efforts made by the Immigration Office Class II Lhokseumawe In overcoming these obstacles by taking steps such as increasing human resources, conducting ongoing coordination with the Directorate General of Immigration to meet the need for supervision of residence permits for foreigners, forming a foreigner supervisory team (PORA TIM), create a foreigner reporting application. (APOA) and carry out continuous coordination with relevant agencies in order to assist in monitoring the residence permits of foreign citizens to the maximum extent.

ACKNOWLEDGEMENTS

On this occasion, the researcher would like to express his deepest gratitude to all parties who have assisted researchers in conducting this research, including the Class II Immigration Office of

Lhokseumawe and the Jabal Ghafur University who have provided material support to researchers so that this research can be completed.

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