

Analisis strategi pemberdayaan fungsi penegakan hukum keimigrasian. = The analysis of the empowerment strategy of the function of immigration law enforcement

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Abstrak

Tesis ini merupakan hasil kajian dan penelitian yang dilakukan oleh penulis terhadap pelaksanaan fungsi penegakan hukum keimigrasian yang mengangkat permasalahan penegakan hukum keimigrasian dalam hal menemukan faktor-faktor yang patut dipertimbangkan bagi usaha pemberdayaan fungsi penegakan hukum keimigrasian tersebut serta menentukan strategi yang tepat untuk melakukan prioritas pembenahan dan perbaikan dari tiga unsur sistem hukum yaitu unsur substansi hukum, struktur hukum, dan budaya hukum, yang mempunyai kepentingan terbesar berdasarkan bobot prioritas kepentingan yang diperoleh.

Obyek penelitian dalam tesis ini diuraikan dengan menggunakan pendekatan penelitian kuantitatif dengan desain deskriptif yang didasarkan dari hasil penelitian kepustakaan dan lapangan. Penelitian dianalisis secara kuantitatif dengan menggunakan model operasional penelitian Analytical Hierarchy Process (AHP), dengan mengambil populasi para unsur pimpinan jajaran Direktorat Jenderal Imigrasi, dan kemudian mengambil sampel dari populasi tersebut berdasarkan kriteria bahwa sampel yang dipilih adalah ekspert di bidang penegakan hukum keimigrasian. Penelitian dalam tesis ini memperlihatkan bahwa pelaksanaan pemberdayaan fungsi penegakan hukum keimigrasian ditentukan oleh faktor penegak hukum, undang-undang, sarana atau fasilitas, dan masyarakat.

Dari hasil analisis terhadap penelitian yang dilakukan, disimpulkan bahwa unsur substansi hukum merupakan alternatif pilihan pembenahan yang pertama kali harus dilakukan dengan besarnya bobot kepentingan sebesar 47%, selanjutnya adalah unsur budaya hukum sebesar 28%, sedangkan unsur struktur hukum merupakan langkah pembenahan terakhir dengan bobot kepentingan sebesar 25%. Pembaharuan substansi hukum keimigrasian merupakan langkah awal tercapainya penegakan hukum yang mampu memberikan kepastian hukum keadilan hukum, dan manfaat hukum. Untuk itu disamakan agar kegiatan perencanaan kebijakan keimigrasian harus memperhatikan harmonisasi dan sinkronisasi terhadap substansi dan regulasi lainnya yang telah ada. Langkah tersebut diwujudkan dalam kegiatan kriminalisasi, dekriminalisasi, dan depenalisasi. Dengan demikian diperlukan pengetahuan yang mempunyai sifat multidimensi serta pengetahuan tentang perencanaan kebijakan yang sesuai dengan aturan penetapan peraturan perundang undangan yang telah ada.

.....This thesis is as the results of the study and research that carried out by the Writer towards the Implementation of the Function of the Immigration law Enforcement in the matter of finding the factor that ought to be considered for empowerment efforts as well as determined the strategy that is important to be carried out in the repairmen and the improvement of the three elements of the Law System which consist of the Substance of Law, the Structure of Law, and the Culture of Law. Such elements have their own interest based on the interest weight received.

The object of the research in this thesis is described using the Quantitative Method of Research with the Descriptive Design which based on the Library and Field Research. The research is being analyzed quantitatively with the used of Operational Research Model which known as Analytical Hierarchy Process

(AI-IP), while the Population is from the Board of Immigration Heads of the Directorate General of Immigration and then the sample of such population is based on the criteria that the sample chosen is the expert of the Immigration Law Enforcement. The research in this thesis showed that the implementation of the Empowerment of the Function of Immigration Law Enforcement is determined by the law upholder, the law, the means or facilities and the society.

From the research analysis that has been done, it can be seen obviously that the Substance of Law becoming the subject needed to be improved at the first time with the biggest interest of 47%, the second position is the Culture of Law with the interest of 28% while the Structure of Law is on the last position to be improved with the interest of 25%. The reformation of Immigration Law Substance is at the first step of Law Enforcement which can give the Assurance of Law, Legal Justice, and other benefits of Law. The activity of Immigration Planning Strategy should consider the harmonisation and Sincronisation of the Substance of law and other existing regulation. Such activity or step is being implemented in the activity of criminalism, decriminalism, and depenalism. Therefore, it needs the knowledge that has the multidimensional characteristic as well as the knowledge about policy planning in accordance with the legislation of the existing rules of law.