

RINGKASAN

Nindi Mutya Candri Lubis **TINDAK PIDANA NAKHODA PENGANGKUT
PEKERJA MIGRAN INDONESIA NON-
PROSEDURAL**
220510134 **(STUDI PENELITIAN DI KOTA TANJUNG
BALAI)**
**(Sumiadi, S. H., M.Hum dan Fauzah Nur Aksa,
S.Ag., M.H)**

Indonesia sebagai negara kepulauan yang berada pada jalur perdagangan internasional menghadapi berbagai tindak kejahatan transnasional, salah satunya pengangkutan Pekerja Migran Indonesia (PMI) non-prosedural. Di Kota Tanjung Balai, praktik pengangkutan PMI non-prosedural oleh nakhoda masih sering terjadi melalui jalur tidak resmi (jalur tikus) karena faktor ekonomi. Padahal, setiap orang yang keluar masuk wilayah Indonesia wajib mematuhi ketentuan keimigrasian sebagaimana diatur dalam Undang-Undang Nomor 6 Tahun 2011 tentang Keimigrasian, khususnya Pasal 18 dan Pasal 120 ayat (1). Penelitian ini bertujuan untuk menganalisis penegakan hukum terhadap nakhoda pengangkut PMI non-prosedural serta mengetahui kendala dan upaya aparat penegak hukum di Kota Tanjung Balai.

Metode Penelitian ini menggunakan jenis penelitian yuridis empiris dengan sifat penelitian deskriptif dan pendekatan empiris atau sosiologis. Sumber data yang digunakan terdiri dari data primer dan data sekunder. Teknik pengumpulan data dilakukan melalui penelitian lapangan dan studi kepustakaan, kemudian dianalisis menggunakan metode analisis kualitatif.

Hasil penelitian menunjukkan bahwa penegakan hukum terhadap nakhoda pengangkut PMI non-prosedural di Kota Tanjung Balai belum berjalan maksimal karena kendala pada struktur hukum, yaitu kantor keimigrasian, satuan polisi perairan dan udara dan Tentara Nasional Indonesia Angkatan Laut, Pada substansi hukum, yaitu terkait Undang-Undang Nomor 6 tahun 2011 tentang Keimigrasian dan Undang-Undang Nomor 18 Tahun 2017 Tentang Perlindungan Pekerja Migran Indonesia dan budaya hukum, yaitu kurangnya kesadaran dan ketaatan hukum, ekonomi nakhoda yang rendah, dan pendidikan yang rendah. Tindakan tersebut bertentangan dengan Pasal 120 ayat (1) Undang-Undang Nomor 6 Tahun 2011 tentang Keimigrasian. Upaya penegakan hukum dilakukan melalui optimalisasi Intelijen Keimigrasian, patroli gabungan di Selat Malaka, serta sosialisasi preventif kepada masyarakat pesisir.

Berdasarkan hasil penelitian, disarankan kepada instansi penegak hukum agar meningkatkan alokasi anggaran, jumlah sumber daya manusia, serta sarana dan prasarana patroli laut guna memperkuat pengawasan wilayah perairan. Selain itu perlu dibentuk pusat koordinasi maritim terpadu berbasis digital guna mempercepat pertukaran informasi dan koordinasi antarlembaga.

Kata Kunci: Penegakan Hukum, Pekerja Migran Indonesia (PMI) Non-prosedural, Keimigrasian, Nakhoda, Kota Tanjung Balai.

SUMMARY

Nindi Mutya Candri Lubis 220510134 **ENFORCEMENT OF LAW NUMBER 6 OF 2011 CONCERNING IMMIGRATION (A RESEARCH STUDY ON CAPTAINS TRANSPORTING NON-PROCEDURAL INDONESIAN MIGRANT WORKERS)**
(Sumiadi, S. H., M.Hum dan Fauzah Nur Aksa, S.Ag., M.H)

Indonesia, as an archipelagic country located along international trade routes, faces various forms of transnational crime, one of which is the transportation of non-procedural Indonesian Migrant Workers (PMI). In Tanjung Balai City, the practice of transporting non-procedural PMI by ship captains continues to occur through unofficial routes ("rat routes"), primarily due to economic factors. In fact, every person entering or leaving Indonesian territory is required to comply with immigration regulations as stipulated in Law Number 6 of 2011 concerning Immigration, particularly Article 18 and Article 120 paragraph (1). This research aims to analyze law enforcement against ship captains transporting non-procedural PMI and to identify the obstacles and efforts undertaken by law enforcement authorities in Tanjung Balai City.

This study employed an empirical juridical research method with a descriptive research design and an empirical or sociological approach. The data sources consisted of primary and secondary data. Data collection techniques were carried out through field research and literature studies, which were then analyzed using qualitative data analysis methods.

The results of the research indicate that law enforcement against ship captains transporting non-procedural PMI in Tanjung Balai City has not yet been implemented optimally due to obstacles related to the legal structure, namely the Immigration Office, the Water and Air Police Unit, and the Indonesian Navy. Regarding the legal substance, the obstacles concern Law Number 6 of 2011 concerning Immigration and Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers. Meanwhile, in terms of legal culture, the obstacles include a lack of legal awareness and compliance, the low economic conditions of ship captains, and their low levels of education. Such actions are contrary to Article 120 paragraph (1) of Law Number 6 of 2011 concerning Immigration. Law enforcement efforts are carried out through the optimization of Immigration Intelligence, joint patrols in the Malacca Strait, and preventive socialization programs for coastal communities.

Based on the findings of this study, it is recommended that law enforcement agencies increase budget allocations, human resources, and supporting facilities and infrastructure for maritime patrols in order to strengthen territorial supervision. In addition, it is necessary to establish an integrated digital-based maritime coordination center to accelerate information exchange and inter-agency coordination.

Keywords: *Law Enforcement, Non-procedural Indonesian Migrant Workers (PMI), Immigration, Ship Captain, Tanjung Balai City.*