ABSTRACT

Immigration activities is a common activities that conducted nowadays. Immigration is matters of society traffics to get in and get out from Indonesian territory and its surveilance in preserving Indonesia's sovereignity. In a common words, immigaration can be translated into an act of place movement (migration) from one country to another country. Within the development of time that demands the fulmillment of every people needs has become the momentum that created the immigration activities., by then society frequently perform immigration to fulfill and in some extend to develop themselves. Immigration activity that has been performed are varipus, it is usually perform within the matters of education, trade, health, tourism, cultural exchange, and many more.

Immigration activities create another opportunity for criminal acts to happen, it is called criminal act on immigration. The regulation on this criminal act can be found on Constitution number 6 year 2011 on Immigration. This regulation does not elaborate the definition of criminal act on immigration as an act that can injure society's matters within the traffic of people enter and exit Indonesia territory and its surveillance to preserve national sovereignity.

Criminal act on immigration and its counter measures has to be complied trough criminal policy. Criminal policy in countering this criminal act has 2 measures, those aare nonpenal and penal measures. In a nutshell, it is understandable, that nonpenal measures is a measures that conduct both repressive and preventive during the process, meanwhile the penal measures only limited to repressive process, even though during the repressive process, the preventive process not merely left behind.

The approach methode used during this legal writing is yuridis normative and also yuridis comparative, while the spesification on the research has the characteristic of descriptive analytic, that has its objective to give the main picture and analysis on how to counter the criminal act on immigration. In searching and collecting required datas, it was focused on the existing main problems, thus this research was using secodary data, which are primary law and secondary law. The data analysis method that used in this legal writing is analytic qualitative.

Based on the final result of this research, the criminal act on immigration can be countered with both of the measures (nonpenal and penal measure). Among some preventive measures that can be conduct to counter the criminal act on immigration is by the improvement of society welfare, coordination with the government bodies that related to the problems of defence and national sovereignity, and improvement of society understanding and awareness on immigration law especially to the society who live closely on the national borders. Meanwhile, the represive act that is feasible in countering the criminal act is by applying the immigration administrative measure or pro justicia.

Keywords : Criminal act on immigration, nonpenal measure, penal measure.