

URGENSI IMPLEMENTASI ASAS *ULTIMUM REMIDIUM* TERHADAP TINDAK PIDANA PENYALAHGUNAAN IZIN TINGGAL KEIMIGRASIAN

ABSTRAK

Penelitian ini bertujuan untuk mengetahui bagaimana implementasi asas *ultimum remedium* terhadap tindak pidana penyalahgunaan izin tinggal keimigrasian. Undang-undang keimigrasian merupakan *administrative penal law*, sehingga sanksi administratif harus diutamakan. Dalam penelitian ini terdapat contoh kasus adanya perbedaan dalam pemberian sanksi. Lalu bagaimana tindak pidana keimigrasian itu dapat diterapkansanksi administratif atau sanksi pidana. Faktor-faktor yang menjadi tolak ukur dan menyebabkan perbedaan pemberian sanksi terhadap tindak pidana keimigrasian adalah faktor substansi pada undang-undang keimigrasian, dikarenakan rumusan pasal yang samar tanpa ada batasan yang jelas dalam prefensi penggunaan sanksi untuk itu perlu dilakukan perumusan pada undang-undang keimigrasian terkait batasan-batasan penerapan sanksi administratif dan sanksi pidana .

Kata kunci : *Ultimum remedium*, penegakan hukum, sanksi administratif keimigrasian, sanksi pidana keimigrasian, penyalahgunaan izin tinggal

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ABSTRACT

This study aims to determine how the implementation of the ultimum remedium principle on crimes of Abuse of Permission to Stay Immigration. The immigration law is an administrative penal law, so administrative sanctions must be prioritized. In this study there are examples of cases of differences in the provision of sanctions. Then how the immigration crime can be applied to administrative sanctions or criminal sanctions. The factors that become benchmarks and cause differences in the imposition of sanctions on immigration crimes are the substance factors in the immigration law, because the formulation of the article is vague without clear boundaries in the preference for the use of sanctions for that reason, it is necessary to formulate the immigration law regarding the limitations of application. administrative sanctions and criminal sanctions.

Keywords : Ultimum remedium, law enforcement, immigration administrative sanctions, immigration criminal sanctions, Abuse of Permission to Stay Immigration