

## **ABSTRACT**

### **JURIDICAL ANALYSIS PROVING CRIMINAL CASES IMMIGRATION (PEOPLE SMUGGLING) (Studies Verdict Number: 310IPid.Sus/2013IPN.KLD)**

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People smuggling can be the size of a country's weak legal system in dealing with veiled motivations of migrants to make the country as an intermediate country for crime. Problem in this research is how the criminal case proof of immigration (People Smuggling) in the jurisdiction of the district court Kalianda? and Why the obstacles in proving criminal cases in the area of immigration (People Smuggling) in the jurisdiction of the district court Kalianda?

Approach used is a juridical problem normative and empirical. Data were collected through library research and field studies. The next data is analyzed qualitatively and then conclude with an inductive method.

Based on the result of this study concluded: Proof in Civil Court decisions Number: 310/Pid.Sus/2013/PN.KLD, that Criminal Code does not only reach the citizens of Indonesia but also foreign nationals who commit criminal acts within the jurisdiction of the Republic of Indonesia in accordance with the territorial principle applicable in Indonesia; The importance of mentoring by a translator or interpreter in court that the defendant is a foreign national, so that the defendant can see and understand clearly what is charged; The importance of the presence of the witnesses in the trial of a criminal case to strengthen the evidence upon which the accused defendant errors, especially in criminal cases of people smuggling; The facts revealed in the trial was associated with evidence may be an indication of the guilt of the accused. Causes of bottlenecks in the proof of criminal assault on immigration (people smuggling) influenced by law enforcement and infrastructure factors. This is caused by a shortage of human resources, facilities and enforcement of existing facilities inadequate.

Suggestions in this study: Need to establish a special law regulating people smuggling, in order to strengthen the position of Indonesian government in addressing the problem of human trafficking as well as need for increased human resources, allocation of funds/budget, and facilities in law enforcement efforts against acts.

Keywords: Proof, Immigration, People Smuggling