



LEGAL ASPECTS IN OVERCOMING THE CRIME OF TRAFFICKING IN PERSONS IN THE PERSPECTIVE OF CRIMINOLOGY

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Abstract

The current cases of trafficking in persons seen from the many news reports in social media and print media show how much special attention is needed regarding the crime of trafficking in persons. This research uses a qualitative method. We conducted this research at the Cirebon Regency Police, the Sumber District Court, the Sumber District Attorney's Office, and at several law firms to process data regarding victims of human trafficking crimes that occurred in Cirebon Regency, so that we can find out what factors can become a victim of human trafficking. The victim's own involvement in what happened because of various activities such as recruiting, transporting, and hiding someone for exploitation, including sexual, forced labor, or slavery. Conflict and violence in society also exacerbate this condition, forcing people to seek a better life. Efforts to protect victims of human trafficking have been provided, including various elements of legal protection including being listed in the law, providing physical and psychological assistance, international cooperation and prevention which are considered to reduce the risk for people to become victims of human trafficking. Victim protection, including.

Keywords : Criminal Law, Human Trafficking, Criminology

INTRODUCTION

Human trafficking is something modern form of slavery humans. In Indonesia itself human trafficking is increasing widespread done and what becomes factor main from it's rampant this person's trafficking is factor economy (Sari 2021). No only That development technology too be one factor from exists follow criminal human trafficking (Smith, Martin, and Smith 2014). Various case human trafficking occurs moment This seen from many news on social media as well as print media showing how necessity attention special about follow criminal this person's trafficking (Houston-Kolnik, Soibatian, and Shattell 2020).

If reviewed what to be factor something follow criminal this person's trafficking widespread happen especially in Indonesia, namely factor education, economics, and technology (Hamid et al. 2019). How something follow criminal Can with fast growing, reason What just who made it? public with easy tempted with ending work something follow criminal. From various case potential trafficking of acquired persons being a victim is those who are lacking in matter education so that make they easy believe with perpetrators' offers trading man (Kara 2017). Besides than That factor the economy has become very main reason somebody become a victim of an act criminal human trafficking, how No Because they feel life the more difficult consequence from increase various need life. As for factors technology for example many advertisements on social media that deceive victims

with matter the thing promised perpetrator like easy job with big income.

Euphemism in mention case human trafficking, with call 'power Work illegal' though obviously traded No Again power Work but the person . The difference, if only selling' power work ' then That Can called as power work , however when the subject No Again own authority on himself , then He as man has sold , exploited , and human has become commodity , and this is what is called as human trafficking.

RESEARCH METHODS

Study This use method Qualitative , refers to the data that becomes question principal is How effort countermeasures follow criminal human trafficking in particular concerning protection law for victims of crime criminal human trafficking . Study We do this at the Police regency Cirebon, Source District Court , Source District Prosecutor's Office , and in several firm law For processing data regarding crime victims criminal trading humans occurring in the district Cirebon , so can know what to be factor somebody Can become a victim of an act criminal trading man.

RESULTS AND DISCUSSION

Definition and Elements Act Criminal

Human trafficking has different meanings for some people. Human trafficking includes widespread problems and issues defined complex sensitive different for some people. Depends from How corner look personal or his organization (Peters 2015). Assembly General United Nations (MU UN) stated definition human trafficking for First time in 2000. Using protocol For prevent, suppress, and punish trading on man especially race women and children.

Human trafficking can also occur interpreted as something recruitment, transportation, transfer, concealment or reception someone, with threat or use violence or forms coercion other, kidnapping, fraud, fraud, abuse power or position prone to or giving or reception payment or benefit For obtain agreement from the person who owns it control over others, for objective exploitation (Farrell, Pfeffer, and Bright 2017).

Exploitation includes, at a minimum, exploitation prostitution of people or other forms of exploitation sexual, work or service force , slavery or practices similar slavery or taking or body organs

How Something Act Criminal Human Trafficking Can Happen

Exploitation is action with or without the victim's consent includes but No limited to prostitution, work or service force, slavery or practice similar slavery, oppression, blackmail, exploitation physical, sexual, reproductive organs , or in a way oppose law move or transplant organs and/ or network body or utilise power or ability someone by another party to get profit Good material nor immaterial (Chuang 2014).

Human Trafficking is action recruitment, transportation, shelter, delivery, transfer, or reception somebody with threat violence, use violence, kidnapping, confinement, forgery, fraud, abuse power or position vulnerable, debt bondage or give payment or benefits, so obtain agreement from the person holding it control over other people, whether committed within the country or between countries, for objective exploitation or resulting in people being exploited .

Human trafficking is something deed or action organized crime and not human as well as violate rights base somebody without care will the danger deed the so that result somebody That exploited and experienced suffering Good That suffering material nor inmaterial (Choi-Fitzpatrick 2016). Before exists Constitution Number 21 of 2007 Concerning Eradication Act Criminal Human Trafficking, understanding about most people trafficked used is understanding Protocol United

Nations (UN) for prevent , suppress and punish perpetrators follow criminal human trafficking , in the UN protocol understanding human trafficking is :

- a) Recruitment , delivery , transfer , shelter or reception somebody with threat or use violence or other forms of coercion , kidnapping , fraud , lies or abuse power or position prone to or memberu or accept payment or obtain profit to get obtain agreement from someone in power over others, for objective exploitation . Exploitation including , at a minimum , exploitation For prostituting another person or forms other from exploitation sexual , work or service force , slavery 34 or practices similar slavery , servitude or removal of body organs .
- b) Consent of human trafficking victims to the exploitation referred to as stated in subline (a) . No relevant if one the methods contained in subline (a) is used .
- c) Children are everyone aged under 18 years old . Understanding on No emphasizes decisive recruiting and delivery something deed the is follow criminal human trafficking , but also conditions exploitation related into which people are trafficked (Kahimba and Kahimba 2021). Human trafficking based Article 1 point 1 of the Law Number 21 of 2007 Concerning Eradication Act Criminal Human trafficking is “the act of recruiting, transporting, harboring, sending, transferring, or reception somebody with threat violence, use violence, kidnapping, confinement, forgery, fraud, abuse power or position vulnerable, debt bondage or give payment or benefits, so obtain agreement from the person holding it control over other people, whether carried out within the country or between countries, for objective exploitation or caused that person exploited.” Constitution Number 21 of 2007 Concerning Act Criminal Human Trafficking also formulates about room scope follow criminal human trafficking, namely :
 1. Every action or series fulfilling action elements follow specified punishment in Constitution Number 21 of 2007 Concerning Act Criminal Human Trafficking . Besides that's the law Number 21 of 2007 also prohibits it everyone who enters people enters to the territory of the Unitary State Republic of Indonesia (NKRI) for exploited .
 2. Bring Indonesian citizens (WNI) to outside the territory of the Republic of Indonesia for objective exploitation .
 3. Lift child with promising something or give something For Meaning exploitation .
 4. Send child to in or to abroad with method anything and everyone who uses or taking advantage of TIP victims by method do intercourse or molestation, hiring victims to objective exploitation or take profit .
 5. Everyone who gives and enters information fake on state documents or other documents for makes TIP easier.
 6. Everyone who gives testimony fake , convey proof false or goods proof fake , or influence witness in a way oppose law .
 7. Everyone who attacks physique to witness or officer at trial TIP cases ; anyone who prevents , hinders, or thwart in a way direct or No direct investigation, prosecution and trial at trial Court to suspect, accused, or witness in TIP cases; everyone who helps escape TIP perpetrator.
 8. Everyone who gives identity witness or a victim even though should kept secret .

Factors Reason Somebody Becoming a Victim of Crime Criminal Human Trafficking

Act criminal human trafficking occurs No only from developing countries to developed countries, but Keep going increase among developing countries (Burke and Bruijn 2017). Act Criminal Human Trafficking (TPPO) is A phenomenon complex influenced by various factor socio-economic and cultural . One of factor main cause somebody become prone to against TIP is poverty . Individual or living family in condition bad economy it 's often easy interested with promises work income high abroad or in the city big , which is in fact is trap the perpetrators trading man . For

example, in some regions in Indonesia, many cases where poor people are promised work as worker House ladder or worker factories in other countries, but in the end they forced to Work without salary and in very bad condition (Sutrisno and Permana n.d.).

Next, the lack awareness about method Work syndicate trading human and what just the signs also become factor reason. People who don't understand How syndicate This operate often not realize that they currently directed to in trap. Low education join in plays a role here, where the individual with access limited to quality education tend No own Skills critical For analyze the offer given and identify potency danger.

Conflict and violence in society also makes it worse situation. In context like in Syria or in some regions of Africa, conflict prolonged has make many people drop out hope look for more security and life OK, so they become an easy target for promising TIP perpetrator protection or on-site work other. Those who come from from experiencing community discrimination and marginalization, such as group ethnicity minority or the LGBTQ+ community, often feels No own other choice than accept the offer at the end utilise vulnerability they.

Factor migration is also very important. Many immigrants are moving with hope get more life Good precisely find self they trapped in TIP network (Dawson and Rapport 2021). They often not own sufficient knowledge about rights them in a new country, or network possible support help moment they face problem. For example, there are many worker migrant from Southeast Asia who departed to the Middle East or European countries often found self they involved in a job that doesn't in accordance as promised and working in condition similar slavery.

Intermediary role or brokers are often ambiguous; in one side they helps the migration process, but on the other hand, a lot from those who No ethical trapping the victims inside situation exploitative (Kern and Müller-Böker 2015). These scalpers utilise the despair of those who seek more life OK, promising all type convenience access to work or education, but in fact they plunge the victims into in trading man.

Crime Victim Protection Criminal Human Trafficking

According to researchers, Victims of something crime related with human trafficking often experience suffering physical and disorderly psychic (Chu and Billings 2022). In terms of physically, victims of TIP often very experience disturbance health, damage to reproductive organs, injury or disabled physique as well as child victims often experience stunted growth.

By state constitutional obligation organize protection for inhabitant his country. As confirmed in the 1945 Constitution (Mutaqin 2016). Protection of victims from something TIP cases are carried out based on UUPSK, according to UUPSK the aim of victim protection is provide a sense of security to the victim inside give information on every judicial process criminal. In matter victim protection, UUPTPO in particular in Article 45 paragraph (1), mandates that every provinces and districts / cities, mandatory formed room service especially at the office police local To use do level inspection investigation for TIP victims. Party The National Police of the Republic of Indonesia is also obliged to provide protection Good before, during, or after the inspection process matters so that the victims are spared from dangerous threat self, life and property (article 47 UUPTPO).

The victim if are abroad and need it protection law as a result of TIP, then Government Republic of Indonesia via his representative abroad (embassy big, consulate general, office liaison, office trade or all office diplomatic or consular others as appropriate regulation legislation operate mandate Government Republic of Indonesia for protect interest Indonesian citizens or legal entities facing problem law abroad), mandatory protect the personal and interests of the victim, and make efforts For return the victim to upper Indonesia state fees (article 54 paragraph (1) UUPTPO and its explanation). Giving protection towards victims of TIP must done in accordance with provision

regulation legislation , law international , or habit international (article 54 paragraph (3) UUPTPO). Victim protection aside realized in form he was convicted a perpetrator , is also realized with form fulfillment rights which include :

1. Rights to Victim Confidentiality

According to article 44 paragraph (1) UUPTPO, victims of TIP have the right obtain confidentiality identity also given to the victim's family arrived with degrees second , if get threat Good physique nor psychic from other people concerned with victim's statement (article 44 paragraph (2) UUPTPO). Article 24 UUPTPO provides penalty for everyone who tells the identity of the victim though to her has informed , that identity of the victim must kept secret .

2. Rights to Restitution

Every victim of TIP or expert his heir entitled obtain restitution (article 48 paragraph (1) UUPTPO). Restitution based on article 1 number 13 UUPTPO, interpreted as payment change losses charged to perpetrator based on decision powerful court law still on loss material and/immaterial suffered by the victim or expert his heir . In article 48 paragraph (2) UUPTPO as well explanation , confirmed that restitution for every TIP victim or expert his inheritance , in the form of change make a loss above : a. Lost riches or income ; b. Suffering ; c. Cost For action maintenance medical and/ or psychological ; and/ or d. Losses others suffered by the victim as consequence from human trafficking .

3. Rights to Rehabilitation

Rehabilitation is series activity service shown For recover and develop someone who experiences dysfunction social so that can can carry out function social in a way reasonable. Rehabilitation process towards TIP victims, ideally directed towards recovery condition Good physique nor psychological, so that TIP victims can operate his activities daily in scope House stairs and can live in the middle public like beginning .

CONCLUSION

Human trafficking is practice organized crime Where as a result can become common phenomenon among society intermediate down . Involvement of the victim himself on what happened Because various activity like recruiting , transporting , and hiding somebody For exploitation , incl sexual , work force , or slavery . Conflict and violence in society also makes it worse condition This , forces people to look for more life Good .

Effort protection It has also been given to victims of human trafficking including , various element protection law including recorded in law , grant help Good physique nor psychology , international cooperation as well as do assessed prevention can reduce risk for public For become victims of human trafficking . Victim protection , including . With steps It is hoped that victims of human trafficking will be able to do this get justice and can restore self with dignity.

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