



Analysis of Case Studies on The Crime of Human Trafficking

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Abstract. The study seeks to investigate the challenges in the enforcement of laws pertaining to human trafficking offenses involving Indonesian migrants. This research addresses legal challenges from a normative perspective grounded in the rule of law inside statutes and regulations. The material utilized in this study is empirical judicial. Field research is undertaken to examine the many legal requirements that are applicable in society. This research indicates a limited number of stakeholders involved, including Indonesian migrant workers, civil registry officials, airport staff, airport officers, and immigration personnel, who can facilitate the passage of Indonesian migrant candidates in terms of rewards. Legal action by the Indonesian migrant protection agency for the postponement of services, revocation of business licenses, recall of written agreements, business operations, and annulment of prospective commercial activities. Migrant workers and foreign laborers are responsible for their expenses. Prolonged initiatives are encouraged under the stringent oversight of Indonesia's labor service provider firms. Human trafficking is governed by Law No. 21 of 2007, which addresses eradicating this crime. The law serves two essential functions in social change: as an instrument of social control and as a method of social engineering. RT, RW, and village institutions contribute to community empowerment in effectively implementing preventative measures. Legal understanding pertains to the comprehension of the regulations established by written law about permissible and impermissible societal conduct.

Keywords: human, trafficking, crime, law, labor

INTRODUCTION

Human trafficking is qualified as a criminal in many countries. Human trafficking has become a global phenomenon that can affect anyone without tier. This act does not look at age, gender, and social status. The incident occurred across countries. The international community pays attention through various international conventions and protocols that human trafficking is a criminal act that must be eradicated.

Employment conditions in Indonesia are still a problem for migrant workers. Issues include implementing, placing, and protecting migrant workers abroad and law enforcement. The law can coerce and apply sanctions in the form of coercive actions under certain conditions.

Law Number 21 of 2007 addresses eradicating human trafficking, specifically outlined in Chapter I, General Provisions, Article 1. Human trafficking involves the recruitment, harboring, transportation, or acceptance of an individual through threats of violence, actual violence, abduction, confinement, forgery, exploitation of power, manipulation of vulnerable circumstances, or coercion through debt to secure the consent of the individual exerting control over the victim. This conduct occurs both domestically and internationally to exploit individuals or lead to their exploitation. Human trafficking encompasses any action or set of actions that fulfill the non-criminal components. A victim is one who endures psychological, mental, physical, sexual, economic, and social distress. Any person or entity that engages in the crime of human trafficking is considered an individual or company.

Social changes that occur in society, both rural and urban, affect the occurrence of human trafficking, both children and women. These social changes have changed the lifestyle of the people to consumerism, materialism, hedonism, and a wrong understanding of religious values such as secularism and permission. There has been a shift in family relations. Namely, men are no longer the primary breadwinners. West Java is a province that supplies migrant workers abroad who have the potential to become victims of women's trafficking.

The police are still not optimal in handling human trafficking compared to other issues such as terrorism, corruption, the handling of foreigners, and cases of illegal migrant workers. The hypothesis in this study is that the handling of human trafficking as a transnational crime is not optimally organized.

METHOD

This study uses empirical juridical research methodology. Empirical juridical research examines the application of normative legal provisions or legal occurrences within society. Research is conducted to assess the current conditions within the community, gather necessary facts and data, identify the problem, and devise a solution. This case study was performed at a law firm in Cirebon.

DISCUSSION

Slaves have been known since ancient times. A slave is a person who is bought or made into a slave, servant, or bongos and is a symbol of social status economically and politically if they own a slave. Human trafficking has been happening for a long time, starting with a degrading view of women, which dates back to the Middle Ages until the treatment of the law. In Indonesia, since independence on August 17, 1945, the 1945 Constitution has been made, which includes protection for the entire Indonesian nation and provides welfare for its citizens. The Government of Indonesia protects every citizen with Human Rights that regulate the rights and obligations of each individual.

The Government of Indonesia has enacted comprehensive legislation on human trafficking, specifically Law Number 21 of 2007, which addresses the eradication of trafficking in humans. Widnyasoebroto defines trafficking in persons as the recruitment, transportation, sheltering, sending, transferring, or receiving of an individual through threats of violence, force, kidnapping, detention, forgery, fraud, abuse of power or a vulnerable position, debt bondage, or the provision of payment or benefits to secure the consent of an individual in control of the victim, whether domestically or internationally, for the purpose of exploitation, including pedophilia, legal or illegal migrant labor, child adoption, or mail-order brides. Domestic workers, panhandlers, the adult entertainment sector, narcotics trafficking, organ trade, and various other forms of exploitation.

Human trafficking is governed by the Criminal Code, which includes stipulations prohibiting the trafficking of minors, including females and males. Article 297 of the Criminal Code stipulates that the trafficking of women and boys is punishable by a maximum imprisonment of six years. Article 324 of the Criminal Code stipulates that any individual who, at their own expense or that of another, engages in slave trading or participates directly or indirectly in such activities, faces a maximum imprisonment of 12 years.

The elements contributing to women's trafficking in West Java include economic and socio-cultural influences, inadequate social resilience, and insufficient education and skills. Poverty, restricted employment prospects, familial circumstances, a consumptive lifestyle, a propensity to undervalue religious principles, and economic challenges in the victim's region of origin—such as unemployment, destitution, and social disparity—have compelled parents to instruct their children (particularly daughters) to engage in high-risk

occupations for sexual exploitation, including domestic work, restaurant service, and employment in entertainment establishments.

West Java has quite a lot of poverty pockets, so it is the target of women's trafficking research. According to BPS, West Java consists of 27 districts with a poverty rate of 15 districts above the provincial average in March 2017, with the highest poverty rate in the city of Tasikmalaya, which is 14.8% of the city's population. The national poverty rate is 8.71%, and the provincial level of West Java is 10.64%. The number of ..., namely 13.67%, followed by Kuiningan at 13.27%.

TKI plays an essential role in poverty alleviation in West Java. In 2016, West Java was the largest sender of labor abroad, namely 51,047 people, and in 2017, as many as 50,737 people. Female workers in West Java have the lowest wages compared to men. Women are more obedient, which does not complicate company policies and can reduce production costs. The condition of poverty and lack of employment in West Java encourages the large number of migrant workers, who, in various cases, are placed in nightlife venues. Karaoke drivers and sex workers with unclear employment agreements.

The findings of a case study examining human trafficking via the overseas distribution of domestic helper (ART) labor services. The offender faces criminal charges under Article 4 of Law No. 21 of 2007 pertaining to the eradication of human trafficking offenses. The incident involved a legal transgression in the allocation of employment services to Saudi Arabia, perpetrated by individuals rather than authorized institutions or companies, in violation of applicable laws and regulations, specifically Article 4 in conjunction with Article 55 paragraph (1) of the Criminal Code, and Article 81 in conjunction with Article 69 of Law No. 18 of 2017 regarding the protection of Indonesian migrant workers, alongside Article 55 paragraph (1) of the Criminal Code. Article 83 of Law No. 18 of 2017 in conjunction with Article 68, Article 5, and Article 55, Paragraph 1 of the Criminal Code.

The offense of human trafficking culminated in decision number 363/Pid.Sus/2023/PN Sbr. In accordance with relevant rules and regulations, the defendant's action of assigning the victim's witness to employment abroad, specifically in Saudi Arabia, was executed independently and not through a recognized organization or company.

The defendant's conduct is governed and penalized by Article 4 of Law No. 21 regarding the eradication of human trafficking and Article 55 paragraph (1) 1 of the

Criminal Code. The expert asserts that understanding the definition of Trafficking in Persons is essential, encompassing each conduct or sequence of criminal crimes delineated in UiUi No. 21 of 2007 concerning PTPPO (Article 1, number 2).

Taking into account Article 4 of Law No. 21 of 2007 concerning the eradication of the crime of trafficking in persons Jo Article 55 paragraph (1) 1 of the Criminal Code and Law No. 8 of 1981 concerning the criminal procedure law and other relevant laws and regulations, the court proposes:

1. Declaring the defendant legally and convincingly guilty of the criminal act of "facilitating the removal of Indonesian citizens from the territory of the State of Indonesia for exploitation outside the State's territory," as articulated in the first indictment by the public prosecutor.
2. Consequently, the defendant is sentenced to a prison term of four years and three months, along with a fine of Rp 200,000,000 (two hundred million rupiah), stipulating that failure to pay the fine will result in an additional three-month prison sentence.
3. Sentence the perpetrator to remit compensation to the victim in the amount of Rp 29,243,800.00, to be paid within 14 days from the day this decision attains final legal authority. Assume the criminal lacks the financial means to fulfill restitution obligations. The Court mandates the public prosecutor to seize the convict's assets and auction them to satisfy the reparation payment. If the offender lacks assets, they shall undergo alternative detention for a duration of one month.
4. The duration of the defendant's appointment and detention shall be fully subtracted from the imposed sentence.
5. Stipulating that the defendant remains in custody;
6. Determine evidence in the form of 1 passport bundle with C7380885 number and Visa 6072688308 number. One piece of family permission letter was returned to the victim's witness
7. Charging the defendant to pay the case fee of Rp 5,000.00 (Five thousand rupiah)

This decision was made during the deliberative session of the Panel of Judges at the Sumber District Court on Monday, January 29, 2024, by me, Achmat Ukayat, S.H., M.H., in my capacity as the Presiding Judge. Dony Riva Dwi Putra, S.H., M.H., and Chandra Rievolisa, S.H., M.H., were inaugurated as Member Judges during an open session on Thursday, February 1, 2024. They were accompanied by the Chief Judge and assisted by

Hj. Suigi Puirwanti, S.H., M.H., Substitute Registrar at Negeri Sumber, with attendance from Sofyan Agung Mauilana, S.H., Public Prosecutor, and the Defendant.

CONCLUSION

From the results of the above research, it can be concluded that

1. Numerous individuals continue to perpetrate crimes of human trafficking independently, rather than through authorized institutions or companies in accordance with existing laws and regulations. In Indonesia, insufficient legal awareness persists due to poverty, inadequate education, unemployment, and underemployment, which contribute to the prevalence of human trafficking crimes.
2. Prevention measures concerning human trafficking are governed by Chapter VI, Articles 55 to 58. The prevention of human trafficking refers to proactive measures aimed at averting the occurrence of such crimes at the earliest possible stage. To ensure the effectiveness of these prevention efforts, they must be executed optimally and in a comprehensive, integrated, and sustainable manner. This requires well-coordinated collaboration among the central government, local governments, religious organizations, non-governmental organizations (NGOs), academic institutions, mass media, and all other societal components, while enhancing the roles and functions of relevant sectors at both central and regional levels.
3. The regulations concerning the crime of human trafficking in Law No. 21 of 2007 align with public expectations for the implementation of criminal law in this area. Nonetheless, facilitating the enforcement of trafficking in persons criminal law necessitates support from the content of other legal disciplines.
4. In support of initiatives to combat human trafficking, the Government has promulgated regulations aimed at safeguarding and upholding human rights, specifically Presidential Decree No. 87 of 2002 regarding the National Action Plan for the Elimination of Commercial Exploitation of Children (RAN PESKA) and Presidential Decree No. 88 of 2002 concerning the National Action Plan for the Elimination of Trafficking in Women and Children (RAN P3A).
5. Challenges in addressing infractions by Indonesian migrant worker placement agencies include diligent officials seeking civil employment records from health, immigration, and airport authorities who facilitate the CPMI with certain incentives. Actions taken encompass service suspension, revocation of corporate licenses, issuance of written warnings, temporary cessation of partial or total business operations

concerning Indonesian migrant workers (PMI), annulment of prospective Indonesian migrant workers' departures, and repatriation of Indonesian migrant workers from abroad at their own expense.

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