

# Handling Criminal Act of People-Trafficking Subject on Indonesian Migrant Workers in the Immigration Law Perspective (Case Study of Immigrated Criminal Acts of Class I Special Immigration Office Tpi Soekarno Hatta)

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**Abstract:** *Criminal Act Of People-Trafficking (TPPO) which uses the mode or targets migrant workers as the subject is an activity carried out in an organized and international manner. In efforts to prevent and eradicate TPPO, the strategic steps to eradicate TPPO are taken with reference to what has become an international agreement. This research was conducted to find out 1) How Handling Cases of Criminal Act Of People-Trafficking with Subjects of Indonesian Workers in accordance with applicable laws and regulations; 2) How to optimize efforts to Eradicate Criminal Act Of People-Trafficking from the immigration perspective, in order to reduce the negative impact on Indonesian Workers. This research method uses a normative juridical approach which is aimed at policy issues in establishing and formulating TPPOs and implementing sanctions. The results of this study can be explained that 1) the form of violations of human rights, especially the problem of trafficking in persons, is the government's efforts to ratify the provisions of international law into national law, such as the enactment of Act Number 21 Year 2007 concerning the Criminal Act Of People-Trafficking; and 2) To minimize and prevent more cases of TPPO, good coordination between competent institutions and socialization of the community is needed. At the community level, this can be done by providing labor-intensive training to communities that do not yet have the ability to improve the community's economy and provide knowledge about human trafficking. At the national level, among others enforce Law Act 21/2007, improve security at national borders, both land and sea and air, increase security in immigration (overseas permits), increase employment, improve education, close off potential places. sexual exploitation. At the foreign level, among others improving cooperation between countries, conducting joint operations, and forming organizations to combat trafficking in persons.*

**Keywords:** Indonesian Migrant Workers, Criminal Act of People-Trafficking

## 1. Preliminary

### Background

The development of civilization led to an extraordinary increase in population. Improvements in food and nutrition, improving health and the environment, various technological conveniences and improving the quality of life encourage people to continue to develop, in terms of thinking and including carrying out offspring. The industrial revolution that occurred in the last two centuries the number of people grew tremendously from about one billion to six billion, the phenomenon of "population explosion" is inevitable.<sup>1</sup>

During 10,000 human generations, the population never exceeded 1 billion people. Now, in just three generations, the world population has increased significantly, from 1 billion people to 6 billion people. Even this generation is predicted to experience a world population of 9 billion

people<sup>2</sup>. This is a change that can be categorized drastically and change the history of human civilization.

In the increase of human population, three linkages between human population and the earth as their place of residence can be a long-term human race problem. The first phenomenon is that the population is so large and requires extraordinary resources and energy from nature. And see the impact of environmental pollution and environmental damage caused by development in its efforts to meet human needs.<sup>3</sup> Second, humans lose control of the creation and development of technology that continues to grow. So that in some cases, humans have lost their conscience and humanity because of dependence on technology. Third is the loss of morality in humans themselves. When development and human growth cannot improve the quality of life, but eliminate morality in humanity, which in turn causes

<sup>1</sup> Baiquni, M., 2009. "Revolusi Industri, Ledakan Penduduk Dan Masalah Lingkungan". Jurnal Sains & Teknologi Lingkungan, 1(1), pp.38-59.

<sup>2</sup> Ahmad, Askar. "Misipropetik pendidikan islam: membentuk karakter menujutransformasi sosial membangun peradaban." *HUNafa: Jurnal Studia Islamika* 8.1 (2011): 175-188.

<sup>3</sup> Kristiyanto, Kristiyanto, and Netty Demak Sitanggang. "Dinamika Kajian Ekologi Integratif, dalam Membangun Pola Pembangunan yang Berkelanjutan." *Formatif: Jurnal Ilmiah Pendidikan MIPA* 6.2 (2016).

damage to the environment and results in the destruction of the carrying capacity of life<sup>4</sup>.

In the development of a very drastic population, there is a phenomenon known as the "Demographic Transition Model".<sup>5</sup> During the First Phase, the population in the preindustrial era experienced high birth rates and followed by high mortality rates. Many babies are born dead and high risk experienced by mothers who conceive and give birth. During their growth, children often experience malnutrition and illness so that life expectancy is relatively low. In these conditions, the population does not experience high growth so that the population in preindustries is not large.

The Second Phase is an initial transition marked by the still high birth rate, but there is a significant decrease in mortality. During this phase a number of changes occur which are marked by an increase in nutrition due to food availability and improved health quality. Thus life expectancy is getting longer as a result of a healthy population and not experiencing as many outbreaks of disease as had happened in the past. The phenomenon of high birth and longer life expectancy, affecting the population increased dramatically termed a "population explosion".<sup>6</sup>

The third phase is an advanced transition marked by declining birth rates, but due to the high population, the "population explosion" reaches its peak. The population problem is felt to be quite heavy in providing food and basic needs for health, education and livelihood. Residents began to implement birth spacing with family planning campaigned by the government, especially in developing countries.<sup>7</sup> Population growth reaches a peak of high population.

The Fourth Phase is the industrial era where the population situation has been in a fairly high stability. Birth rates are low and mortality rates are also low, but because the population has reached a high rate has implications for meeting the high needs of life as well. A prominent phenomenon in the industrial era is the existence of lifestyles and skyrocketing consumption levels. Energy needs are increasing, natural resources are exploited and food production is multiplied to meet the ambitions of a few people.

**Table 1:** Data on the Dispatch of Indonesian Workers (TKI) During the New Order

Country of destination	Pelita I (1969-1972)	Pelita II (1974-1979)	Pelita III (1979-1984)	Pelita IV (1984-1999)	Pelita V (1989-1999)	Amount	Percentage (%)
Malaysia	12	536	11.441	37.785	122.941	172.715	19,7
Singapore	8	2.432	5.007	10.537	34.496	52.480	6,0
Brunei	-	-	-	920	7.794	8.714	1,0
Hongkong	44	1.297	1.761	1.735	3.579	8.416	1,0
Japan	292	451	920	395	2.435	4.493	0,5
Korea	-	-	-	-	1.693	1.693	0,2
Taiwan	37	-	-	178	2.025	2.240	0,3
Netherland	3.332	6.637	10.104	4.375	4.336	28.784	3,3
US	146	176	2.981	6.897	984	11.184	2,3
Saudi Arabia	-	3.817	55.976	223.573	268.858	552.224	62,8
Other middle east countries	-	1/235	5.349	3.428	15.157	25.169	1,7
Etc.	1.653	461	2.871	2.439	2.832	10.256	1,2
Total	5.524	17.042	96.410	292.262	467.130	868.356	100

Source: Public Relations Directorate General of Immigration

During the New Order era, the policy of increasing the sending of Indonesian Workers (TKI) was a step to support President Soeharto's policy in overcoming the problem of massive unemployment that occurred at that time. The Guidelines for State Policy (GBHN) became the reference for the Five-Year Development Plan (Repelita) during the New Order, whose direction and policy towards sending migrant workers was to demonstrate Indonesia's political and economic stability in the eyes of the world as well as national development.<sup>8</sup> During the reign of President Soekarno, TKIs working abroad, especially Malaysia, were already underway. However, sending migrant workers abroad was not very developed, because the focus of the Sukarno administration was on the initial development and reconstruction of the country which had long been controlled by the Dutch colonial. However, historical records do not write much about the policies and regulations governing the sending of migrant workers abroad during the fall of the Sukarno regime.

During the administration of President Baharuddin Jusuf Habibie, it was known as a transitional regime.<sup>9</sup> One of the challenges and achievements is the recovery of economic conditions, from a position of minus 13.13 percent growth in 1998 to 0.79 percent in 1999.<sup>10</sup> Habibie published various financial and monetary policies and brought the Indonesian economy to a time of awakening. The rupiah exchange rate

<sup>4</sup> Handitya, Binov. "Peran Pendidikan Dalam Membangun Moral Bangsa Di Era Disrupsi." *Seminar Nasional PKn UNNES*. Vol. 2. No. 1. 2018.

<sup>5</sup> Wilopo, Siswanto Agus. "Transisi demografis dan Pembangunan berkelanjutan." *Populasi* 6.1 (1995).

<sup>6</sup> Widarjono, Agus. "Penduduk dan Pertumbuhan Ekonomi di Indonesia: Analisis Kausalitas." *Economic Journal of Emerging Markets* 4.2 (1999): 147-169.

<sup>7</sup> Kusyanto, Heri. "Review Penurunan Fertilitas di Negara Berkembang: Trend dan Penjelasan." *Publikauma: Jurnal Administrasi Publik Universitas Medan Area* 5.2 (2018): 34-40.

<sup>8</sup> Karsidi, Ravik. "Paradigma Baru Penyuluhan Pembangunan dalam Pemberdayaan Masyarakat." *Mediator: Jurnal Komunikasi* 2.1 (2001): 115-125.

<sup>9</sup> Martin, A. (2010). "Quo Vadis Transisi Demokrasi": Arah Demokratisasi Indonesia ditengah Demokrasi Pasar. *SPEKTRUM*, 7(1).

<sup>10</sup> Joseph, C.P., Hartawan, A. & Mochtar, F., 2003. KONDISI DAN RESPON KEBIJAKAN EKONOMI MAKRO SELAMA KRISIS EKONOMI TAHUN 1997-98.

also strengthened from Rp 16,650 per US dollar in June 1998 to Rp 7,000 per US dollar in November 1998.<sup>11</sup>

Trafficking in Persons who use the mode or targeting migrant workers as their subject is an activity carried out in an organized and international manner. Transnational crime groups work almost the same way as the Multi National Company in the world market, which is looking for greater profits by crossing national borders.<sup>12</sup> Transnational Crime refers to an activity outside the boundaries of a country involving interconnected criminal networks. In this case, a crime is a transnational crime if: It is carried out in more than one country, committed in one country, but the preparation, plans, and targets of the crime are another country; The effect of these criminal acts across national borders; Associated with acts of transnational crime groups that are larger and exceed national borders.

Victims of human trafficking are vulnerable to exploitation, both sexually and forced labor. One reason is the lack of protection provided by the government to prospective Indonesian workers, who want to work abroad. Another prominent NGO, which was not named in the report, said that the number of women domestic workers (PRT) from Indonesia in the Middle East, experienced an increase in rape. Meanwhile, according to the International Organization for Migration (IOM), recruitment companies, both legal and illegal, are responsible for more than 50 percent of Indonesian women workers who experience trafficking in the destination country.<sup>13</sup>

**Table 2:** Indonesian Citizen Criminal Act Of People-Trafficking (TPPO) Victims 2012 - 2013

No.	Negara	2012	2013
1.	United States	1	0
2.	Australia	0	1
3.	Brunei Darussalam	1	0
4.	China	1	1
5.	South Korea	1	0
6.	Kuwait	1	0
7.	Malaysia	199	125
8.	Egypt	17	6
9.	Papua New Guinea	0	1
10.	UniEmiratArab	19	3
11.	Suriah	10	1
12.	Yordania	218	8
	Amount	468	146
	Total	614	

Source: Public Relations Directorate General of Immigration

In efforts to prevent and eradicate TPPO, the strategic steps to eradicate TPPO were taken by referring to what has become an international agreement, including: First, the Ratification of the UN Convention Against Organized

<sup>11</sup>Rochadi, S. (2014).Kebijakan industrial (isasi) dankontinyuitaskonflik industrial pascakrisisekonomi 1997/1998.*Masyarakat, Kebudayaan dan Politik*, 27(2), 91-103.

<sup>12</sup> S. Dordevic, "Understanding Transnational Organized Crime as a Security Threat and Security Theories" dalam*Western Balkans Security Observer*, no. 13 tahun 2009 (Belgrade: Carl Schmitt and Copenhagen School of Security Studies, 2009).

<sup>13</sup> <https://www.voaindonesia.com/a/article-3-juta-tki-korban-perdagangan-manusia-96420934/79768.html>, Accessed Wednesday 16/10/2019, 22.12 Western Indonesia Time

Transnational Crime (UNCATOC) through Act Number 5 of 2009. Secondly, Ratification of Protocols to Prevent, Act and Punish Trafficking in Persons, especially Women and Children through ActNumber 14 of 2009. Third, Bali Process on People Smuggling, Trafficking in Persons, and Related Transnational Crimes. Fourth, namely through communication through the ASEAN Regional Forums. The majority of Indonesian citizens (WNI) victims of TPPO abroad are in Malaysia, which is the second largest country after Saudi Arabia in the absorption of migrant workers. And for now law enforcement against the TPPO is regulated in laws, including ActNumber 21 of 2007 concerning Eradication of Trafficking in Persons, the Criminal Code, and Act Number 6 of 2011 concerning Immigration.

Implementation of Act Number 21 of 2007 concerning Eradication of Trafficking in Persons (PTPPO), is still lacking. All this time, law enforcement officials have used the Criminal Law Code (KUHP) to ensnare perpetrators of trafficking in persons whose networks are increasingly spreading. The PTPPO law should be used by law enforcement officials to handle cases of trafficking in persons, both domestic and international.

If the TPPO Law looks at its activities in general, the Immigration Act regulates the process of entry and exit of people through Indonesian territory in accordance with article 120 of the Immigration Act which reads in full:

"Anyone who commits acts that are for profit, either directly or indirectly, for oneself or for others by bringing someone or groups of people, whether organized or unorganized, or ordering others to bring someone or groups of people, both organized and unorganized, which do not have legal rights to enter the Indonesian Territory or exit the Territory of Indonesia and / or enter the territory of other countries, for which the person does not have the right to enter the territory legally, either by using legal documents or documents fake, or without using Travel Documents, whether through immigration checks or not, is convicted of Human Trafficking. "

Act Number 21 of 2007 concerning Criminal Acts on Trafficking in Persons (TPPO), the Criminal Code, and Act Number 6 of 2011 concerning Immigration intersect with each other, especially when the TPPO subject is processed, namely every person who crosses the national border. In addition, the fundamental difference from the application of the two laws above is the statement "with the intention to be exploited". What gives understanding is that there is an element of utilizing TPPO victims, so that in the government's efforts to eradicate TPPO, it starts with tightening the rules and increasing the vigilance of immigration officers, especially in the process of applying for passports and immigration processes at the border.

The Immigration Crime Case that occurred at the Class 1 Immigration Office Special Soekarno-Hatta TPI occurred by a suspect namely LailaYunita who violated criminal provisions namely Article 120 paragraph 1 and 2 article 126 letter b jo article 130 of Act Number 6 of 2011 concerning Immigration which reads:

“Any person who performs an action that aims to gain profit, either directly or indirectly, for himself or for others by bringing someone or groups of people, both organized and unorganized, or instructing others to bring someone or a group of people, both both organized and unorganized, who do not have legal rights to enter the territory of Indonesia or exit the territory of Indonesia and / or enter the territory of another State, for which the person does not have the right to enter the territory legally, either by using legal documents or immigration checks or not, being convicted of human smuggling with a minimum imprisonment of 5 (five) years and a maximum of 15 (fifteen) years and a maximum penalty of Rp.500,000,000.00 (five hundred million rupiah) and a maximum of Rp.1,500,000,000 , 00 (one billion five hundred million rupiah) or any person who deliberately use other Indonesian Travel Documents or those that have been revoked or declared canceled to enter or exit the territory of the Republic of Indonesia or any person who intentionally and unlawfully possesses another person's Travel Document or Immigration Document”

### Formulation of the problem

Based on the description above, then the next problem can be formulated as follows:

- 1) How is the handling of cases of trafficking in persons with Indonesian labor subjects in accordance with the provisions of the applicable legislation?
- 2) How to optimize efforts to eradicate crime in trafficking in persons from an immigration perspective, to reduce the negative impact on Indonesian workers?

### Research purposes

Every study requires a study that can give direction to the research conducted. Based on the description of the background and problems above, the research objectives are as follows

- 1) To find out the handling of cases of criminal acts of trafficking in persons with the subject of Indonesian workers at the Immigration Class I Office Special SoekarnoHatta TPI;
- 2) To find out the impacts that have arisen in the eradication of Trafficking in Persons with the subject of Indonesian Workers in the Immigration Perspective to the community.

## 2. Research Methods

### 2.1 Approach Method

The main problem in this research is that in understanding the TPPO problem, it is necessary to know that there are other legal regulations at the level of the law relating to the rules of entry and exit of Indonesian territory, namely Law Number 6 of 2011 concerning Immigration. Considering that the TPPO is a TOC category whose scope is between countries, and in the process every event must cross national borders whose provisions are regulated in the Immigration Act. In relation to trafficking in persons which includes recruiting, recruiting, transporting, transporting, transferring, or receiving someone with threats of violence, use of force, abduction, confinement, forgery, fraud, abuse of power or vulnerable position, debt bondage or payment or benefits , so as to obtain the agreement of the person in control of that

other person, whether carried out within the state or between countries, for the purpose of exploitation or to cause the person to be exploited<sup>14</sup>.

The target of this research is research aimed at policy issues in establishing and formulating criminal acts. Criminal Act Of People-Trafficking (TPPO) and the application of sanctions, the approach uses a normative juridical approach. The normative juridical approach used initially used positive legal inventory research which was a preliminary activity that was fundamental to conducting legal research. It also uses a systematic study of law used to find basic understandings in the legal system as well as research on legal principles that will be used to examine the application of criminal law principles.

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### 2.2 Method of Collecting Data

The type of data needed in this study is primary data, that is data obtained in the field and secondary data, namely library research. However, this research is mainly focused on secondary data because the nature of this study is normative, while primary data is used as a support to sharpen the analysis.

Data sources used consist of primary sources and secondary sources. For secondary data obtained through primary materials, namely the laws in force in Indonesia. Secondary legal materials are used in the form of expert opinions, scientific work, articles, papers and research results.

For primary data obtained through interviews with law enforcement officers, in this case the judge as the holder of the judicial power who holds the power to impose a crime against the perpetrators of the Criminal Act Of People-Trafficking (TPPO)

### 2.3 Data Collection Technique

Based on the approach and data in this study, the data collection methods used are:

Literature Studies and Document Studies, namely examining primary and secondary legal materials related to criminal law policies in the handling of Trafficking in Persons. Data obtained through library studies, and observations are processed in identification, classification, systematic and analysis. In accordance with the normative juridical approach that emphasizes secondary data, the strategy or approach used in analyzing data is a qualitative analysis

<sup>14</sup>Undang-Undang Nomor 21 Tahun 2007 Tentang Pemberantasan Tindak Pidana Perdagangan Orang. Pasal 1 ayat 1.

method. The qualitative analysis used is descriptive and perspective in nature, which will try to provide existing data and assess it and then analyze existing problems relating to the application of the law of the Criminal Act of Trafficking in Persons and contribute in the form of solutions to overcome the problem.

### 3. Discussion

#### A. Handling Criminal Act Of People-Trafficking with Indonesian Migrant Workers as Subjects at the Class I Special Immigration Office SoekarnoHatta TPI

The definition of trafficking becomes very important in identifying (victims) trafficking in persons. Article 3 of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which complements the UN Convention Against Transnational Organized Crime, contains the following definitions of trafficking in persons:

- 'Trafficking in persons' means the mobilization, transport, transmission, concealment or acceptance of persons, by threat or use of force or other forms of coercion, kidnapping, fraud, fraud, abuse of power or position of vulnerability or acceptance or acceptance of payments or benefits to reach agreement from someone who has power over another person, for the purpose of exploitation. Exploitation includes, at a minimum, the exploitation of the prostitution of other parties or other forms of sexual exploitation, forced labor or services, slavery or other practices similar to slavery, servitude or removal of human organs. "
- The consent of victims of trafficking in persons for exploitation stated in sub-paragraph (a) of this Article becomes irrelevant where any means stated in sub-paragraph (a) has been used "
- Recruitment, transfer, transfer, concealment or acceptance of a child for the purpose of exploitation must be considered 'trafficking in persons' even though this does not involve any of the methods stated in subparagraph (a) of this Article "
- Children 'means anyone under the age of eighteen. "

The key to understanding this definition is to recognize three interrelated elements that must exist cumulatively so that human trafficking can be said to have taken place, namely the process, method and purpose. In other words, activities must be achieved through means and the two must be interrelated in order to achieve exploitative goals. The process, is defined as the mobilization, transportation, delivery, concealment or acceptance of people. In this case not all elements must be met. One of these processes has already happened, so it can be said that human trafficking has taken place. Method, defined as an act with threats or the use of violence or other forms of coercion, kidnapping, fraud, fraud, abuse of power or position of vulnerability or acceptance or acceptance of payment payments or benefits to reach agreement from someone who has power over others. Purpose, namely for exploitation purposes. Where in this definition, exploitation includes but is not limited to sexual exploitation. But also the exploitation of labor for work or forced services, slavery, or other practices similar to slavery, servitude or the removal of human organs.

There are many factors that cause trafficking. In most cases, poverty is the most important cause of vulnerability and powerlessness<sup>15</sup>. If smuggled migrants are generally not from the poorest families or groups of people, the victims of trafficking are most often from the poorest and most marginalized families or communities. Apart from poverty, the problematic family situation is also a factor causing trafficking in persons<sup>16</sup>. Another cause is the lack of opportunities for education and access to information. The facts show that there is a strong correlation between trafficking in persons with low levels of education, inadequate training and lack of educational opportunities.

Other contributing factors are economic crisis, natural disasters, war and political conflicts. Sudden political change, economic collapse, civil society unrest, internal armed conflicts and natural disasters greatly increase the likelihood of a country becoming a source of trafficking victims. Disasters of this type create instability and mobilization of citizens, and result in economic and social insecurity. This could encourage women and girls to flee in search of other possible options, and in the process could put themselves in the hands of traffickers.

#### 1) National Law on Trafficking in Persons

In Indonesia, trafficking in persons has taken place for a long time. However, due to the absence of comprehensive laws and weak law enforcement coupled with the lack of sensitivity of government officials and public awareness, these crimes continue to be the main problems and challenges faced by the government and society<sup>17</sup>. International Organization for Migration (IOM), since 2005 has identified and assisted victims of trafficking in Indonesia as many as 3,339 people. Where almost 90% of victims are women, and more than 25% are children. Of course, the data do not describe the actual number of cases of trafficking in persons, but only those reported<sup>18</sup>.

On March 5, 2009, the Indonesian government ratified and enacted the Palermo Protocol through Act Number 14 of 2009, with a Declaration of Article 5 paragraph (2) letter c and Reservation of Article 15 paragraph (2) 40. Whereas since January 12, 2009, Act Number 5 of 2009 concerning Ratification of the United Nations Convention against Transnational Organized Crime (UN Convention Against Organized Transnational Crime). And on March 16, 2009, Indonesia enacted Act Number 15 of 2009 concerning Ratification of *the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime*.

<sup>15</sup>Wijayanto, D.E., 2014. Perlindungan Hukum Atas Tindak Pidana Perdagangan Orang Melalui UU No. 21 Tahun 2007 Tentang Tindak Pidana Perdagangan Orang. Jurnal Independent, 2(2), P.13.

<sup>16</sup>Effendi, E., 2013. Pemberantasan Perdagangan Orang Dengan Sarana Hukum Pidana. Jurnal Cita Hukum, 1(1).

<sup>17</sup>Makarao, M.T., 2019. Pemberantasan Tindak Pidana Perdagangan Orang. Veritas, 5(1).

<sup>18</sup>Utami, P.N., 2019. Penanganan Kasus Tindak Pidana Perdagangan Orang oleh Pemerintah Provinsi Nusa Tenggara Timur. Jurnal HAM, 10(2), p.195.

The Palermo Protocol encourages each participating country in this convention to establish legislative and other measures deemed necessary to prevent, prosecute and punish trafficking in persons, especially women and children. In Indonesia itself, before ratifying the Palermo Protocol, since April 19, 2007, Indonesia had enacted Act Number 21 Year 2007 regarding Eradication of the Criminal Act of Of People-Trafficking (PTPPO Law). In accordance with its title, the approach of this Act leads to the "criminal" aspect of trafficking in persons.

Before the aforementioned Law was passed, there were several statutory provisions in national law aimed at tackling the crime of trafficking in persons such as the provisions contained in the Criminal Code, the Child Protection Act and several laws the other. Unfortunately, these laws and regulations do not contain clear definitions of trafficking in persons. However, due to the lack of laws and regulations prior to 2007, a special legal instrument was needed to regulate the substantive and legal-formal basis that would deal with trafficking in persons. This new law must contain a clear and solid definition of trafficking in persons, which includes exploitative actions, methods and objectives such as the practice of trafficking in persons: whether to bring people to be trafficked domestically or abroad, is carried out by a person or group of people. This is the hope that the presence of a special regulation governing the eradication and prevention of criminal acts of trafficking in persons.

The long process of formulating Act Number 21 Year 2007 has finally been well received by the Indonesian and international community. The ratification of the law marks a milestone, as the law is seen as a comprehensive regulation and reflects the requirements stipulated in the UN Protocol, Indonesia as a signatory to the UN Protocol is bound by an agreement with the international community to see trafficking in persons as a complex crime and requires an approach comprehensive, including through five important approaches: law enforcement, prevention, social rehabilitation, victim protection, and community collaboration and participation. The Trafficking Act contains all five stages of this approach.

However, the existence of this law still has weaknesses such as material regarding the rights of children, where in this case the law does not fully refer to the provisions contained in the convention. Not regulating the definition of child trafficking in accordance with the Palermo Protocol, substantially results in the absence of more detailed regulations on child trafficking based on child rights.

In this case, the PTPPO Law does not recognize children as special cases because there are no major exceptions. This law does not recognize the vulnerability of children and children cannot agree to be exploited. This law does not criminalize child trafficking without regard to the elements used by the perpetrators. If children are trafficked for the purpose of exploitation without using elements of means, this action cannot be reached by the PTPPO Law. Although the PTPPO Law regulates children as victims of trafficking in persons, for example in Article 17, as stipulated in Articles 2.3 and 4 committed against children, the criminal threat is added by 1/3 (one third). However, the PTPPO Law

does not recognize the special situation of children as referred to in Article 3 section c of the Palermo Protocol which eliminates the necessity of having a "way" element. That is, for cases of children, still needed elements of "process / action, method, purpose / purpose", as is the case with adults.

Another weakness in this law is the definition of children contained in this provision. The definition of a child in the PTPPO Act is someone who is not yet 18 (eighteen) years old, including children who are still in the womb. This provision is not in line with the definition in the Palermo Protocol which states that a child is any person under the age of 18 years, this definition also cannot explain who the victim of trafficking was, whether the mother is pregnant or the child conceived, and what form of exploitation. This is considering that the so-called child trafficking in addition to fulfilling one of the elements of the process (recruitment, transfer, handover) must also be fulfilled in the form of exploitation. In connection with the definition of a child, one of the implications is that many people who include a fetus who is still in the womb of a trafficked mother and later born are also considered as child victims of trafficking.

Another problem related to the PTPPO Act is the matter of the definition of sexual exploitation contained in Article 1 number 8: "Sexual Exploitation is any form of sexual organs or other organs used by victims for profit, including but not limited to all prostitution and fornication activities."

This definition is the first in Indonesian laws and regulations at the national level. In addition to the provisions of Article 1 number 7 which regulates exploitation, the provisions of Article 1 number 8 directly link trafficking in persons with "prostitution", thereby criminalizing all forms of "prostitution", including those who freely choose to become "sex workers". In this case, it is possible to eradicate trafficking in persons using a framework to eradicate all forms of "prostitution" which in reality often criminalize women.

In addition, there are still issues regarding operational policies related to the implementation of the PTPPO Act. At present there are still general efforts related to the implementation of prevention, action and protection. With regard to protection, the PTPPO Act does indeed require the provision of forms of protection and services that are entitled to be received by witnesses and victims of trafficking in persons. The rights included for example guarantees of protection in giving testimony, the right to be accompanied by a defense attorney, the right to recovery and rehabilitation services, and the right to obtain compensation / restitution from the offender. However, this regulation must still be elaborated in implementing regulations, such as Government Regulations, National Police Regulations, Presidential Regulations, Presidential Decrees, Ministerial Regulations, and regional regulations.

This is important to be raised because cases of trafficking in people are like icebergs. Many became victims but because they were not fully protected because the operational mechanism was not clear, the victims and witnesses did not dare to report to the police and testify. Instead of reporting

to the police, rehabilitation for victims was not clear. Even if the victims are not rehabilitated, they will have an enormous psychological burden considering that they are generally victims of exploitation<sup>19</sup>.

Therefore, the operational policy becomes very important to be criticized because the implementation of efforts to eradicate trafficking in persons will be carried out based on these regulations. For example, as mandated by Article 46 paragraphs 1 and 2 of the PTPPO Law, the Indonesian government established Government Regulation Number 9 of 2008 concerning Procedures and Mechanisms for Integrated Services for Witnesses and / or Victims of Trafficking in Persons, which will be developed in each district / city for witnesses and / or victims of trafficking in persons. This Government Regulation mandates Ministerial Regulations concerning Minimum Service Standards and Operational Procedure Standards regarding return and integration. Thus, the vertical synergy between the regulations mentioned above becomes very important in efforts to eradicate and prevent trafficking in persons.

Other weaknesses related to this law are related to regional autonomy and decentralization. In the context of regional autonomy and decentralization, the main implementation of the eradication of trafficking in persons is related to regional government. This is also regulated in the PTPPO Act, Chapter VI on Prevention and Treatment where "the Government and Local Governments are required to make policies, programs, activities and allocate a budget to implement prevention and handling of trafficking in persons issues"<sup>20</sup>.

## 2) Immigration Law on Trafficking in Persons

One form of crime that is carried out across borders and within the territory of a country, is the crime of trafficking in persons. Trafficking in persons has become a problem in the international world, because its impact greatly affects social welfare. Then TPPO can be included as Organized crime, white collar crime, corporate crime, cyber crime, and even transnational crime.

Various efforts to prevent the crime of trafficking in persons have been done in various ways but the results are considered unsatisfactory. Even efforts to use legal means also have not shown significant results to be able to carry out efforts to prevent trafficking in persons, it must be adjusted to laws that have a strong relationship with politics, because legal reforms that begin from the formation until institutionalization is carried out by institutions politics, which is an institution of strength in society.

The process of making legal regulations is carried out through a formulation policy, while the process of law enforcement is carried out through an application / judicial

policy and the criminal implementation process is carried out with an execution / administration policy. The three stages of criminal law policies undertaken in preventing TPPO are as follows:

### 3) Formulation / Legislation Policy

Policy Formulation is the process of making laws and regulations carried out by lawmakers. The legislators referred to are the government, namely the president and the House of Representatives / DPR. This agency is authorized to make legal regulations.

The policy formulation / legislation stage is the most strategic stage because at this stage a legal regulation will be produced which will guide the next steps in the legal policy process. The legislative product called this law in the legal policy structure is the order of the formulation, and its position is in the abstract order (in the form of regulations / acts). This means that this law will have meaning if it is enforced in reality. For this reason, in order for this law to be realized in society, agencies that can implement it in law / political science are called executive bodies. While those in charge of implementing or streamlining the statutory regulations are called judicial bodies.

### 4) Application / Judgment Policy

The application policy is the stage of applying criminal law by law enforcement officials starting from the Police, Attorney General's Office and the court. This stage is also called the judicial stage. The application / judicial policy cannot be separated from the criminal justice system, namely the efforts of the community in tackling crime / crime. The application / judicial policy relates to law enforcement and the operation of law in society. By Karen, in realizing the Criminal Justice System, law enforcement officials must coordinate well in carrying out harmonious and authoritative duties.

### 5) Execution / Administration Policy

The execution policy is a legal policy in the concrete implementation phase of criminal law by the criminal implementing apparatuses and this stage is also called the administration stage.

### The role of immigration in cases of Criminal Act Of People-Trafficking (TPPO)

Security and order stability currently occurring in Indonesia is security stability that is regulated in accordance with laws and regulations in force in Indonesia or can be referred to as Positive Law. Even though Law Number 6 of 2011 concerning Immigration has been carried out, the community's lack of concern for immigration criminal acts is a challenge for Immigration Civil Servants (PPNS) in upholding the law and providing preventive and repressive steps towards immigration criminal cases. The main essence in Immigration is a series of activities in the provision of services and law enforcement in the context of safeguarding the entry and exit of people from and aiming to enter the territory of the Republic of Indonesia.

<sup>19</sup>S, E.B., 2018. KebijakanKriminalterhadapEksplotasiSeksualSebagaiTindakPidanaPerdagangan Orang dalamPerspektifKriminologi.WajahHukum, 2(1), p.42.

<sup>20</sup>Bintari, A. &Djustiana, N., 2017.UpayaPenangananKorban Dan PencegahanTindakPerdagangan Orang (Human Trafficking) Di KabupatenIndramayuProvinsiJawa Barat.Cosmogov, 1(1), P.124.

In Operational roles and duties of immigration into the concept of Tri Immigration Function<sup>21</sup>This concept states that in the immigration system there are several supporting indicators which contain legal material in this case immigration law regulations, facilities and infrastructure for immigration law. In this role immigration contains tri functions, namely:<sup>22</sup>

- 1) Community Service Function. The function of government or state administration that reflects the service aspect, from that aspect immigration is endowed with providing excellent services in the field of immigration both to Indonesian Citizens and Foreign Citizens;
- 2) The Law Enforcement Function, in carrying out the main duties of immigration, all immigration law rules are enforced to everyone who is in the jurisdiction of Indonesia, either to Indonesian Citizens or Foreign Citizens. Operations carried out in immigration in the field of law enforcement include several things, one of which is the refusal of granting entry permit, departure permit, immigration permit, and all of it enters the form of law enforcement that is investigative, the authority granted is to investigate immigration criminal acts;
- 3) Security function. Immigration functions as the guardian of the country's gateways, Immigration is the first and last institution in screening the arrival and departure of people entering and leaving Indonesian territory. The exercise of security functions aimed at Foreign Citizens are:
  - a) Selecting any foreign arrivals through the Visa inspection
  - b) Cooperating with other state security forces, especially providing supervision regarding immigration law enforcement
  - c) Carry out intelligence operations in the interests of state security
  - d) Carry out prevention and deterrence.

The Immigration Civil Servant Investigator has the authority in accordance with the law which forms the legal basis and in carrying out his duties is assisted and coordinated and conducts oversight by the National Police Investigator. The Immigration Act covers four aspects of activities, namely:<sup>23</sup>

- Managing the results of supervision and or investigation
- Investigation, conducting examination of suspects, witnesses and evidence of the results of supervision by making the official report
- Enforcement, carrying out an administrative legal action against a person who does not obey the rules and or carrying out activities which are dangerous to security and public order.

<sup>21</sup>Firdaus, I., 2018. Optimalisasi Pos Lintas Batas Tradisional dalam Pelaksanaan Fungsi Keimigrasian Studi Kasus I migrasi Entikong. *Jurnal Ilmiah Kebijakan Hukum*, 12(1), p.57.

<sup>22</sup>Syahrin, M.A., 2018. Menakar Kedaulatan Negara dalam Perspektif Keimigrasian. *Jurnal Penelitian Hukum De Jure*, 18(1), p.43.

<sup>23</sup>Syahrin, M.A. & Saputra, S., 2019. Tindakan Hukum terhadap Orang Asing Mantan Narapidana yang Memiliki Kartu Pengungsi UNHCR dalam Perspektif Keimigrasian. *Jurnal Ilmiah Kebijakan Hukum*, 13(2), p.139.

- Completion and submission of case files is the final activity of the immigration criminal investigation process.

Just like other laws, that immigration law has several types of law enforcement efforts in order to achieve the objectives of the law. Juridical implications of human smuggling in article 120 juncto article 126 letter b juncto article 130 of immigration criminal acts in Law Number 6 of 2011 concerning Immigration can be linked to efforts to deal with other crimes between:<sup>24</sup>

#### a) Preventive Efforts

This effort is a preventative action. Preventive efforts in the field of immigration are carried out by means of security measures against immigration documents or commonly referred to as Travel Documents.<sup>25</sup> So that what is meant by travel documents such as passports, visas, or other travel documents that are legally and officially not misused by parties who are only looking for profit or parties who are not entitled.

#### b) Repressive Efforts

Mitigation measures used in a repressive way in the field of immigration or better known as the Immigration Act. Immigration Acts are actions carried out by the authorities against a (perpetrator) who has been proven to have committed acts of irregularities, violations, abuse, and crimes in the enforcement of immigration law. Then the Immigration Act can be divided into 2 types, namely:

#### 1) Non Litigation Actions

The following types of non-litigation actions in immigration are related to an element that provides an incorrect or falsified statement in an immigration document, including:

- a) Administrative actions related to the application and use of immigration documents;
- b) Prevention and Deterrence;
- c) The requirement to reside in a certain place in the territory of Indonesia;
- d) And deportation.

#### 2) *Pro Justitia's* Actions

Criminal sanctions for acts that meet the elements of people smuggling<sup>26</sup> contained in the criminal provisions of Article 120 and article 126 letter b of the Immigration Act has a cumulative nature which means that the sentence given to someone (the perpetrators) is multiple in the violations that have been committed, such as criminal penalties for fines and imprisonment. Cumulative punishment<sup>27</sup> happens if one person commits two or more criminal acts at the same time.

<sup>24</sup>Fernando, Sam. "Politik Hukum Pemerintah (Direktorat Jenderal Imigrasi)

*Dalam Menanggulangi Masalah Penyelundupan Manusia.* "Kumpulan Jurnal Mahasiswa Fakultas Hukum 1.1 (2014).

<sup>25</sup>Rahman, Tri. "Analisis Pengawasan Warga Negara Asing Pada Kantor Imigrasi Kelas II Tanjung Balai Karimun." Diss. Universitas Islam Negeri Sultan Syarif Kasim Riau, 2018.

<sup>26</sup>Martha, I. Dewa Agung Gede Mahardhika. "Pertanggungjawaban Pidana Terhadap Pelaku Tindak Pidana Penyelundupan Manusia (People Smuggling)." *Jurnal Magister Hukum Udayana* (Udayana Master Law Journal) 5.1: 111-118.

<sup>27</sup>Hakim, Mohammad Azizun, And Purwoto Eko Soponyono. "Kebijakan Hukum Pidana Dalam Upaya Penanggulangan Tindak Pidana Imigran Illegal." *Diponegoro Law Journal* 1.4 (2012).



Criminal sanctions related to human smuggling cases in the field of immigration according to criminal provisions regulated in Law Number 6 of 2011, namely:

**a) Article 120 contains sanctions:**

Human Smuggling Cases are subject to imprisonment for at least 5 (five) years and a maximum of 15 (fifteen) years and a fine of at least Rp.500,000,000.00 (five hundred million rupiah) and a maximum of Rp.1,500,000,000.00 (one billion and five hundred million rupiah).

**b) Article 126 letter b contains sanctions:**

Using the Travel Documents of the Republic of Indonesia of another person or that has been revoked or declared canceled to enter or exit the Territory of Indonesia without rights, shall be liable to a maximum imprisonment of 5 (five) years and a maximum fine of Rp.500,000,000.00 (five hundred million rupiah).

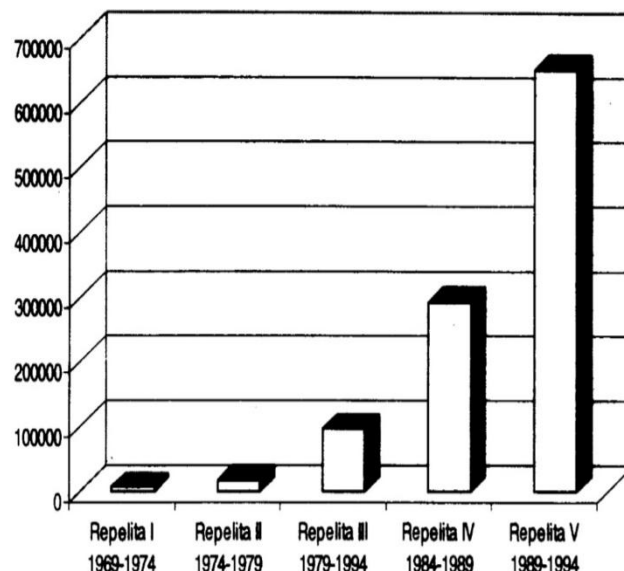
**c) Article 130 contains sanctions:**

Any person who intentionally and unlawfully possesses a Travel Document or other Immigration Document belonging to another person, shall be liable to a maximum imprisonment of 2 (two) years and / or a maximum fine of Rp.200,000,000.00 (two hundred million rupiah) .

Maka Penyidik Pegawai Negeri Sipil Keimigrasian dalam menanganisegalabentuk kasus yang berkaitan dengan Tindak Pidana Keimigrasian sangat berperan dalam menyelesaikan permasalahan yang terjadi, karena di dukung oleh Hukum Keimigrasian yang di dalam nyaterdapat Undang-Undang Nomor 6 Tahun 2011 Tentang Keimigrasian, menjadikunci tamada dalam menjalankantugas sebagai Penyidik Pegawai Negeri Sipil Keimigrasian.

**B. Impacts that have arisen in the efforts to eradicate Criminal Act Of People-Trafficking with the subject of Indonesian Workers in the Immigration Perspective to the community**

The relatively rapid economic growth in several countries in general and ASEAN in particular seems not only to have affected the level of prosperity of the countries around it, but it has also given rise to quite a turmoil in population movements. Specifically, this can be noted through migration cases Indonesian workers abroad. According to a report from the Ministry of Manpower of the Republic of Indonesia (1994), since the beginning of the REPELITA, the country has been actively sending workers abroad. Although initially this number was relatively small compared to other exporting countries, such as the Philippines, Pakistan, India and Sri Lanka (Gunatilleke 1986; Stahl & Appleyard 1992), its development has increased significantly from year to year. From Diagram 1 it can be seen that up to Repelita III the number of Indonesians currently working abroad is 96,410. At the end of Repelita IV the figure had reached 292,262 people.



**Diagram 1:** Number of Indonesians employed Abroad From Repelita I to Repelita V

Source: Ministry of Manpower, Directorate of Overseas Employment Services, Development of Workforce Export Program in Repelita V and VI, 1994

This means that during the two REPELITA, the growth of Indonesians working in other countries has increased by more than two hundred fold. Up to Five Years, their number has reached 652,272 people. As Nasution (1997) explained, this number is actually far from the truth, because it does not include migrants who go through unofficial roads. Then from Table 1 it can also be known, during 1984-1994 countries in the Middle East Region were the most desirable destinations for Indonesian workers. During this period the number of Indonesians heading to the region, especially Saudi Arabia, was more than 50 percent of all Indonesian migrants working abroad. From the results of joint research conducted by the Indonesian Ministry of Manpower (Depnaker) with the Ministry of Population and Environment (KLH) in 1985 it was found that a significant increase in the number of Indonesian workers in Middle Eastern countries generally occurred due to high demand for labor in the country concerning, especially since the mid-1970s (since oil demand and prices have increased quite rapidly). Indonesian migrants in the Middle East are mostly women who work as domestic servants (Suyono, 1981; Cremer 1988).

**1) Impact on Migrants**

**a) Income**

Migrant income is one important aspect that is often discussed in studies of population mobility. Lee (1966) considers this as one of the driving or pulling factors that usually manifests the movement of people from one region to another. Based on the results of the author's research in Kuala Lumpur, it is known that Indonesian migrants who work in the construction sector earn quite high income when compared to the amount of salary they receive in Indonesia. Table 4 shows that their maximum income while still in Indonesia was around Rp.230,000.00 - Rp.250,000.00 every month. Once in Malaysia, they get a much higher income even though the amount varies greatly, depending on the status and type of work entered,

**Table 3:** Total Migrant Income every month while still in Indonesia

Income	N	%
Rp.00.000,00 – Rp.100.000,00	32	21,5
Rp.110.000,00 – Rp.130.000,00	40	32,9
Rp.140.000,00 – Rp.150.000,00	28	16,6
Rp.170.000,00 – Rp.100.000,00	15	10,1
Rp.200.000,00 – Rp.220.000,00	16	10,7
Rp.230.000,00 – Rp.250.000,00	9	6,0
Total	149	100,0

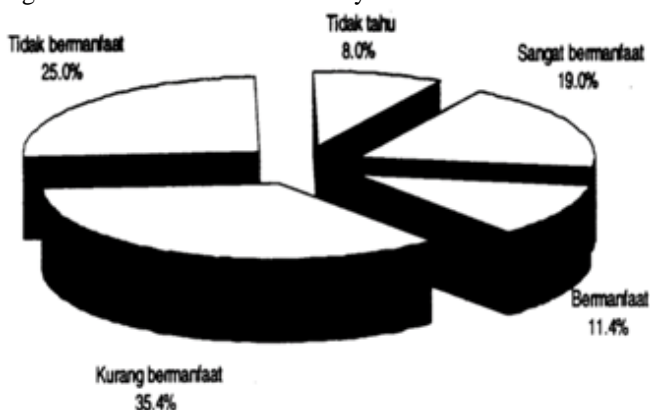
N :149 are the only immigrants who worked while still in Indonesia

#### b) Work experience

Migrant experience, especially related to work, is an interesting issue that is often discussed in various migration cases. Arnold and Shah (1984) for example have explained the influence of these job experiences among Pakistani migrants working in the Middle East. From their conclusions, the impact was small, with only about 25 percent returning to their hometowns stating that they had gained new knowledge while working abroad. Of that number, only a small percentage thought that this knowledge could be applied after being in their own country.

#### c) Sexual Behavior

Population movements not only affect the socio-economic conditions of migrants, but can also affect their sexual behavior (de Vletter, 1981: 99). Unfortunately, research on the implications of migration for sexual behavior is relatively rare. In most writings, support is only given to prostitutes who move from one place to another (Murray, 1994), or only see migrants as victims of employer sexual behavior that is often heard lately (Ling 1955; Bethan 1993). Therefore, this section explains how Indonesian migrants fulfill their sexual needs. This is considered important because many of the migrants have been married, but did not bring their wives or husbands to Malaysia. After all, they were long enough to be in the destination area. In this description the emphasis is only on migrants who are single or have been married, but do not bring a wife or husband together to the destination country



**Diagram 2:** Benefits of the experience received while working abroad

Source: Ministry of Manpower, Directorate of Overseas Employment Services, Development of Workforce Export Program in Repelita V and VI, 1994

#### d) Disease

Issues that link the phenomenon of population mobility with the health condition of migrants have long attracted the attention of experts from various disciplines (Junasa, 1978: 21). However, because it is difficult to obtain information, this is rarely discussed in depth, especially if this situation is associated with political issues (Salber and Beza, 1990). As is well known, because of the recent increase in the migration of workers from one country to another, migrant health issues need special attention. In addition to influencing migrants, this can also have a wider impact on the health of the local community. On this side, the condition of migrant dwellings, which are generally too simple, dirty, and rarely have clean water facilities, is also very likely to affect their health. For example, 84 people were found vomiting-defecation in the past three months. So is the case with those who experience respiratory problems and malaria fever. This situation is in accordance with the report of the Minister of Health of Malaysia, Lee Kim Sai (BeritaHarian, 17 November 1993). According to him, in 1993 the Malaysian Ministry of Health had found 6,116 cases of malaria fever among foreign workers. This number is 15 percent of all cases in Malaysia, while migrants with Tuberculosis (TB) and leprosy are 1,368 and 115 cases respectively (New Straith Times, 8 July 1994). In recent years, foreign workers in Malaysia have often also been linked to the issue of AIDS. For example, the Malaysian Deputy Minister of Health's report, Senator FaridAriffin stated that in the 1990s only about 5.4 percent of all immigrants were considered to be stricken with the HIV virus. In 1992 that number had risen to 11.1 percent, and according to Malaysian Deputy Minister of Home Affairs, DatokMegatJunedMegatAyob, of that number, Indonesian workers who were declared stricken with the HIV virus were the highest (Daily News, 3 November 1993). according to Datok Lee Kim Sai, the statement of the Deputy Minister of Home Affairs above cannot be ascertained because the investigation carried out does not look at the country of origin of the migrants (Kompas, August 14, 1992). The government is concerned about AIDS cases because many foreign workers in this country are involved with "free sex" behavior, so it is estimated that many of the migrants have contracted the HIV virus (Malaysian Envoy, 6 September 1993). Another impact that can occur due to free sex is syphilis (GO). From the results of research conducted it is known that although the number of migrants affected by this disease is relatively small, it is still higher than those who have respiratory problems, malaria fever, and jaundice (hepatitis).

#### 4. Conclusion

The rise of human trafficking (trafficking) in Indonesia, where this crime is a type of crime committed by organized union which covers national to international. This type of crime is a violation of human rights, namely the rights inherent in every human being including the natural, including the right to life, the right to family, the right to develop themselves, the right of justice, the right of freedom, the right to communicate, the right of security, and welfare which is therefore must not be ignored or taken by anyone.

So to eradicate the crime it is necessary to prevent in trafficking in persons so that acts of trafficking in persons such as child trafficking, child prostitution, human smuggling, migrants and discrimination as well as trafficking in women and prostitution. The form of violation of human rights, especially the problem of trafficking in persons, is the government's efforts to ratify the provisions of international law into national law, such as the enactment of Law Number 21 Year 2007 concerning the Criminal Act Of People-Trafficking.

Factors underlying the occurrence of cases of Criminal Act Of People-Trafficking are Poverty, Education, Strong Patriachat / Patriachi Culture, The existence of gender biases, hedonic and materialistic lifestyles, Corruption, and the weakness of Law Enforcement to suspects in cases of Criminal Trafficking in Persons with the subject of Manpower with the subject of Manpower Indonesia conducted an investigation into the Class I Special Immigration Office of SoekarnoHatta TPI. Then for the sake of further investigation, a detention was held in the detention room of the Class 1 Special Immigration Office of SoekarnoHatta TPI.

The Indonesian Workers as victims of People-Trafficking cases, will have the potential to impact the various impacts, among others; Ostracized; Depression (severe mental disorder); If tortured, physical disability will occur; Hopeless and hopeless; If it is prostituted, it will be infected with various HIV-AIDS; Death to the victim; Shame experienced by the victim's family; Feeling a negative view by the surrounding community.

## 5. Suggestion

To minimize and prevent more Criminal Act Of People-Trafficking (TPPO) cases, good coordination between competent institutions and socialization of the community is needed. At the community level, this can be done by providing labor-intensive training to communities that do not yet have the ability to improve the community's economy and provide knowledge about human trafficking. At the national level, among others enforce Act No. 21/2007, improve security at national and land and sea borders, improve security at immigration (overseas permits), increase employment, improve education, close off potential places. sexual exploitation. At the foreign level, among others improving cooperation between countries, conducting joint operations, and forming organizations to combat trafficking in persons.

## References

### Book

- [1] Ahmad, Askar. 2011. "Misipropetikipendidikanislam: membentukkaraktermenujutransformasisisosialmembangun peradaban." *HUNAFA: Jurnal Studia Islamika* 8.1. pp175-188.
- [2] Ali, Achmad. 2002, *Menguak Tabir Hukum (Suatu Kajian Filosofis dan Sosiologis)*, Penerbit Toko Gunung Agung, Jakarta, p.82-83.
- [3] Atmadja, I Dewa Gede, *Filsafat Hukum*, Setara Press, Malang, 2013, p.80).

- [4] Baiquni, M., 2009. "Revolusi Industri, Ledakan Penduduk Dan Masalah Lingkungan". *Jurnal Sains & Teknologi Lingkungan*, 1(1), pp.38-59.
- [5] Deflem, Mathieu. 2000. "Bureaucratization and social control: Historical foundations of international police cooperation." *Law and Society Review* pp. 739-778.
- [6] Dhanani, Shafiq. 2004. *Unemployment and underemployment in Indonesia, 1976-2000: paradoxes and issues*. ILO.
- [7] Emeers, R. 2003. "The Threat of Transnational Crime in Southeast Asia: Drug Trafficking, Human Smuggling and Trafficking, and Sea Piracy", (Singapore: Institute of Defence and Strategic Studies).
- [8] Friedman, L.M., 1986. *Legal Culture and the Welfare State*. G. Teubner, ed. *Dilemmas of Law in the Welfare State*.
- [9] Kristiyanto, Kristiyanto, and Netty Demak Sitanggang. 2016. "Dinamika Kajian Ekologi Integratif, dalam Membangun Pola Pembangunan yang Berkelanjutan." *Formatif: Jurnal Ilmiah Pendidikan MIPA* 6.2
- [10] Handitya, Binov. 2018. "Peran Pendidikan Dalam Membangun Moral Bangsa Di Era Disrupsi." *Seminar Nasional PKn UNNES*. Vol. 2. No. 1.
- [11] Joseph, C.P., Hartawan, A. & Mochtar, F., 2003. *Kondisi Dan Respon Kebijakan Ekonomi Makro Selama Krisis Ekonomi Tahun 1997-98*.
- [12] Kansil., Christine, S.T Kansil, Engelian R, Palandeng dan Godlieb N Mamahit, 2009, *Kamus Istilah Hukum*, Jakarta.
- [13] Karsidi, Ravik. 2011. "Paradigma Baru Penyuluhan Pembangunan dalam Pemberdayaan Masyarakat." *Mediator: Jurnal Komunikasi* 2.1 pp. 115-125.
- [14] Kusyanto, Heri. 2018. "Review Penurunan Fertilitas di Negara Berkembang: Tren dan Penjelasan." *Publikauma: Jurnal Administrasi Publik Universitas Medan Area* 5.2 pp.34-40.
- [15] Martin, A. 2010. "Quo Vadis Transisi Demokrasi": Arah Demokratisasi Indonesia ditengah Demokrasi Pasar. *SPEKTRUM*, 7(1).
- [16] Marzuki, Peter M., 2008, *Pengantar Ilmu Hukum*, Kencana, Jakarta, p.158.
- [17] Picarelli, John T., 2008, "Transnational Organized Crime" dalam *Security Studies: An Introduction* (Oxford: Routledge, 2008).
- [18] Picarelli, John T. 2010. "International Organized Crime: The African Experience" dalam *International Scientific and Professional Advisory Council of the United Nations Crime Prevention and Criminal Justice Programme* (Italy: Courmayeur Mont Blanc, 2010).
- [19] Picarelli, John T. 2011. *Transnational Organized Crime*: Chapter 30, page 453-466
- [20] Rato, Dominikus. 2010. *Filsafat Hukum Mencari: Memahami dan Memahami Hukum*, Laksbang Pressindo, Yogyakarta, p.59.
- [21] Rochadi, S. 2014. Kebijakan industrial (isasi) dan kontinyuitas konflik industrial pascakrisis ekonomi 1997/1998. *Masyarakat, Kebudayaan dan Politik*, 27(2), 91-103.

- [22] S. Dordevic, 2009. "Understanding Transnational Organized Crime as a Security Threat and Security Theories" dalam *Western Balkans Security Observer*, no. 13 tahun 2009 (Belgrade: Carl Schmitt and Copenhagen School of Security Studies).
- [23] Syarani, R.. 1999. Rangkuman Intisari Ilmu Hukum, Penerbit Citra Aditya Bakti, Bandung, p.23.
- [24] Wilopo, Siswanto Agus. 1995. "Transisidemografidan Pembangunan berkelanjutan." *Populasi* 6.1.
- [25] Widarjono, Agus. 1999. "Penduduk dan Pertumbuhan Ekonomi di Indonesia: Analisis Kausalitas." *Economic Journal of Emerging Markets* 4.2 pp.147-169.
- [26] Yeates, Nicola. 2009. *Globalizing care economies and migrant workers: Explorations in global care chains*. Palgrave Macmillan.
- [27] Agung Setiawan, Teori dan Konsep Migrasi, Surakarta, 2010, p. 7

### Laws and regulations

- [28] Act of the Republic of Indonesia, Number 6 of 2011 concerning Immigration, (Jakarta Sinar Grafika, 2011).
- [29] Act Number 21 of 2007 concerning Eradication of Criminal Act Of People-Trafficking.

### Internet

- [30] Dwika, "Keadilani Dimensi Sistem Hukum", [http://hukum.kompasiana.com.\(02/04/2011\)](http://hukum.kompasiana.com.(02/04/2011)), accessed on 5<sup>th</sup> September 2019.
- [31] <http://www.bnp2tki.go.id/berta-mainmenu-31/4054-sejarah-penempatan-tki-hingga-bnp2tki.html>, accessed on Tuesday 16/10/2019.
- [32] <https://www.voaindonesia.com/a/article-3-juta-tki-korban-perdagangan-manusia-96420934/79768.html>, Diakses pada hari Rabu Tanggal 16/10/2019, pukul 22.12 WIB

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