Regulation of Sanctions and Supporting Measures for the Enforcement of Laws against Human Trafficking in Indonesia

Dian Ety Mayasari
Faculty of Law, Darma Cendika Catholic University, Surabaya, Indonesia
dian.ety@ukdc.ac.id

Abstract. Law Number 21 of 2007 concerning the Criminal Act of Human Trafficking has been enacted in Indonesia. Nevertheless, the government of this country cannot independently eradicate human trafficking and requires collaboration with other countries, given the organized nature of this criminal act, where one country may function as the sender, and another as the recipient. This paper employs a normative juridical method that prioritizes literature review, emphasizing legal regulations and literature pertaining to the crime of human trafficking. The occurrence of human trafficking is not solely attributed to the weakness in law enforcement but is also influenced by factors such as poverty, patriarchal culture, and economic incentives. Law enforcement in Indonesia cannot operate independently but requires cooperation with other countries, considering Indonesia's geographically strategic position as both a transit hub and a source of human trafficking. This collaboration is crucial in the processes of apprehension, extradition, and prosecution of individuals involved in human trafficking, making a significant contribution to the efforts to eradicate this crime.

Keywords. Human Trafficking; Transnational Crime; Law Enforcement

1. Introduction
An individual possesses inherent rights in their life, and these rights ideally should be guaranteed by the state. Regrettably, despite the existence of legislation governing these rights, its implementation has yet to function effectively. A case in point is the Law Number 21 of 2007 concerning Human Trafficking Criminal Acts (hereinafter referred to as the Human Trafficking Law). This legislation is intended to serve as the legal framework for imposing sanctions on offenders and affording legal protection to victims. However, in reality, there remains a substantial number of individuals who fall victim to human trafficking.

Victims of human trafficking can be categorized into two groups: direct victims and indirect victims (Sinlaeloe, 2017). Direct victims are individuals who are directly targeted by the perpetrators, whereas indirect victims are those who, although not directly targeted, also experience suffering as a consequence of these actions (Waluyo, 2012). Based on information from the U.S. Department of Justice and publications by the United Nations, it is estimated that every year, between 700 thousand and four million people are trafficked worldwide. The majority of them originate from developing countries with low economic levels and are transported to more economically advanced countries (Sibuea, 2018). From the information
above, we see that not all countries are involved in the issue of human trafficking. However, Indonesia, as a developing country, is recorded as one of the nations engaged in human trafficking. The US Department of Justice also provides a report on the situation in Indonesia concerning the issue of human trafficking, outlined as follows (Sibuea, 2018):

a. Indonesia serves as a source country for trafficked individuals, predominantly women and children.

b. Victims are generally trafficked for the purposes of sexual exploitation and labor.

c. Destination countries include Hong Kong, Singapore, Taiwan, Malaysia, Brunei, Gulf States, Australia, South Korea, and Japan.

d. The government has not fully exerted sincere efforts to prevent human trafficking, although the issue has received increased attention compared to previous periods.

Human trafficking can be regarded as an organized criminal act. This perspective aligns with Brian Septiadi Daud and Eko Sopoyono, who cite Abdul Rahman Prakoso and Nurmalinda, stating that human trafficking is a well-organized crime involving methods ranging from conventional to modern, establishing networks from the national to international levels (Daud, 2019).

2. Research Methodology

The research employed in this writing adopts a normative juridical approach, signifying an analysis of the prevailing laws within society. The analysis is conducted utilizing legal theories that align with the core issues addressed in this writing. Consequently, the emphasis of this composition lies predominantly on literature review, utilizing primary legal sources and secondary legal materials.

Primary legal materials serve as the foundational legal resources in this research, notably those encompassing the Human Trafficking Law and the Criminal Code. Secondary legal materials, on the other hand, provide explanatory support to the primary legal resources. These include literature reviews, legal textbooks, and published journals relevant to this writing.

3. Results and Discussion

3.1. Factors and Forms of Human Trafficking

Penny Naluria Utami notes concerns regarding human trafficking in Indonesia due to the low level of supervision and the lack of seriousness among law enforcement agencies in dismantling criminal networks (Utami, 2019). Human trafficking doesn't solely stem from inadequate supervision and a lack of commitment among law enforcement to dismantle criminal networks. Additional contributing factors encompass (1) poverty, population displacement, and discrimination; (2) patriarchal culture; and (3) economic incentives. The narrowing of agricultural land in the rural areas in Indonesia can be considered an example of the causes of poverty. This occurs due to the adaptation to economic developments in the industrial sector, leading to a reduction in the demand for labor in the agricultural sector. When the workforce that previously operated in the agricultural sector transitions to the industrial sector, they often encounter challenges in aligning their skills. The low level of education is a factor associated with poverty, resulting in an inability to compete in the industrial job market. This phenomenon prompts the migration of labor to foreign countries, where individuals often find employment opportunities in domestic roles as household assistants or venture into informal sectors such as agriculture, entertainment establishments, and the sex industry (Farhana, 2010). Generally, people migrate to improve their personal or familial economic conditions. Such migrations
often occur from developing countries to developed ones, such as Eastern Europe and the Soviet Union, perceived as relatively safe destinations for migration (Ali, 2011).

Discrimination is a factor associated with patriarchal culture. Human trafficking victims, primarily women and children, are linked by limited employment and entrepreneurial opportunities for women compared to men. This is intensified by a noticeable knowledge gap between genders. Female ignorance in the context of globalization is also significant. Finally, the limited decision-making rights for women in family settings, typically dominated by men, are a crucial aspect (Farhana, 2010). This patriarchal culture is a societal and state perspective that subordinates women and children, resulting in them having little bargaining power in relation to their parents’ wishes. This is evident, for instance, when parents want them to be the breadwinners of the family or migrate abroad as migrant workers or, in some cases, involuntarily become sex workers (Ali, 2011). China is among the adherents of patriarchal culture. In this country, the majority of human trafficking cases are dominated by the victimization of children and women.

Economic gains in human trafficking arise due to illegal demand. For instance, women who are victims of human trafficking and are used as mail-order brides often originate from the Philippines, former Soviet Union countries, or nations in Latin America. Meanwhile, those seeking these services are typically men from the United States and the European Union (Ali, 2011).

Concerning the form of human trafficking described above, there is a phenomenon known as mail-order brides. Mail-order brides involve marriages that occur under coercion, leading to exploitation in both sexual and economic contexts. This phenomenon is highly regrettable as marriages in this context are not based on love but rather on pleasure and sexual desires. For instance, marriages through mail-order brides occur among the Chinese diaspora in West Kalimantan, with husbands originating from Taiwan, facilitated by local brokers from Singkawang, West Kalimantan (Farhana, 2010).

Other forms of human trafficking include sexual exploitation, forced labor, domestic slavery, illegal child adoption, debt bondage, and the trade of human organs. Sexual exploitation occurs in various contexts, including working in the pornography industry, providing sexual services for tourism purposes, or engaging in prostitution practices. For example, in Cambodia, the demand for children and women for sexual purposes increases every year, and the majority of them are sent to other countries. Another example involves women and children from Africa deliberately being sold to countries in America and Europe, rendering them victims of sex trafficking (Ali, 2011). Additionally, another form of human trafficking involves forced labor, comprising (Ali, 2011):

a. **Debt bondage**, carried out by perpetrators by ensnaring victims in a debt where the terms and services required to repay the debt are not clearly specified, and the perpetrator unjustly assesses the form of service provided by the victim;

b. **Child labor**, employing the children in any work that deprives them of their childhood; and

c. **Forced labor**, that is any work relation that employed workers under the threat of violence or destitution.

In situations of forced labor, victims experience psychological pressure by perpetrators as these activities are often carried out in concealed locations and devoid of any sense of humanity.

The domestic slavery in human trafficking involves placing victims to work exploitatively within someone’s household. Many victims come from countries such as Africa,
Thailand, Cambodia, and Indonesia. They often find themselves unable to resist due to a lack of proficiency in languages different from their native tongues, making it difficult for them to return to their home countries. Household slavery can be equated with forced labor, wherein victims are compelled to work beyond stipulated time limits without breaks, receive insufficient food allocations, and go without any form of compensation (Ali, 2011).

Illegal child adoption is a practice within the context of human trafficking, primarily that of children. Asian countries serve as the primary destination for illegal adoption, where these children are subsequently sold at high prices in markets in Europe and America (Ali, 2011). Debt bondage is employed in human trafficking due to the presence of poverty factors. Impoverished communities seeking employment opportunities for a better livelihood are often enticed by the benevolence of perpetrators who offer jobs, covering the costs of immigration document processing and living expenses for them. However, thereafter, the victim is compelled to engage in forced labor without receiving wages. The reason is that the wages that should rightfully be received by the victim are used to settle the costs incurred by the perpetrator, with an undetermined repayment period (Ali, 2011). The trade of human organs represents a violation of human rights, commonly associated with poverty factors. For instance, in hospitals in India, 64% of kidney glands are sourced from human organs obtained illegally (Ali, 2011). This occurs due to the high demand in the medical field for organ transplant surgeries, necessitating a similarly high supply of human organs, leading to the emergence of illegal means to acquire them.

3.2. Regulation of Sanctions for Human Trafficking Crimes in Indonesia

Addressing the crime of human trafficking requires the implementation of criminal law. While Bastianto Nugroho and M. Roesli consider the application of criminal law crucial, experts often depict it as a double-edged sword. This implies that, on the one hand, criminal law serves to protect society from the threat of crime, but on the other hand, it can jeopardize human rights if a judge imposes the death penalty, a right that should be safeguarded and protected by the law (Nugroho, 2017). The regulations regarding sanctions in the Anti-Trafficking in Persons Act (Undang-Undang TPP) are found in Articles 2 through 26. Article 2, paragraphs (1) and (2) of the TPP Act reflect the meaning of human trafficking carried out by individuals. Actions in human trafficking do not necessarily have to occur simultaneously but are viewed based on the roles of the perpetrators, collectively constituting a unified occurrence of human trafficking.

Article 2 paragraph (1) of the Anti-Trafficking in Persons Act imposes criminal sanctions on individuals committing the crime of human trafficking. These sanctions encompass imprisonment with a minimum sentence of 3 years and a maximum of 15 years, along with fines ranging from Rp. 120,000,000 (one hundred twenty million rupiahs) to Rp. 600,000,000 (six hundred million rupiahs). Additionally, it includes penalizing the perpetrator if the victim experiences exploitation, as stipulated in Article 2 paragraph (2), indicating a formal violation in the act of human trafficking. Article 3 of the Anti-Trafficking in Persons Act affirms the principle of territorial jurisdiction. The primary focus of Article 3 is on perpetrators who bring individuals into the territory of Indonesia with the intent of exploitation, whether within or outside the territory of Indonesia. This article applies to victims who may be Indonesian citizens or foreign nationals, and perpetrators are subject to imprisonment as stipulated in Article 2 paragraph (1). The territorial scope in Indonesia encompasses (Ali, 2011):

a. All the islands and land formerly under Dutch East Indies;
b. All Indonesian territorial waters and waters according to the Exclusive Economic Zone as stipulated in the International Law of the Sea, which includes the Indonesian water territory extended 200 meters forward from the original water territory boundary;

c. All physical structures of ships or boats bearing the Indonesian flag, even when sailing abroad, as regulated in Article 3 of the Criminal Code.

Article 4 also emphasizes the imposition of sanctions, but this time the victims are Indonesian citizens intended for exploitation outside the territory of Indonesia. While Article 3 brings the victims into the territory of Indonesia, Article 4 takes the victims out of the territory of Indonesia.

Article 5 and 6 of the Anti-Trafficking in Persons Act assert the occurrence of human trafficking crimes in the form of adoption of children. Article 5 emphasizes the actions of the perpetrator involving promising or giving something, while Article 6 emphasizes the actions of the perpetrator in sending a child either into or out of the country. The purpose of both Article 5 and Article 6 is exploitation, and the penalties include a minimum prison sentence of 3 years and a maximum of 15 years, along with a fine ranging from at least Rp. 120,000,000 (one hundred twenty million rupiahs) to Rp. 600,000,000 (six hundred million rupiahs). Children receive protection not only because of the Anti-Trafficking in Persons Act but also due to the enactment of Law Number 23 of 2002 concerning Child Protection, which has been amended by Law Number 35 of 2014 (hereinafter referred to as the Child Protection Act). Article 76F of the Child Protection Act regulates the prohibition of placing, allowing, committing, instructing to commit, or participating in the abduction, sale, and/or trafficking of children. Violation of this provision is subject to sanctions outlined in Article 83, which include a minimum prison sentence of 3 years and a maximum of 15 years, along with a fine ranging from at least Rp. 60,000,000 (sixty million rupiahs) to Rp. 300,000,000 (three hundred million rupiahs).

Article 7, paragraph (1) of the Anti-Trafficking in Persons Act stipulates that the prescribed criminal sanctions in Articles 2, 3, 4, 5, and 6 will be increased by 1/3 (one-third) if they result in severe injuries, severe mental disorders, other infectious diseases endangering the victim's life, pregnancy, or disruption or loss of reproductive function. Article 7, paragraph (2), imposes aggravated penalties in case the crime results in the death of the victim, with a minimum prison sentence of 5 years and a maximum life imprisonment, along with a fine ranging from at least Rp. 200,000,000 (two hundred million Rupiahs) to Rp. 5,000,000,000 (five billion Rupiahs).

Article 8 of the Anti-Trafficking in Persons Act concerns perpetrators of human trafficking crimes who are state officials. Article 8, paragraph (1), specifies that any state official who abuses their authority in the commission of human trafficking crimes as regulated in Articles 2, 3, 4, 5, and 6 will face an additional 1/3 (one-third) increase in the threat of criminal sanctions. Article 8, paragraph (2), imposes an additional penalty of dishonorable discharge from their position, all of which is outlined in the court's judgment.

Article 9 of the Anti-Trafficking in Persons Act is more targeted towards perpetrators who serve as the masterminds behind human trafficking crimes. The essence of Article 9 involves incitement and provocation, as well as the offering of gifts, money, and promises (Ali, 2011). Individuals who instigate others to commit human trafficking crimes face a minimum imprisonment of 1 year and a maximum of 6 years, along with a fine ranging from at least Rp. 40,000,000 (forty million Rupiahs) to Rp. 240,000,000 (two hundred and forty million Rupiahs). The sanctions outlined in Articles 10, 11, and 12 are consistent: a minimum imprisonment of 3 years and a maximum of 15 years, coupled with a fine ranging from at least Rp. 120,000,000 (one hundred and twenty million Rupiahs) to Rp. 600,000,000 (six hundred
Article 10 of the Anti-Trafficking in Persons Act addresses individuals who assist or attempt to commit human trafficking crimes. Article 11 is directed at those who plan or conspire to commit human trafficking crimes, while Article 12 is aimed at individuals who exploit and benefit from the victims of human trafficking by engaging in sexual acts or other indecent acts, employing victims, or profiting from the proceeds of human trafficking crimes. Article 12 falls under the category of a material offense, as the practice of exploitation and profiting from the proceeds of human trafficking crimes must genuinely occur and be enjoyed by the perpetrator (Ali, 2011).

Articles 13, 14, and 15 of the Anti-Trafficking in Persons Act are primarily directed at corporations involved in human trafficking crimes. Article 13, paragraph (1), specifies that corporations are considered perpetrators of human trafficking crimes when committed by individuals acting for and/or on behalf of the corporation or in the corporation’s interest, whether related to employment or other relationships within the corporate environment, either individually or collectively. Article 13, paragraph (2), asserts that corporations meeting the criteria of Article 13, paragraph (1), are subject to investigation, prosecution, and punishment. The procedures for summoning are outlined in Article 14, involving a summons to appear and the delivery of summoning letters to corporate executives at their office, the location where the corporation operates, or the residence of corporate executives.

The imposition of sanctions for corporations under Article 15, paragraph (1), takes the form of a fine with an aggravation of 3 times the original amount and fines as stipulated in Articles 2, 3, 4, 5, and 6 of the Anti-Trafficking in Persons Act. Furthermore, there are additional penalties for corporations outlined in Article 15, paragraph (2), which include:

- Revocation of business licenses;
- Confiscation of wealth obtained from criminal activities;
- Revocation of corporate status;
- Dismissal of executives; and
- Prohibition on executives from establishing corporations in the same business sector.

Articles 16, 17, and 18 of the Anti-Trafficking in Persons Act are specifically aimed at organized groups as perpetrators of human trafficking crimes. According to the National Police Chief Regulation Number 7 of 2009, transnational crime is defined as an organized crime with operational scope spanning multiple countries, impacting the political, governmental, socio-cultural, economic interests of a nation, and having a global nature. Organized crimes in human trafficking include recruitment, transportation, sheltering, delivery, and reception. Article 16 stipulates that for organized groups involved in human trafficking crimes, each perpetrator will be subject to penalties as outlined in Article 2, with an additional 1/3 (one-third). Article 17 specifies that if the crimes under Articles 2, 3, and 4 are committed against children, the penalty will be increased by 1/3 (one-third). Article 18 provides immunity from criminal prosecution for victims if the perpetrators of human trafficking crimes force them to commit criminal acts.

The imposition of criminal sanctions in Articles 19, 20, 21, 22, 23, 24, and 25 of the Anti-Trafficking in Persons Act is directed at acts supporting the occurrence of human trafficking crimes. Article 19 is aimed at individuals who provide or insert false information into state documents or other documents or falsify state documents or other documents to facilitate human trafficking crimes. They are subject to a minimum prison sentence of 1 year and a maximum of 7 years, as well as a minimum fine of Rp. 40,000,000 (forty million rupiahs) and a maximum of Rp. 280,000,000 (two hundred eighty million rupiahs). By state documents
we mean, among others, passports, identity cards, diplomas, family cards, birth certificates, and marriage certificates. Other documents include letters of request for labor and insurance.

Article 20 of the Anti-Trafficking in Persons Act is directed at the trial process where witnesses are prohibited from providing false testimony, presenting false evidence, or influencing witnesses unlawfully. If such actions occur, the sanctions are the same as stipulated in Article 19, namely a minimum prison sentence of 1 year and a maximum of 7 years, as well as a minimum fine of Rp. 40,000,000 (forty million rupiahs) and a maximum of Rp. 280,000,000 (two hundred eighty million rupiahs).

Article 21 of the Anti-Trafficking in Persons Act aims to provide protection for witnesses and officials during court proceedings. Article 21, paragraph (1), stipulates that anyone attempting to physically harm witnesses or officials during court proceedings shall be subject to a minimum prison sentence of 1 year and a maximum of 5 years, as well as a minimum fine of Rp. 40,000,000 (forty million rupiahs) and a maximum of Rp. 200,000,000 (two hundred million rupiahs). If the actions of the perpetrator result in serious injury to a witness or court official, Article 21, paragraph (2), specifies a minimum prison sentence of 2 years and a maximum of 10 years, along with a minimum fine of Rp. 80,000,000 (eighty million rupiahs) and a maximum of Rp. 400,000,000 (four hundred million rupiahs). Aggravated sanctions are imposed on the perpetrator if the actions lead to the death of a witness or court official. In Article 21, paragraph (3), a minimum prison sentence of 3 years and a maximum of 15 years are mandated, along with a minimum fine of Rp. 120,000,000 (one hundred twenty million rupiahs) and a maximum of Rp. 600,000,000 (six hundred million rupiahs).

Article 23 of the Anti-Trafficking in Persons Act is aimed at individuals who aid the escape of human trafficking offenders and obstruct criminal justice proceedings by providing or lending money, goods, or other assets to the perpetrator; offering a place of residence to the perpetrator; hiding the perpetrator; or concealing information about the whereabouts of the perpetrator. Such actions are punishable by a minimum prison sentence of 1 year and a maximum of 5 years, along with a minimum fine of Rp. 40,000,000 (forty million rupiahs) and a maximum of Rp. 200,000,000 (two hundred million rupiahs).

Article 24 of the Anti-Trafficking in Persons Act aims to provide protection for witnesses and victims to prevent their personal identities from being known by human trafficking offenders. Anyone who discloses the identities of witnesses and victims may face a minimum prison sentence of 3 years and a maximum of 7 years, along with a minimum fine of Rp. 120,000,000 (one hundred twenty million rupiahs) and a maximum of Rp. 280,000,000 (two hundred eighty million rupiahs). Regarding the penalty of a fine, in case the convicted person is unable to pay, they may be sentenced to substitute imprisonment for a maximum of 1 year, as stipulated in Article 25 of the Anti-Trafficking in Persons Act. Even if there is consent from the victim for the occurrence of human trafficking, according to Article 26, this does not absolve the criminal act.

3.3. Mutual Legal Assistance and Extradition as Components of Law Enforcement in Combating Human Trafficking

Based on the above explanation, it can be understood that the regulation of criminal sanctions in the Anti-Trafficking in Persons Act is cumulative, encompassing both imprisonment and fines. The implementation of cumulative criminal sanctions in the trial process does not grant the judge the freedom to choose when imposing penalties on the perpetrator. This has a positive impact on the law enforcement process conducted by the judge, especially in achieving legal certainty, utility, and justice. A judge is considered to achieve
justice when the decision is perceived as fair by all parties involved. Utility in a judge's decision occurs when it provides benefits not only for the perpetrator and the victim but also for society. Legal certainty in a judge's decision is evident from the assurance that regulations have been implemented and can be accounted for.

The enforcement of the law in cases of human trafficking involves more than the imposition of sanctions by the judge. This action is not only related to the judicial process but also constitutes a transnational crime. The primary reason for emphasizing inter-country or international cooperation is the adverse impact of human trafficking on the stability of a nation. Therefore, cross-border collaboration becomes an urgent necessity in preventing human trafficking. International cooperation becomes highly crucial, considering the strategic geographical location of Indonesia as both a transit point and a source of human trafficking.

There are three types of cooperation that can be outlined as follows (Syaltout, 2012):

a. Bilateral cooperation, which involves collaboration between only two countries. Typically, it specifically regulates legal relations between the two nations, such as agreements on national border boundaries, agreements on continental shelf boundaries, and trade cooperation agreements;

b. Regional cooperation is collaboration with a scope limited to a specific region, such as agreements within the African region and agreements within the Middle East region; and

c. Multilateral cooperation involving collaboration that includes more than two countries. For instance, in the realm of law enforcement in Indonesia, various concrete measures have been taken through international collaboration. There's a concerted effort involving Mutual Legal Assistance (MLA) and extradition to tackle human trafficking. These initiatives involve the endorsement of two international protocols: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing The United Nations Convention Against Transnational Organized Crime, in accordance with Law Number 14 of 2009, and the Protocol Against The Smuggling of Migrants By Land, Sea And Air, Supplementing The United Nations Convention Against Transnational Organized Crime, as stipulated by Law Number 15 of 2009.

Several Mutual Legal Assistance (MLA) agreements within multilateral cooperation have been ratified by the Indonesian government. For instance, the MLA agreement between Indonesia and Australia was formalized through the enactment of Law Number 1 of 1999 concerning Mutual Assistance in Criminal Matters between the Republic of Indonesia and Australia. Additionally, the MLA agreement between Indonesia and China was formalized through the enactment of Law Number 8 of 2006 concerning Mutual Legal Assistance in Criminal Matters between the Government of the Republic of Indonesia and the People’s Republic of China (Syaltout, 2012). Mutual Legal Assistance (MLA) is pivotal in tackling organized transnational crime by streamlining the exchange of information for the enforcement of criminal law. As such, the goal of MLA is to retrieve and provide evidence, covering the documentation and records, identifying a person's location, executing requests for evidence search and seizure, conducting searches, freezing and seizing illicit proceeds, and obtaining the consent of individuals willing to testify or assist in investigations in the country seeking MLA assistance (Syaltout, 2012). Indonesia adopted the UN Convention Against Transnational Organized Crime on January 12, 2009, emphasizing the imperative of engaging in Mutual Legal Assistance (MLA) when confronting transnational organized crime.

In addition to MLA, for the prevention of transnational crimes, Indonesia has implemented Law Number 1 of 1979 on Extradition, henceforth referred to as the Extradition
Law. This law outlines three fundamental points in the concept of extradition. Firstly, the requesting state has the authority to ask the requested state to extradite an individual suspected or accused of a crime, provided that the person is not already a suspect or accused in the requesting state. Secondly, the extradition process involves cooperation, both bilaterally and multilaterally. Thirdly, the guiding principles of extradition are grounded in the principles of reciprocity and national interest (Syaltout, 2012).

The extradition process is crucial for curbing the rise of transnational crimes, particularly given the advancements in information and technology during the era of globalization. This is especially evident in the fight against human trafficking offenses. Extradition plays a vital role in apprehending those responsible for human trafficking crimes and delivering them to the country authorized to prosecute and punish them, responding to requests from that specific country. Indonesia has forged collaborations with several nations, including Malaysia through Law Number 9 of 1974, the Philippines through Law Number 10 of 1976, Thailand through Law Number 2 of 1978, Australia through Law Number 1 of 1999, Hong Kong in 2001 through Law Number 1 of 2001, and the Republic of Korea through Law Number 42 of 2007 (Syaltout, 2012).

4. Conclusion

From the above discussion, it can be concluded that human trafficking, especially affecting women and children, is often triggered by factors such as poverty, patriarchal culture, and economic motivations. This crime constitutes a transnational offense that can be committed by individuals, groups, corporations, or even law enforcement agencies.

Indonesia, as a nation that has ratified the Palermo Protocol, is committed to addressing human trafficking perpetrators through the enactment of Human Trafficking Law. In its implementation, sanctions applied involve cumulative punishments with the aim of ensuring the integrity of the legal enforcement process in the hands of the judiciary. As an additional measure to support law enforcement related to human trafficking, international cooperation in the form of MLA is essential for obtaining information and evidence related to such cases. In the context of MLA, Indonesia has also entered into extradition agreements with several countries to facilitate the processes of arrest, extradition, and prosecution of human trafficking perpetrators.

International collaboration is highly necessary in efforts to prevent, investigate, prosecute, and protect child trafficking victims. For instance, addressing the root problems related to poverty as a trigger for human trafficking requires economic improvements through economic cooperation between developing and developed countries.

Considering the organized nature of human trafficking, firmness is required from law enforcement agencies and immigration authorities when dealing with individuals traveling across borders. Thorough examination of the completeness and authenticity of travel documents is a crucial step, and in cases of incompleteness or doubts about document authenticity, decisive actions must be taken, including refusing entry to such individuals.

References


