

THE ROLE OF IMMIGRATION IN PREVENTION OF CRIMINAL ACTS TRAFFICKING IN HUMANS

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THE ROLE OF IMMIGRATION IN PREVENTION OF CRIMINAL ACTS TRAFFICKING IN HUMANS

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Abstract .

The crime of human trafficking is a form of modern human slavery. Apart from that, the criminal act of human trafficking is one of the worst forms of treatment that violates human dignity. The rise of human trafficking crimes in various countries, including Indonesia and other developing countries, is a problem in itself for Indonesia. The international community and members of international organizations, especially the United Nations (UN). The emergence of human trafficking often occurs when someone is vulnerable, among whom the victims are often women and children who are categorized as weak.

This research is also descriptive analysis, descriptive analysis is an attempt to describe or describe events and happenings without carrying out hypotheses and statistical calculations. Analytical descriptive is what the respondent states in writing or orally, as well as their real behavior, which is researched and studied in its entirety. Data collection was carried out using a documentation study where all secondary data used in this research was collected using this research. This research was carried out using data collection tools, namely: literature study or document study.

Prevention carried out by Immigration to prevent the Crime of Human Trafficking, namely Immigration can prevent the Crime of Human Trafficking by increasing monitoring at borders, tightening the provision of passports, especially for people who are still of productive age to prevent them from becoming victims of the Crime of Human Trafficking abroad, Immigration officers take effective anticipatory steps by conducting further and in-depth interviews with passport applicants before deciding whether to approve or reject the issuance of a passport, increasing officer training to recognize signs of victims of human trafficking crimes, collaborating with international institutions and non-governmental organizations in the campaign against the Crime of Human Trafficking, as well as involving the community in this prevention effort

Keywords: Role, Immigration, Prevention, Human Trafficking

Abstract .

Human trafficking is a form of modern human slavery. In addition, the crime of human trafficking is one of the worst forms of treatment that violates human dignity. The rampant crime of human trafficking in various countries including Indonesia and other developing countries is a problem for Indonesia. The international community and members of international organizations, especially the United Nations (UN). The emergence of human trafficking often occurs in conditions where someone is vulnerable, including women and children who are often victims who are categorized as weak.

Study This also descriptive in nature analysis, descriptive analysis is trying to describe or describe events and incident without making hypotheses and statistical calculations. Analytical descriptive is what is stated by respondents in writing or verbally, and also their real behavior, which is studied. And studied in its entirety. Data collection was carried out using documentation studies where all data secondary Which used in study This, collected with using Research This done with use tool collection data that is: studies bibliography or documentary study .

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Say key: Role, Immigration, Prevention, Human Trafficking

I. Introduction

Globalization is a form of gradual transformation that not only involves adjustment but is also associated with social changes such as poverty, unemployment and crime. The processes that occur in reality affect several aspects of human life. As part of the policy of protecting citizens, criminal policy aims to protect the implementation of the social policy. Meanwhile, within the framework of criminal policy, criminal policy aims to combat crime by criminal means. Because of the reciprocal relationship between each of these policies, the objectives and backgrounds used in criminal law policy must be in line with social policy. Therefore, improving criminal law policy requires careful consideration, science based on in-depth knowledge

The Indonesian government provides inadequate protection. Authorities have not collected comprehensive data on the number of identified victims. Different government agencies sometimes report their own statistics, making the overall data incomparable with data reported in previous periods and potentially leading to double counting of victims, as they are affiliated with different government agencies.¹

Human trafficking is a form of modern human slavery. In addition, human trafficking is one of the worst forms of treatment that violates human dignity. The rampant crime of human trafficking in various countries including Indonesia and other developing countries is a problem for Indonesia. The international community and members of international organizations, especially the United Nations (UN). The emergence of human trafficking often occurs in conditions where someone is vulnerable, including women and children who are often victims who are categorized as weak. The many cases of exploitation of women and children are due to the position of women in the family as not the head of the household (considered as the manager of the house), the difficulty of finding work and poverty or economic problems are the main reasons so that human trafficking continues to increase.²

A. Formulation of the problem

¹ Mhd Azhali, Rahul Fikri Adrian, Muhammad Juang Rambe "Tracing the Journey of the Birth of the Concept of the Criminal Law System and Criminal Law in Indonesia, 2023

² English: Mr. Bambang Poernomo , 2019. *Principles of Criminal Law*, Ghalia Indonesia, Jakarta, page 90

- 7
1. What is the role of immigration in preventing human trafficking crimes ?
2. What are the obstacles faced in preventing the crime of human trafficking?

B. RESEARCH METHODS

Legal research methods are a scientific activity based on methods, systematics, and thinking certain, which aiming for learn one or some symptoms law certain with road analyze it, except that, so also held in-depth examination against legal facts then to try to a solution to the problems that arise in the symptoms concerned. Research This also descriptive in nature analysis, descriptive analysis is trying to describe or describe events and incident without making hypotheses and statistical calculations. Analytical descriptive is what is stated by respondents in writing or verbally, and also their real behavior, which is studied. And studied in its entirety.³

Data collection was carried out using documentation studies where all data secondary which used in study This, collected with using Research This done with use tool collection data that is: studies literature or documentary study to collect secondary data related to the problems raised, by studying books, legal journals, research results and legal regulatory documents such as: the Code of Law Criminal Procedure Code (KUHP) related to the title of this thesis. Data processing is carried out to facilitate the analysis of data that has been obtained in accordance with the problems studied.

The data analysis used in this study is qualitative analysis. Qualitative analysis is a specification of the nature of research to examine between theory and practice related to implementation restorative justice act criminal persecution. Withdrawal conclusion will be obtained from the completion of the formulation of the problems carried out in the research. Materials law tertiary, namely all publications about the law And materials that provide guidance and explanations on primary and secondary legal materials such as the Big Indonesian Dictionary (KBBI), legal dictionaries, legal journals, encyclopedias, comments on court decisions and through internet searches.⁴

II. DISCUSSION

A. The role of immigration in preventing human trafficking crimes

The crime of human trafficking, which we will abbreviate as TPPO, is one of the crimes categorized as a serious crime and often occurs across countries (transnational crime). Because of its nature that crosses national borders, it is important for an immigration officer to know and become an element that prevents this crime from happening. Before going into the role of immigration officers in preventing TPPO, let's look at the Explanation of the Elements of TPPO according to Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking. Briefly, it can be said that there are 3 components in TPPO according to this law, namely:

³ Prof. Dr. Peter Mahmud Marzuki, SH, MH, LL.M , , Legal Research revised edition, Kencana Prenada Media Group, 8th ed., 2020. p. 194.

⁴ Sunaryati Hartono, 2014. *Legal Research in Indonesia at the End of the 20th Century* , Alumni, Bandung, p.20

1. Process ; TPPO is carried out starting from recruitment, transportation, transfer, shelter of people,
2. Method ; TPPO is carried out by unlawful threats of violence or debt traps,
3. Purpose ; TPPO is carried out to exploit the victim physically, sexually, or to take advantage of someone's energy or abilities.

The above components of TPPO can then be transformed into criminal acts including immigration crimes, labor exploitation crimes, crimes against children, where these crimes occur in the immigration area because the perpetrators and potential victims will go abroad or cross the country's borders which are supervised by immigration officers. One of the Tri Functions of Immigration which reads the Function of "Law Enforcement at the Entry and Exit Gates of the Country" is the main actor in preventing TPPO, because if the perpetrators and potential victims are already abroad, it is certainly very difficult to handle, especially since the TPPO network has a network not only between domestic regions but also internationally so that the role of immigration officers is highly expected in preventing TPPO.

Seeing the mode of TPPO crime as stated above, TPPO as a crime is very inhumane , degrading human dignity and lowering the dignity of our country in the eyes of other countries. It is mandatory as a good immigration officer to prevent this crime from happening. Therefore, as a good immigration officer, TPPO prevention is carried out by:

1. Active role, namely through prevention when passport applications are made to the Immigration Office.

Until now, this method is still relevant to be carried out, namely by limiting the number of passport applications in a day so as not to cause fatigue to officers when conducting interviews. Fatigue that befalls officers when examining the suitability of files and examining everything related to whether or not someone is eligible to get a passport to go abroad causes boredom and then results in officers not carrying out procedures properly or there are small things that need to be explored in depth are missed due to excessive workload. Therefore, it is important to issue a policy to limit passport applications by considering the ability of officers to work every day.

2. Participatory role, namely prevention in the field by conducting outreach to the community.

Regular socialization and reaching the grassroots plays an important role in educating the public who do not yet understand or establishing synergy with other agencies and increasing the insight of immigration officers themselves. The occurrence of TPPO cannot be separated from economic motives so education is very important. Education to the public must be continuously provided considering that economic motives are almost always the biggest mode of causing TPPO or any type of crime. The distribution of TPPO cases in Indonesia according to the TPPO handling guidebook issued by the Attorney General's Office of the Republic of Indonesia in collaboration with IOM in 2021 shows that the highest number of TPPO always occurs in areas with a lagging economy with the majority of victims having low education as well. A person's level of education plays an important role in preventing TPPO so that in areas where the level of education is still low, immigration officers must routinely conduct socialization in collaboration with other agencies such as agencies in the local government. Socialization to PJTKI or parties interested in sending migrant workers abroad is also important considering the frequent complaints about Indonesian migrant workers who lack skills or are absent from their work contracts.

3. Passive role, namely the role in law enforcement

As mentioned above, TPPO that occurs especially in Indonesia's border areas usually intersects with other criminal acts such as migrant worker recruitment methods, money laundering and cases of collusion or corruption. Immigration as the party at the front door of the country's borders can strengthen coordination in handling cases in border areas by being involved in prosecuting people or agencies that make mistakes such as falsifying documents to obtain passports, etc.

B. Obstacles faced in preventing the crime of human trafficking

The issue of human trafficking has been a disturbing thing for a long time. Human trafficking is a well-organized crime, ¹³ in conventional to modern methods. In this organized crime, building a network from National to International. The nature of human trafficking is an act that is contrary to human nature and dignity. Human trafficking in Indonesia has spread into organized networks, both internationally and domestically. This crime damages the order of norms of life that are based on respect for human rights.

The concept of human trafficking according to Article 1 number 1 of Law No. 21/2007 ⁵ is the act of recruiting, transporting, harboring, sending, transferring or receiving a person with the threat of using violence, kidnapping, confinement, forgery, fraud, ⁵ abuse of power or vulnerable position, debt trapping or providing payment or benefits, so as to gain control over the person, whether carried out within the country or between countries for the purpose of exploitation or resulting in the person being exploited.

One of the destination and source countries for human trafficking is Indonesia. The occurrence of human trafficking usually often begins with document falsification.¹⁶ The crime of human trafficking² also one of the worst forms of human dignity violations. The increasing number of human trafficking crimes in various countries, including Indonesia and other developing countries, has become a concern for Indonesia as a nation, the international community and members of international organizations, especially the United Nations (UN).

Indonesia is a country of law, all Indonesian actions are regulated and bound by law. The law itself is not only a matter of instructions and guidelines for human behavior in society, but the law must truly live in that society in order to achieve order and peace in society.¹⁴ Law is understood as a coercive order, namely an order that applies sanctions in the form of coercive actions, then the provisions explaining the law in the law will appear as a statement that under certain conditions, which are also determined by the legal order, certain coercive actions that are also determined by the order, should be carried out. Indonesia, which is based on Pancasila and the 1945 Constitution, upholds Human Rights for every citizen to have equality and standing on the basis of law.⁵

⁹ Criminal Act of Human Trafficking. Victims are trafficked not only for the purpose of prostitution or other forms of sexual exploitation, but also include other forms of exploitation, such as forced labor or forced services, slavery, or practices similar to slavery. Perpetrators of Human Trafficking recruit, transport, transfer, harbor, or receive people for the purpose of trapping, luring, or utilizing the person in exploitation practices in all forms with threats of violence, use of violence, kidnapping, forgery, fraud, abuse of power, giving payments or benefits to obtain the consent of the person who has control over the victim.

¹⁶ The Criminal Act of Human Trafficking in Indonesia is regulated in Law Number 21 of 2007 concerning the Eradication of the Criminal Act of Human Trafficking. In the Immigration Perspective, the act of human trafficking can involve immigration aspects such as smuggling and sending victims through international borders in this case the legal aspect is that the perpetrators of the crime of human trafficking can be subject to criminal sanctions in accordance with the provisions of the law and the perpetrators of the crime can also be deported or subject to certain immigration restrictions in accordance with⁶

It cannot be ignored that human trafficking is a crime. It is essential for us to be self-aware, support initiatives and groups that oppose human trafficking, and report suspicious events to the authorities. We can work to eliminate human trafficking and provide protection to all vulnerable people through collective action. The main driver of the growth of traffic for women and children is the poverty they struggle with Improving the economy by doing research Jobs. But what do they dream of? Finding a job is not easy to imagine, because of the bitter suffering they receive. Instead of accepting work, it turns out that they are negotiated.⁷

The effectiveness of the implementation of immigration laws in handling human trafficking crimes is very important. This action involves cooperation between the Immigration Department, the Police, and other Law Enforcement Agencies. In addition to investigating and arresting perpetrators, Immigration can also block the movement of perpetrators, prevent perpetrators from entering and leaving the country, and carry out deportations if necessary. Law enforcement and strict monitoring of the movement of perpetrators through borders are important instruments in combating the Crime of Human Trafficking.

⁶ Immigration Law Chapter 3 Article 8 Points one and two, in this case Every person who Exits or Enters the State of Indonesia must have a Valid and Valid Travel Document, every foreigner who enters the Territory of Indonesia is required to have a valid and legally valid Visa that has been determined, unless otherwise determined based on the Immigration Law and International agreements. In Article 9 paragraph 3 of this Point, if there is doubt about the validity of a person's Travel Document or Identity, Immigration Officers have the right to refuse a person to leave the territory of Indonesia and Immigration Officers

⁵ Andi Hamzah. 2017. *Principles of Legal Enforcement in Indonesia and Its Solution*. Gramedia Pustaka Utama. Jakarta, p. 78

⁶ Ali, Mahrus, and Bayu Aji Pramono. "Human Trafficking." Citra Aditya Bakti, Yogyakarta, 2011, p.60

⁷ Sari, Ariella Gitta, Harry Murty, and Hery Sulisty. "The Crime of Human Trafficking Reviewed from National Law and International Law." *Legal Transparency* 4, no. 1 (2021).

also have the right ⁶ to conduct a search of the body or belongings and can be followed up with the Immigration Investigation process.⁸

The obstacles faced by immigration officers in implementing immigration laws in the context of human trafficking crimes include long and diverse borders, the allocated budget is still insufficient to support creating favorable conditions for investigating immigration violations. Crime tactics are increasingly sophisticated, making it difficult to find authors and evidence. This situation must be supported by the full operational costs of possible corruption among immigration officers, lack of resources, and coordination problems with other law enforcement agencies. In addition, the problem of interpretation and implementation of immigration laws and regulations that often change can be an obstacle in handling this case. Coordination between the police and the prosecutor's office is poor, resulting in the return of records that violate immigration by prosecutors in many cases.

Prevention carried out by Immigration to prevent the occurrence of Human Trafficking Crimes, namely Immigration can prevent Human Trafficking Crimes by increasing monitoring at the border, tightening the issuance of passports, especially to people who are still of productive age to prevent them from becoming victims of Human Trafficking Crimes abroad, immigration officers take effective anticipatory steps by conducting further and in-depth interviews with passport applicants before deciding whether to approve or reject the issuance of a passport, increasing officer training to recognize signs of victims of Human Trafficking Crimes, working with international institutions and non-governmental organizations in anti-Human Trafficking Crime campaigns, and involving the community in these prevention efforts. In addition, strict implementation of immigration regulations that monitor the movement of people at the border can help prevent the journey of victims of Human Trafficking Crimes.

There is also prevention carried out by the Government During the reporting period, the government continued to make great efforts to prevent human trafficking. To raise awareness of the dangers of human trafficking and how to get help, many government agencies held anti-trafficking seminars and training. To increase the effectiveness of preventive measures, similar measures should be carried out in source and target countries simultaneously. In relation to the demands that provide a deterrent effect on perpetrators of human trafficking, perpetrators of human trafficking must be punished appropriately. Therefore, perpetrators of human trafficking must be thoroughly investigated and prosecuted. Perpetrators of human trafficking must be given preventive punishment based on their position in human trafficking. Preventive efforts can

III. CLOSING

A. Conclusion

Human trafficking is a global problem that threatens human rights. In many countries, including Indonesia, this crime is a serious concern. This means that victims of this crime are often trapped in a cycle of exploitation that is very detrimental. Collaborative efforts are needed from the government, non-governmental organizations, and the community to prevent, identify, and address human trafficking. Strong law enforcement, public education, and support for victims are important components in the effort to combat human trafficking.

B. Suggestion

⁸ Prakoso, Abdul Rahman, and Putri Ayu Nurmalinda. "Legal Policy on Human Trafficking Crimes." In National Law Seminar, Semarang State University, 4:1–24, 2018.

Through awareness of this issue and global cooperation, we can hope to end this cruel practice and protect individual rights from inhumane exploitation, Immigration Officers Tighter supervision of all parties involved in human trafficking, providing a deterrent effect for perpetrators of human trafficking, Immigration officers can work in accordance with their duties, main points and functions. The role of community activists to oversee or prevent human trafficking crimes, as well as the need to increase awareness of the dangers of human trafficking crimes in the form of educational seminars, and strengthening social control in the community to minimize the occurrence of human trafficking.

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