

Legal Protection for Victims of Human Trafficking: Indonesian Migrant Workers Abroad

Fitri Setyo Rini

Duta Bangsa University Surakarta Indonesia

Email: fitrisetyorini022@gmail.com

Rina Arum Prastyanti

Duta Bangsa University Surakarta Indonesia

Email: rina_arum@udb.ac.id

Corresponding author: fitrisetyorini022@gmail.com

Abstract . Trafficking is currently a serious and urgent global problem. Indonesia itself is also a barn of human trafficking victims, especially related to the labor migration of Indonesian Migrant Workers (PMI) sent abroad. Many migrant workers are victims of exploitation and human rights violations due to human trafficking. Therefore, it is important to strengthen the protection of PMI rights through national and international legal frameworks. This research aims to analyze the legal framework for the protection of migrant workers as victims of human trafficking abroad. The method used is normative legal research by examining relevant national and international laws and regulations. The results show that Indonesia has a strong commitment through the ratification of various international legal instruments to protect migrant workers. However, law enforcement still faces various obstacles and there is a need for stronger cross-border cooperation. Therefore, a more comprehensive policy is needed to improve the protection of migrant workers.

Keywords : human trafficking, Indonesian migrant workers (PMI), PMI protection law

INTRODUCTION

Indonesia is wrong one country being assessed the more develop moment This . That 's what caused it Indonesia experience a number of problem, wrong the only one related with population . Every It 's always Indonesia's year experience enhancement resident so that can influential in addition power work.However addition power Work that No channeled with Good because field the work available is very limited so that give rise to another problem viz increasing unemployment increases. Then from That Lots very Indonesian citizens must Migrant , OK That migrate from something areake other regions as well Work abroad as TKI (Indonesian Workers) for fulfil need family they .

According to article 1 paragraph (2) UU.18 of 2017 concerning Protection Worker Indonesian Migrants , “ Workers Indonesian migrants are every Indonesian citizens who will be, are or has do work with accept wages outside the territory of the Republic of Indonesia. (Istiqomah et al. 2023) There is power migrant workers to outside country, of course just the Indonesian government greatly benefited Because Can reduce amount enhancement unemployment in the country, as well can increase income foreign exchange country. Though in in reality , no all dreams and hopes No fully achieved with perfect.Pg That Already

experienced by many power Indonesian work already migrate to abroad , like Malaysia, Brunei , Saudi Arabia , etc. In destination countries the Lots very power experienced work problem Where they treated No necessarily by the employer .

Lots of problems experienced power Work Indonesian migrants abroad incl is form violation right basic humans who become one form slavery modern. Slavery the often linked with human trafficking because leads to exploitation in a way physical nor sexual For interest a or group . (2015 Issue) Most of them are victims of human trafficking is a woman. Usually Woman many become internal targets case especially trafficking in women in case exploitation sexual and work forced . Actually the case of trafficking in women is not problem new , p the Already happen even in government emperor Roman 527-565 AD as revealed by Justinian reveals that female - female Poor young people don't experienced courted with clothes and expensive items , then they trapped and forced For sign contract For Work localized . (Dinata , Hafiz, and Nurmadi 2023)

Based on report data from group task prevention and treatment follow criminal human trafficking that in period time from 2020 – 25 May 2023 there were 1,937 victims of trading man This , where 90% of PMI crime victims and 80% of female victims has sent home corpse worker migrant Indonesia. Apart from That Still many victims of this person's trade experience disturbance Good in a way physique nor psychology requires it government for more fast move in formation House social or trauma center so that victims can return recover from the disturbance . (Island et al. 2021) So that based on studies cases and methods handling the show that protection applied law Still Not yet Work in a way maximum Because considered return of victims to place origin Already finish all problem, though the victim needs it protection law from government Good in a way law national nor international For eliminate the trauma experienced consequence from human trafficking . That 's it should government can protect as well as help victims of human trafficking maximum with multiply . Therefore that , from description background back above , author interested raised problem the with title " Legal Protection for Victims of Human Trafficking in Workers. " Indonesian Migrants Abroad ”.

RESEARCH METHOD(S)

Writing This use method approach juridical normative . This matter aim For explain How implementation to protection law and responsibility the state's responsibility towards victims of human trafficking in a way systematic , methodological and consistent in the future come. Approach juridical is approach used rules as well as related legislation with it's up to you

researched, meanwhile the normative approach is research that uses library materials or secondary consisting from material law primary, secondary nor tertiary used by the author as main data so that writer No need search for live data to field . (James W, Elston D 20Ma)

FINDINGS AND DUSCUSSION

Regulation International Legal Protection Against Victims of Human Trafficking Workers Indonesian Migrants Abroad

Act criminal human trafficking is something a crime that everyone is familiar with, because Already since Formerly crime operates in various countries targeting women and children as the victim . Crime the generally carried out by developing countries , for example such as Taiwan, Hong Kong, Japan , Saudi Arabia, Singapore, Malaysia and Indonesia itself . Every the year estimated there are 600,000 – 800,000 victims of follow criminal trading man Good child and women who are bought and sold For explored in a way slavery sexual in realm international .

Act criminal human trafficking is violation to right basic human , as stated in Constitution number 21 of 2007 concerning Eradication Act Human trafficking . (James W, Elston D 20Mb) Indonesia has make agreement international ie with a contractual treaty which means that Indonesia must obey regulations existing laws in the conventions that have been ratified so that automatic become a participating country . A country that does ratification still guard sustainability agreement international , then must join For obey principles the law has determined among others:

- a. Principle Raciprocity , action or deed from a good country positive nor negative will get reply in accordance with what he did in a way worth it
- b. Principle of Pacta Sun Servanda , a promises in nature tie for those who exist in agreement that and must held with Good intentions
- c. Equality Rights, position internal state equations a country
- d. Principle Courtecy , every country must be Can each other honor as well as value sovereignty from other countries. (Sari, Murty , and Sulistyo 2021)

Indonesia itself is a country that follows asa pacta sun servanda , because Indonesia has join in the UN, Where if a country has join in the UN , the Indonesian state must submit with rule in agreement the . Related with trading man more known as Human Trafficking has arranged in law international , there is in Protocol Palermo has ratified by Indonesia so that Indonesia has obligation For operate fill of the protocol with do faith Good Where must protect

and guard Indonesian nation with all effort is necessary and possible do Work The same with other countries for the sake of its creation safe situation in every existing country .

According to Gajic Veljanoski , sell buy man is something actions already taken clear violate Right Asasi Humans are focused on breaking right freedom , protection , integrity, and freedom move . Besides that is , trade Most female humans become a victim in an act of violence Women's rights , though Women's rights included in rights man . There is element in trading human , as following :

- a. Perpetrator is something organized group including state administrators and individual .
- b. Lawsuit or The judge is a trading action human and can happen in a way spontaneous nor planned , but Action the done in a way organized and planned .
- c. Mode is an action taken in order to act crime the succeed
- d. Objective is something consequence of these actions . For example carry out buying and selling actions man To use obtain lots of monetary gain .

Triggering thing exists follow criminal human trafficking usually due to economic factors , problems, or circumstances disaster nature that happens in a country so force For look for field work with do immigration For endure life so that circumstances This become moment chance For perpetrator trade people, for example case a woman who is lured work abroad .

Legal protection for victims of crime criminal human trafficking is increasing positioned with it's related confirmed UU.No 21 of 2007 concerning Eradication Act Criminal Human trafficking (PTPPPO). Decree the arranged in a way special in articles 43 to Article 53, Article 43 of Law no. 21 of 2007 concerning Provision About protection witnesses and victims in No criminal human trafficking .

Besides scanning the culprit in Victim protection is also a reality forms fulfillment rights , among others is

1. Right on confidentiality victim's identity , here arranged in Article 44 paragraph (1) UUPTPPO. And rights For keep secret identification is also provided to victim's family . Second , if the victim gets it threat physique or psychic from party related outside with connection the victim's statement is based on Article 44 paragraph (2) UUPTPPO.
2. Right on rehabilitation Health, social , repatriation and integrity . This arranged in article 51 paragraph 1 UUPTPPO, victims of acts criminal trading people entitled get rehabilitation Health, social, repatriation and reintegration social from government if the victim experiences suffering in a way physique nor psychic consequence from the person 's trading actions . (James W, Elston D 20Mb)

Regulation from Law Number 21 of 2007 can accepted with both by Indonesian society and international . So that achievement the law is seen as comprehensive and reflective rules regulated requirements in the UN protocol. Rule comprehensive the through five very important approaches , namely enforcement law , prevention rehabilitation social, victim protection and Community Cooperation as well participation in the Law that contains fifth approach the (Hidayati 2012)

Forms Handling Against Victims of Human Trafficking Workers Indonesian Migrants Abroad Compliant Regulation International Legal Protection

It's rampant many cases occurred by workers migrant make government must truly notice condition the . Problem trafficking in persons (TPPO) against worker Indonesian migrants abroad are issue crucial need attention Serious . According to data from the Protection Agency Worker Indonesian Migrants (BP2MI), in 2022 there will be 1,573 TPPO cases involving worker Indonesian migrants .

Steps handling TIP victims:

1. Identification and Rescue :

- a. indicators : Officers in the field trained For recognize TIP indicators , such as :
 - Found work somewhere that does n't safe and not human
 - Forced to Work without wages or with very low salary
 - Forced to do a job that doesn't in accordance with agreement
 - Threatened with violence or intimidation
 - Isolated from family and friends
 - Confiscated document his identity
- b. Collaboration : The Indonesian government works The same with destination country government , organization international , and institutional self-subsistent community (NGO) for do identification and rescue of TIP victims. For example , cooperation with the Indonesian Embassy in the country of deployment and IOM.
- c. Procedure Rescue : Rescue of TIP victims is carried out with put forward a safe and coordinated approach , with involve apparatus enforcer laws and institutions related .

2. Protection and Assistance :

- a. Place Shelter : TIP victims are placed in place safe and secure shelter need basically , like food , clothes , place stay , and service health . For example , " Home Stopover " which is managed by the Indonesian Embassy or organization international .

- b. Assistance : Victims of TIP provided access to help law For help they understand his rights and get justice . For example , mentoring law by LBH which focuses on TIP issues .
 - c. Services : TIP victims receive service health physical and psychological For help they coping with trauma and recovery physique . Service This can provided by psychologists , psychiatrists , and staff health other .
 - d. Counseling Traumatic : Help psychology and counseling traumatic given For helping TIP victims overcome trauma and prepare they For reintegration social .
3. enforcement :
- a. Investigation : Enforcement law do investigation and prosecution to TIP perpetrators with referring to the provisions law applicable national and international . For example , Law no. 21 of 2007 concerning Eradication Act Criminal Human Trafficking .
 - b. Enforcement Cooperation : Cooperation between countries in enforcement law become key important For take action against TIP perpetrators . For example , extradition and mutual legal assistance.
 - c. Recovery Victims' Rights : Efforts recovery victims' rights , incl restitution and compensation , sought through a transparent and accountable legal process . For example , via lawsuit civil to TIP perpetrator .
4. Recovery and Reintegration :
- a. Training and Education: TIP victims are provided training and education For increase skills and opportunities Work they . For example , training Skills work and language .
 - b. Help Reintegration : Help For return to society and get decent job provided through a comprehensive reintegration program . For example , business capital assistance and mentoring in look for work .
5. International Legal Instruments :
- a. Palermo Protocol : Prohibits human trafficking and set framework Work For protect victims. Protocol This requires countries to do identification , rescue and repatriation of TIP victims, as well as give help and protection to they .
 - b. UN Convention on Crime Organized : Requires the state to eradicate TIP as part from effort combat crime organized . Convention This push cooperation between countries within combating TIP, incl extradition and mutual legal assistance.
 - c. UN Convention on Rights Worker Migrants : Protecting rights worker migrants , incl from TIP and exploitation . Convention This requires countries to protect rights

worker migrants , incl right For get decent work , fair wages , and access to service health and education .

6. Organization International :

The International Organization for Migration is one of them organization international which is below shade United Nations (UN). In Indonesia, the International Organization for Migration has present since in 1979(Nst , 2018). However , signing New Cooperation Agreement between the International Organization for Migration and Indonesia occurred in 2000. The mission carried out by the organization in Indonesia , namely covers various field management extensive migration , including : (Utami , 2020)

- 1) Help Migration
- 2) Immigration and Management Border
- 3) Countermeasures Trading Humans and Labor Migration
- 4) Circumstances Emergency and Community Stabilization

Based on description about duties of the International Organization for Migration di Above , it says one of them is countermeasures trading humans and migration power Work . Related with matter that , then so that's clear organization this goes too endeavor give protection towards Workers Indonesian Migrants . In his efforts Accordingly , the International Organization for Migration has plan For give protection to worker migrants who focus on effort preventive or prevention , by doing combination between the 3 (three) approaches below this :(Andayani & Pahlawan , 2017).

- 1) Increase Public awareness regarding procedure safe migration through campaign information
- 2) Give service information before departure to prospective workers Indonesian Migrants
- 3) Monitoring of the recruitment process worker migrant

Effort the actually done For avoid workers migrant get treatment that is not in accordance from someone who doesn't responsible when are abroad as well push amount possible violations can carried out by workers migrant , like desire For become a worker migrant illegal . This matter due to protection to worker migrant illegal will more difficult done , remember that the perpetrators not recorded in the monitoring database so that difficult protect worker immigrants . (Lailatul Mufidah 2021)

CONCLUSION AND RECOMMENDATION

That human trafficking , esp to worker Indonesian migrants abroad , namely violation Serious to right basic man . Indonesia has take steps For protect TIP victims by follow regulation law international and provide protection , assistance and rehabilitation to the victim. Besides that 's cooperation between countries and organizations International is also important in handling TIP cases .

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