

PREVENTION ON TRAFFICKING IN PERSONS AND SMUGGLING OF MIGRANT IN MALAYSIA: ENFORCEMENT AND LAWS

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The issue on trafficking in persons and smuggling of illegal migrants in Malaysia is increasingly cross-border crime that poses a worrying situation. Trafficking in persons and smuggling of migrants terms often confused the public generally. The differences in its terms and understanding on these issues must be determined and important in providing relevant in treatment and legal protection in Malaysia. In addition, forced labor rights as workers are often overlooked by the authorities because of their status as illegal immigrants (PATI). This complicate matter further when national legislation in particular the Anti-Trafficking in Persons and Anti-Smuggling of Migrants (ATIPSOM) Act 2007 [Act 670] also does not state clearly the interpretation of the Act. According to court cases decided in Malaysia, it is found that the courts interpret a situation as 'trafficking in persons' based on its purpose and forms of exploitation outlined in the Act.

This paper examines the approach adopted by the International Laws and Malaysia Laws in the aspects of enforcement, in order to expand the purpose of trafficking in persons and smuggling of migrant interpretation, in line with globalization era. The lack of knowledge and awareness about the exploitation that happens on an individual victim alone raise further difficulty to prosecution process on trafficking in persons offenders. Therefore, this paper did not only examine issues arising from vagueness in the interpretation of trafficking in persons in Malaysia Laws but attempt to draw the authorities and public's attention, to be more sensitive to these issues. Efforts to use effective methods of enforcement could assist the authorities in the implementation of ATIPSOM 2007 more effectively.

Key Words: *Prevention, Trafficking in Persons and Smuggling of migrants, Laws*