



TRAFFICKING CRIME PREVENTION POLICIES FROM A PHILOSOPHICAL, SOCIOLOGICAL, AND JURIDICAL PERSPECTIVE

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Abstract:

The article was written to analyze the policy of overcoming the crime of trafficking as regulated in Law no. 7 of 1984 concerning the Ratification of the Convention on the Elimination of All Forms of Discrimination and Law no. 21 of 2007 concerning the Crime of Human Trafficking (Trafficking). Human trafficking is a criminal act and violates human rights. Considering that Indonesia is the country of origin for the victims of human trafficking, the number of which is quite large, it is necessary to follow up with instruments in the form of prevention and the provision of criminal sanctions. This article addresses two questions: First, how is the legal protection for women and children victims of human trafficking? Second, what is the policy for dealing with trafficking crimes from a philosophical, sociological, and juridical perspective? This article concludes that the crime of human trafficking often occurs in vulnerable groups, namely women and children (victims), motivated by economic, social, and cultural factors. Efforts to protect victims' rights have been carried out even though they have not been optimal through the prevention and prosecution of perpetrators. Law enforcement against the crime of trafficking is carried out with the concept of punishment and providing compensation/restitution to victims and/or their families. Trafficking is a transnational crime, so handling crimes needs to be done bilaterally/multilaterally. In addition to prioritizing penal facilities, it is necessary to seek non-penal means, involving the community in preventing and overcoming crime through preventive and repressive efforts.

Keywords: Legal Policy; Trafficking Crimes; Repressive

Abstrak:

Artikel ditulis dengan tujuan untuk menganalisis kebijakan penanggulangan kejahatan trafficking yang diatur dalam Undang-Undang No. 7 Tahun 1984 tentang Pengesahan Konvensi Penghapusan Segala Bentuk Diskriminasi dan Undang-Undang No. 21 Tahun 2007 Tentang Tindak Pidana Perdagangan Orang (Trafficking). Perdagangan orang merupakan perbuatan pidana dan melanggar Hak Asasi Manusia, mengingat Indonesia adalah negara asal korban perdagangan manusia yang jumlahnya cukup besar maka perlu ditindaklanjuti dengan instrumen berupa pencegahan dan pemberian sanksi pidana. Artikel ini membahas dua pertanyaan: Pertama, bagaimana perlindungan hukum terhadap perempuan dan anak-anak korban tindak pidana perdagangan manusia? Kedua, bagaimana kebijakan penanggulangan kejahatan trafficking dalam perspektif filosofis, sosiologis, dan yuridis? Kesimpulan dalam artikel ini bahwa tindak pidana perdagangan orang sering terjadi pada kelompok rentan, yaitu perempuan dan anak-anak (korban), yang dilatar belakangi oleh faktor ekonomi, sosial, dan budaya. Upaya perlindungan terhadap hak-hak korban telah dilakukan meskipun belum optimal melalui tindakan pencegahan dan penindakan terhadap pelaku. Penegakan hukum terhadap kejahatan trafficking dilakukan dengan konsep pembedaan dan pemberian ganti rugi / restitusi kepada korban dan/atau keluarganya. Trafficking merupakan kejahatan lintas negara maka dalam penanganan kejahatan perlu dilakukan secara bilateral/multilateral. Selain mengedepankan sarana penal perlu mengupayakan sarana non penal

yaitu melibatkan masyarakat dalam pencegahan dan penanggulangan kejahatan melalui upaya preventif dan represif.

Kata Kunci: Kebijakan Hukum; Kejahatan Trafficking; Represif

A. Introduction

Cases of trafficking in women and children are varied and often invite the unexpected. Various endemics as reasons for low-income families, dropping out of school, low education, and social conflicts are potential factors driving the emergence of trafficking in women and children. Historically, human trafficking can be regarded as slavery and violates human rights (HAM). On that basis, the prevention of human trafficking from the perspective of human rights violations must be carried out comprehensively and integrally through the level of criminal law policy through legislation, execution, and judiciary.

From a regulatory perspective, Indonesia has ratified the convention on the elimination of discrimination against women and put it into Law no. 7 of 1984 concerning Ratification of the Convention Regarding the Elimination of All Forms of Discrimination as well as in Law no. 21 of 2007 concerning the Crime of Human Trafficking, which is threatened with criminal sanctions. However, in its implementation, this regulation has not been able to run effectively. This is exacerbated by the weakening of the role of family institutions and solidarity between community members who make girls and women a commodity as a source of income for family life in meeting economic and social needs.

Human trafficking is a criminal act because a person's right to live properly has been violated. Human rights are fundamental rights inherent in humans by nature, universal and eternal as a gift from God Almighty. The Indonesian government has implemented policies in the regulation of human rights law as a state of law (the rule of law) by providing protection and respect for human rights (Pancasila: 2nd Preamble, Preamble of the 1945 Constitution paragraph 1, as well as carrying out commitments and obligations contained in various ASEAN cooperation legal instrument {ASEAN Plan of Action Against Trafficking in Persons, Especially Women and Children}).

Indonesia's commitment to combating human trafficking and protecting victims of human trafficking, especially women and children, is to ratify the ASEAN Convention, considering that Indonesia is the country of origin for many victims of human trafficking. Furthermore, several international principles have been agreed upon regarding the need to be followed up on national legal instruments on trafficking prevention, sanctions for traffickers, victim protection, and countermeasures. Ironically, various tricks are used to make the victim not feel like she is in the trap of the perpetrators of the crime of human trafficking. Therefore, even though there have been arrests (law enforcement investigations) against traffickers, criminal acts continue to occur, so it is necessary to prevent and overcome trafficking crimes in an integrated manner.

Policies or efforts to overcome crime are essentially integral to protecting society (social defense) and achieving social welfare. Therefore, it can be said that the ultimate goal or primary goal of criminal politics is the protection of society.

Applying criminal law sanctions to perpetrators of crimes is an effort to enforce the law that is generally accepted so that the perpetrator becomes a deterrent from committing crimes again. Even if necessary, the application of a crime is expected to influence the community not to commit a crime. However, it is not always the criminal

sanctions that apply to overcome criminal acts that can meet the expectations of preventing crime.

Therefore, efforts to protect women and children from the crime of trafficking with criminal law policies are not enough to impose criminal sanctions on perpetrators of crimes as stipulated in Article 2 of Law no. 21 of 2007 concerning the Eradication of the Crime of human trafficking, Criminal Code, Law no. 23 of 2014 concerning Child Protection, Law no. 31 of 2014 concerning the Protection of Witnesses and Victims and Law no. 39 of 1999 concerning Human Rights, but also other efforts are needed, such as the use of non-penal means so that criminals can understand and legally realize that the crime of human trafficking is not justified.

The problem of human trafficking in law enforcement in Indonesia still leaves various problems as a weak factor, including many law enforcement officers who do not understand the problem of trafficking correctly. In addition, the regulation on human trafficking in the current legislation in Indonesia is considered inadequate compared to the broad understanding of human trafficking, so it cannot be used to capture all acts within the current limits. Therefore, the author intends to explore and analyze several aspects related to the responsibility or role of the state for protecting victims and policies for overcoming the crime of human trafficking. This article will try to provide an analysis of how the legal protection for women and children victims of the crime of human trafficking and how the policy of overcoming the crime of trafficking in philosophical, sociological, and juridical perspectives

B. Research Method

The research method is a normative juridical approach carried out through a literature study examining primary, secondary, and tertiary legal materials related to the problem. Data analysis uses descriptive qualitative analysis based on theories, principles, and teachings in legal science.

C. Discussion

1. Definition of Crime

Crime from the Dutch language *misdrifven*, which means a disgraceful act related to the law. Some experts define crime as follows: (Topo Santoso dan Eva Achjalni Zulfa, 2010)

- a. Wiryono Projo Dikoro, crime violates norms as the first fundamental element of criminal law.
- b. Paul Mudigdo Moeliono, crime is a human act that is a violation of norms that is felt to be harmful and annoying, so it should not be allowed to happen.
- c. Richard Quinney, crime is a human behavior created by authorized actors in a powerful society.

The definition of crime is viewed from two (2) points of view, namely as follows:

1. Juridically, crime is an act whose behavior is contrary to the rules of the Law.
2. Sociologically, crime is an act or behavior which, in addition to harming the sufferer, also harms the community in the form of loss of balance, peace, and order.

Crime is a part of people's lives and is an everyday event. A philosopher named Cicero said *Ubi Societas, Ibi Ius, Ibi Crime* which means there is society, there is law, and there is a crime. People judge each other, interact and communicate so that it often causes conflict and deviant behavior, which is often considered evil behavior, namely an act that violates the rules that live in society. (Hikmah & Sopoyono, 2019)

From a formal juridical perspective, crime is a behavior contrary to human morals (immoral), harms the community, and violates the law and the Criminal Code (KUHP). That is, all forms of action meet the formulations of the provisions of the Criminal Code. In short, crime is a form of behavior that violates criminal law. (Askar Nur, 2021) Sociologically, crime is all forms of action, speech, and behavior that are economically, politically, and socially psychologically very detrimental to society, violate ethical norms, and attack the safety of citizens. (Mulyana W Kusumah, 1988)

2. Pengertian Trafficking dan Korban Trafficking.

Trafficking is used for the term human trafficking. To date, there is no exact translation into Indonesian, and it can be clearly distinguished from "trading." However, it is not appropriate to use the term "trading" to translate the term trafficking. In international law literature, trafficking in women and children is included in the prohibited slavery category. Currently, trafficking in women and children is widespread in various places, such as slavery-like practices related to prostitution, trafficking in organs and body tissues, labor, illegal adoption, and trafficking and/or production of narcotics.

Wijers M & Lap-Chew, defines trafficking as the movement of people (women and children), with or without the consent of the person concerned within a country or abroad, to not only prostitution and slavery under the guise of marriage, thus expanding this definition to cover more issues. (Mesta Wahyu Nita, M.H, 2019) There are 2 (two) things that are driving factors for trafficking, namely: (Manda & Babo, 2017)

1. Poverty, although it is very cliché, this factor cannot be avoided. They are looking for the easiest shortcut to work abroad even though they are not equipped with skills and without thinking about all the risks and obstacles/challenges that will occur.
2. Attractor, namely the lure factor/promises from successful or prosperous people, from brokers to potential victims who have fallen into the trap without realizing it.

Trafficking victims generally are women with unstable conditions from weak economic groups, looking for work and low education. Women and children are classified as "latent victims" who are likely to become potential victims of crime. Child victims occur because they have a consumptive nature, look for easy ways, and are lured by the seductions of perpetrators who promise to live a good life without hard work so that they follow the persuasion of the perpetrator without realizing that they have been cheated and it is not easy to escape. (Nurhayati et al., 2020)

According to Black's Law Dictionary, the victim is the person who is the object of crime or tort, as the victim of a robbery is the person robbed. (Schmallegger, 2017) Meanwhile, according to Muladi, as quoted by Suryono

Ekatama et al., a victim suffers losses due to a crime and or whose sense of justice has been directly disrupted due to his experience as a crime target. (Suryono Ekatama, 2000)

The impact of trafficking on victims of human trafficking can result in unpleasant conditions, including trauma, severe psychological pressure, pregnancy, disability, and even death. Given the severity of the impact on trafficking victims, it creates stigmatization of women or children who have been “exploited.” Human trafficking also has the potential to weaken social values in society.

3. Legal Protection for Women and Children Victims of Human Trafficking

Human trafficking has been going on since time immemorial. It is widespread in the form of organized and unorganized crime networks, both inter-state and domestic, so it threatens human rights norms for the survival of the community, nation, and state. Therefore, preventing and tackling the crime of human trafficking needs to be done early on, and it must be based on noble values and national and international commitments as an effort to take action against perpetrators as well as a form of protection for victims. (Suryamizon, 2017)

According to Satjipto Rahardjo, legal protection protects human rights harmed by others. That protection is given to the community so they can enjoy all the rights granted by law. Meanwhile, according to CST Kansil’s opinion, legal protection is a variety of legal remedies that law enforcement officers must provide to provide a sense of security, both mentally and physically, from interference and various threats from any party. (Priyatno & Aridhayandi, 2018)

Legal protection is a universal concept of the rule of law. Basically, legal protection consists of two forms, namely preventive legal protection and repressive legal protection. The victims of crime need to be given legal protection. This can be seen from the establishment of the “Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power” by the United Nations as a result of “The Seventh United Nations Congress on The Prevention of Crime and the Treatment of Offenders.” The form of protection has expanded, not only given to victims of crime but also protection for victims due to abuse of power. (Aulia, 2018)

The law in Indonesia places the victim as the party who is most disadvantaged because apart from having suffered as a result of the crime that has befallen him, the victim also has to suffer double suffering. This happens because, without realizing it, victims are often treated as a means to realize legal certainty. Such as having to recall and bring up the crime event for the sake of the legal process they experienced.

Victims of crime suffer physically and spiritually due to the actions of others who seek the fulfillment of their own or other people’s interests that are contrary to the interests of the suffering human rights. Muladi argues victims are people who, individually and collectively, have suffered physical and mental harm, emotionally, economically, or substantially impaired by their fundamental rights through commissions that violate criminal law in each country, including abuse of power. (Sinaga et al., 2021)

Victims of human trafficking, in general, are women and children. They are a vulnerable group. Victims are trapped under challenging conditions and exploited in various forms of action, such as prostitution, forced labor/services, slavery, etc. The perpetrators of the criminal act of human trafficking carry out actions by

recruiting, defrauding, kidnapping, forging, or accepting people to trap the victim with sweet promises/promises and/or payment or use all forms of threats of violence, coercion/control and intimidation to obtain the consent of the parents or family.

In general, women and children who become victims of trafficking are motivated by individual factors, economic factors, family factors, education factors, environmental factors, cultural factors, weak law enforcement, and social conflicts. Often, they become commodities to overcome family economic problems. The problem of human trafficking has become a global problem, including in the Indonesian state, in the form of organized and unorganized crime networks. Trafficking is categorized as a type of crime against human rights that are contrary to human dignity, which Pancasila protects (2nd precept “Humanity”) and the 1945 Constitution (Preamble of the 1945 Constitution, First Paragraph).

Likewise, Article 20 of Law no. 39 of 1999 concerning Human Rights states that “No one can be enslaved or inhibited, slavery or servitude, slave trade, trafficking in women and all actions in the form of anything with a similar purpose are prohibited.”

The provisions regarding the prohibition of human trafficking have been regulated in the Criminal Code, Article 297, which explains the determination of the ban of facilitating the trafficking of women and boys who are not yet mature and qualifying the act as a crime, with a maximum imprisonment of six (6) years.

Considering the impact of the crime of human trafficking on victims who experience “exploitation” is quite severe, both social, psychological, trauma, stigma, and even death, as a form of protection and a sense of justice in the judicial process, law enforcement (investigators) consider that the provisions in Article 297 of The Criminal Code are too light. Investigators are more inclined to trap perpetrators of trafficking crimes with Law no. 35 of 2014, an amendment to Law no. 23 of 2002 concerning Child Protection, and Law no. 21 of 2007 concerning the Crime of Human Trafficking.

The rights of victims of the crime of human trafficking for women and children to obtain maximum legal protection is an obligation that must be considered. Although the provisions governing legal protection for victims are still very limited, the development of conditions and problems for victims of criminal acts is relatively increasing and serious. This can be seen in judicial practice related to the issue of victim protection which is deemed to have received less attention that the victim is only limited to receiving compensation (Article 98-101 of the Criminal Procedure Code). According to Arief Gosita, the rights of victims of criminal acts include: (Satrio & Faisal, 2021)

- a. Victims get compensation for their suffering.
The provision of compensation is adjusted to the ability to compensate the perpetrators in the occurrence of crime and delinquency.
- b. The victim refuses restitution for the perpetrator’s benefit (does not want to be given restitution because it does not need it).
- c. The victims get restitution/compensation for their heirs if the victims die due to a crime committed by the perpetrator.
- d. Victims receive training and rehabilitation.
- e. The victims get their rights.

- f. The victims get protection from the threat of the perpetrator when they report the crime that happened to them and when they become a witness to the crime that occurred.
- g. Victims receive legal counsel.
- h. The victim has the right to use legal remedies.

Mudzakir stated that there are three (3) legal rights that allow victims to be used in the criminal justice process, namely:

1. The right to object to the termination of the investigation and prosecution.
2. The right of the victim to report and be a witness.
3. The right to claim compensation.

Victims of human trafficking are the most disadvantaged and often neglected parties in the law enforcement system. The victim, in this case, is the party experiencing severe suffering, namely psychological, mental, physical, sexual, economic, and/or social. Victims even find it difficult to escape from the snares of criminals. So then, seriousness is needed in the law enforcement process; law enforcement officers must cooperate with various parties to arrest perpetrators, and victims are entitled to legal protection. In addition, the concept of state responsibility for the rights of its citizens is obliged to assist in restoring psychological conditions until they return to their original position.

The regulation on human trafficking in the current legislation in Indonesia is deemed very inadequate compared to the broad understanding of human trafficking. So it cannot be used to capture all acts within the current limits, and the articles in the Criminal Code used to ensnare perpetrators still have many weaknesses. So law enforcement officers use laws and regulations (*lex specialis*) that can aggravate the perpetrator and provide a form of justice for the victim. The regulations outside the Criminal Code are:

- Law No. 39 of 1999 concerning Human Rights,
- Law No. 26 of 2000 concerning the Human Rights Court,
- Law No. 13 of 2003 concerning Employment,
- Law No. 36 of 2009 concerning Health,
- Law No. 1 of 1974 concerning Marriage,
- Law No. 37 of 1999 concerning Foreign Relations,
- Law No. 8 of 2010 concerning Money Laundering,
- Law No. 35 of 2014 concerning Child Protection,
- Along with several Government Regulations and Decrees of the Minister of Manpower.

4. Policies To Combat The Crime Of Trafficking Toward Women And Children From A Philosophical, Sociological, And Juridical Perspective

Legal development, as an effort to uphold justice, truth, and order in the Indonesian legal state based on Pancasila and the 1945 Constitution, is directed at increasing legal awareness, guaranteeing law enforcement, service, and certainty, and realizing a national legal system that serves the national interest. The term policy comes from Policy (English) or Politiek (Dutch), which can be interpreted as general principles that function to direct the government and law enforcement in managing, regulating, or resolving political affairs, community problems, or areas of drafting laws and regulations and the application of laws/regulations to lead to efforts to realize community welfare. (Wahab, 2012)

A. Mulder explained in detail the political scope of criminal law. According to him, the politics of criminal law is a policy line to determine how far the applicable criminal provisions need to be changed or updated, what can be done to prevent crimes from occurring, and how investigations, prosecutions, trials, and criminal executions must be carried out.

Based on A. Mulder's statement about the political understanding of criminal law, the scope of criminal law policy covers a fairly broad problem, namely the evaluation of the substance of the criminal law currently in effect for the renewal of the substance of criminal law in the future and how to apply criminal law through the components of the criminal justice system. No less important is the prevention of crime. This means that criminal law must be one of the instruments to prevent the possibility of crime. Therefore, the application of criminal law must have an effective influence on preventing crime occurs. (Sitompul, 2020)

Criminal law politics or criminal law policies are known by various terms, including "Penal Policy," "Criminal law policy," or "*Strafrechtspolitik*." Policy enforcement of criminal law is one form of crime prevention efforts. The use of criminal law as a tool to tackle crime is part of criminal policy. Crime prevention efforts with criminal law are carried out to achieve the ultimate goal of the criminal policy itself, namely to provide community protection to create order and prosperity.

Law enforcement is a necessity that the state must carry out to protect its citizens because crime is an urgent community problem to be overcome to achieve a harmonious, orderly and peaceful life. The rules in the law define what should be done as an obligation and what should not be done as a form of prohibition. The legal system has a particular mechanism that guarantees the implementation of the rules in a fair, definite, and firm manner and benefits the realization of public order and peace. The working system of the law is a form of law enforcement. Barda Nawawi Arief argues that upholding the law is upholding the values of truth and justice. This means that the community trusts law enforcers to keep the values of truth and justice contained in the law. Barda Nawawi Arief emphasized that crime prevention efforts with criminal law are essentially part of criminal law enforcement efforts, so it is often said that legal politics or criminal law policies are part of law enforcement policies. (Arief, 2011)

From the perspective of criminal law policy, crime prevention can be carried out using a:

1. Penal (criminal law) means the application of criminal law or criminal law application. In comparison, penal efforts to tackle crime are more focused on repressive nature, namely in the form of suppression, eradication, and suppression after the crime has occurred.
2. Non-penal (non-criminal law) is a business in the form of a coaching and/or non-formal education business. This approach focuses more on preventive properties, namely in the form of prevention, deterrence, and control before the crime occurs. So the main factor is to deal with the factors conducive to the occurrence of crime. For example, social problems can directly or indirectly lead to the fertility of crime. From a macro and global perspective of criminal politics, non-penal efforts occupy a key/strategic position in overcoming the causes or conditions for the emergence of crime.

3. The integral approach (integrated) combines a penal and non-penal approach. An integral approach is a rational approach, which in addition to upholding the principle of legality, is also the principle of utility.

The integration of these two approaches is hinted at and proposed in the United Nations Congress on the Prevention of Crime and the Treatment of Offenders. This is motivated by the fact that crime is a social problem and a humanitarian problem. Therefore, crime prevention efforts can not only rely on the application of criminal law alone but also see the root of the birth of the problem of crime, namely from social problems, so social policies are also significant.

Efforts to prevent and overcome crime carried out using criminal law (penal policy) or penal policies are an effort to overcome crime through the making of laws and non-penal means, which are essentially an integral part of community protection efforts (social defense) and efforts to achieve social prosperity (social welfare). So it is natural that criminal law policy is an integral part of social policy. Social policy can be interpreted as all reasonable efforts to achieve public welfare and simultaneously include community protection. So in terms of social policy, it also has social welfare and defense policies. (Rinaldi & Bekker, 2021)

The purpose of criminal law policy is to tackle crime, so criminal policy is defined as a way of acting or policies from the state (government) in using criminal law to achieve certain goals, namely crime prevention. Crime is a human act that violates or contradicts what is determined in the rule of law, precisely an act that violates the prohibition stipulated in the rule of law and does not comply with or against the orders that have been specified in the rules of law applicable in the community where the person concerned resides.

Gerson W. Bawengan states that there are 3 (three) definitions of crime according to its use, namely:

- a. From a practical understanding, crime violates religious norms, customs, decency, and norms derived from customs that receive a reaction in the form of punishment or exception.
- b. From religious understanding, crime is synonymous with sin, and every sin is threatened with the punishment of hellfire.
- c. From a juridical understanding, crime has been formulated in law, such as in the Criminal Code.

So that an act can be said to be a crime if it is contrary to and violates the norms that live in society, be it religious norms, moral norms, decency norms, or legal norms. Therefore, in tackling crime, various means are needed as a reaction given to criminals, namely in the form of integrated penal and non-penal facilities, so a political conception of criminal law is required.

Victims are entitled to legal protection in relation to the problem of overcoming the crime of human trafficking. Protection can be through efforts to eradicate criminal acts of human trafficking as a goal of criminal law policy (social defense) and provide legal protection to the community (social welfare) following the ideals of the Indonesian nation, namely; The state and government must protect the entire nation and educate the nation's life and general welfare.

One of the state policies towards the protection of trafficking victims is through legal policy formulating the criminal act of human trafficking into legislation no. 21 of 2007 concerning the Eradication of the Crime of Human Trafficking. While the form of legal protection for victims is regulated in Article

43, which explains that “The provisions regarding the protection of victims of the crime of trafficking human trafficking are carried out based on Law no. 13 of 2006 concerning the Protection of Witnesses and Victims unless otherwise stipulated in Law no. 21 of 2007.”

The role and responsibility of the state is the most important thing in carrying out its constitutional obligations toward human rights (state responsibility). The state has the right to make laws and enforce good laws, create security and public order for everyone and implement human rights by fulfilling their obligations to respect, protect and uphold human rights, especially the rights of women and children as regulated in international law as convened by Indonesian law.

The concept of state responsibility in human rights is contained in the 1945 Constitution and Pancasila, as well as a philosophical foundation. Human rights are fundamental rights inherent in human beings, are universal and lasting, and must be protected, maintained, and should not be taken away by anyone.

As an archipelagic country with a large population, Indonesia is very vulnerable to various forms of crime, one of which is the crime of human trafficking, which is motivated by various sociological factors that lead to forms of human exploitation (women and children) so that it needs effective countermeasures. The crime of human trafficking is not only a national problem but is a transnational and cross-border crime, so cooperation is necessary to combat this crime effectively.

Therefore, the government is responsible for protecting and fulfilling human rights following the principles of a democratic rule of law, which are guaranteed and regulated in laws and regulations as a juridical basis regarding the prohibition of human trafficking qualified as a crime. Various laws and regulations related to the crime of human trafficking and the protection of victims as a legal framework are made for preventing and overcoming the crime of trafficking.

Prevention of the crime of human trafficking is not only through a law enforcement framework but also through a mechanism of intergovernmental cooperation. It focuses on supply and demand factors, the main causes behind human trafficking, including poverty and unemployment. Meanwhile, trafficked persons are now equipped with access to adequate and appropriate solutions, including access to justice, the right to be free from threats of violence/retaliation, and the right to legal remedies.

For trafficking victims (women and children), it is not enough to receive medical, psychological, and social services. Still, it needs to get treatment through an integrated service center, considering the many problems a woman trafficking victim's faces. In the legal process of examining trafficking cases, victims need more intense assistance because they are usually in a very depressed/traumatic psychological condition.

Meanwhile, efforts to combat human trafficking toward women and children have encountered various obstacles, namely related to the problem of synchronization in the implementation of the Indonesian criminal justice system between community cultural factors (culture), government policies (statutory regulations/legal substance), and law enforcement officers (legal structures). So, international cooperation and the role of the community are needed to make the implementation of the prevention and eradication of criminal acts of human trafficking regional, bilateral and multilateral more effective.

Community participation can be realized by providing information and/or reporting the existence of a criminal act of human trafficking to law enforcement officers or the authorities or participating in dealing with victims of the crime of human trafficking (Article 60 of Law No. 21 of 2007). The government eradicates trafficking by the government with repressive actions according to applicable laws and preventive measures through practical entrepreneurship education.

D. Closing

Human trafficking often occurs in vulnerable groups, namely women and children (victims). Efforts to protect victims' rights have been carried out, although not optimally, through the prevention and prosecution of traffickers. The law enforcement problem against trafficking crimes has been carried out with the concept of punishing the perpetrators and providing compensation or restitution to victims and/or their families. Because trafficking is also a transnational crime, dealing with crimes needs to be done bilaterally/multilaterally. Efforts to overcome the crime of trafficking are carried out by preventing and reducing the suffering of victims. The crime of human trafficking is related to human rights issues involving women and children motivated by economic, social, and cultural factors. So, in addition to prioritizing penal facilities in eradicating trafficking, it is necessary to seek non-penal means by involving the community in preventing and overcoming crime (preventive and repressive).

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