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**Enforcement of the Criminal Act of Trafficking in Women**

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Cases of human trafficking in Indonesia are currently very widespread. Apart from being used as sexual exploitation in Indonesia, the most common cases of human trafficking in Indonesia are cases of prostitution where people are trafficked in providing sexual services that can be ordered online. This of course creates unrest among the wider community. There are so many cases of human trafficking in cyberspace that occur and of course many of these cases have not been revealed because apart from the performance of law enforcement officers, it is also due to the inadequate legal regulations and criminal sanctions in dealing with human trafficking cases in cyberspace. The provisions in Law Number 19 of 2016 concerning Electronic Information and Transactions and Law Number 21 of 2007 concerning the Eradication of the Criminal Act of Human Trafficking do not regulate in detail all aspects regarding sanctions, elements and other matters regarding human trafficking. in cyberspace, both from Law Number 19 of 2016 concerning Electronic Information and Transactions and Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking and it is felt necessary to revise or further refine existing regulations so that later criminal sanctions can be imposed. These regulations can be used as a countermeasure. In this research, researchers try to examine the case of Decision Number 841/Pid.Sus/2019/PN Mdn and Decision Number: 180/Pid.Sus/2016/PN Psp, Decision Number 841 / Pid.Sus / 2019 / PN Mdn and in the research This time, researchers tried to examine the case of Decision Number 841/Pid.Sus/2019/PN Mdn and Decision Number: 180/Pid.Sus/2016/PN Psp, Decision Number 841 / Pid.Sus / 2019 / PN Mdn with the defendant named Mujiono alias Edak is an entrepreneur whose address is Hamlet III, Liberia Village, Kec. Mengkudu Bay District. Serdang Bedagai. The public prosecutor has submitted the defendant to trial on the charge of declaring that the defendant MUJIONO als EDAK has been legally and convincingly proven to have committed a criminal act ", who carried out recruitment, for the purpose of exploiting said person in the territory of the Republic of Indonesia" as regulated and punishable by crime in Article 2 of the Law Number 21 of 2007 concerning Eradication of the Crime of Human Trafficking.

**Keywords:** Law Enforcement, Crime, Trafficking in Women

**INTRODUCTION**

The crime of human trafficking is a major problem that has threatened humans since the existence of human life itself. One form of trafficking is the activity of human slavery which occurred long before the issue of human trafficking became as widespread as it is now. Every slavery activity at that time was carried out without considering a person's right to live freely, this clearly illustrates a violation of Human Rights (HAM). Currently, slavery activities are being modernized in the form of trafficking. Based on Article 1 paragraph (1) of Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking, what is meant by human trafficking is as follows: "Recruitment, sending, transferring, harboring or receiving a person, with the threat or use of violence or other forms of - other forms of coercion, kidnapping, fraud, lying or abuse of power or a position of vulnerability or giving or receiving payments or obtaining benefits in order to obtain the consent of a person who has power over another person, for the purpose of exploitation."

When examining what are the main factors causing the rise in human trafficking, in the cases that have been revealed, there are three things that can be known, namely: First; poverty (Poverty), second; the number of residents and third; Patriarchal culture. Poverty is the most dominant factor in the occurrence of human trafficking. People who have a low standard of living can easily be persuaded to sell by providing work for a better life

Human trafficking arrangements have been around for a long time. International arrangements have recorded several conventions including the International Convention to Abolish the Trade in White Slaves in 1921, the International Convention to Abolish the Trafficking in Women and Children in 1921, the International Convention to Abolish the Trafficking in Adult Women in 1933, and the Convention on the Elimination of All Forms of Discrimination Against Women in 1979 Human trafficking arrangements have been around for a long time. International arrangements have recorded several conventions including the International Convention to Abolish the Trade in White Slaves in 1921, the International Convention to Abolish the Trafficking in Women and Children in 1921, the International Convention to Abolish the Trafficking in Adult Women in 1933, and the Convention on the Elimination of All Forms of Discrimination Against Women in 1979 .

Cases of human trafficking in Indonesia are currently very widespread. Apart from being used as sexual exploitation in Indonesia, the most common cases of human trafficking in Indonesia are cases of prostitution where people are trafficked in providing sexual services that can be ordered online. Trafficking of women is one aspect of transnational migration, and it is also a very complex global one. Trafficking in women is a very serious problem because it involves violence against women and the phenomenon of commodification of women through manipulation, exploitation and free trade. Cases that have come to light in recent years show that there are organized networks that carry out these activities for profit. In general, the obstacles that are felt to be very difficult to eradicate the practice of trafficking in women are due to socio-cultural factors that are closely related to institutionalized social construction and asymmetric gender relations. Men's involvement in maintaining women's reproductive health in family life is still considered insufficient. On the other hand, men's power over women's reproductive rights and health is still very large. This reality continues to develop and has an impact on every women's reproductive health policy that is not gender sensitive.

**RESEARCH METHODS**

This research has the character of normative legal research because it describes the applicable laws and regulations and is linked to legal theories in the practice of implementation related to the problem. It will be researched using this method as well, it will describe/describe the facts that actually occur as a reflection of the implementation of statutory regulations and legal principles linked to legal theories related to the crime of

trafficking in women.

This type of research is prescriptive in nature because it describes the applicable laws and regulations and is linked to legal theories in the practice of implementation related to the problem, as well as describing/describing the facts that actually occur as a reflection of the implementation of the laws and regulations in force. In this case it is a criminal act of trafficking in women. The data used in this research is secondary data. Secondary data is data used to answer the problems in this research through literature study. Secondary data is the main data used in this writing. The legal data used in this research are primary data and secondary data. Primary Data is data obtained directly from the source using the interview method. The secondary data used in this research was obtained directly through searching the literature or official documents, namely books on legal theory, legal philosophy and books on legal discovery and legal interpretation. This is important for the author to sort out and then analyze the statutory regulations/provisions. This secondary data consists of three legal materials, namely primary legal materials, secondary legal materials and tertiary legal materials.

In this research, the collection of legal materials is collected based on the topic of the problem by conducting a literature study, namely the researcher collects legal materials from various laws and regulations used in research, books, articles, scientific journals, papers, research results of legal experts and newspaper clippings related to the problem under study. The legal materials that have been collected are then classified to facilitate analysis and construction.

All data obtained from the research results will be analyzed qualitatively. Qualitative analysis is carried out by grouping the data obtained, then sorting it based on its relevance to the research topic. The data is then compiled systematically to be connected and analyzed with related regulations, so that conclusions can then be drawn to answer the problem. Data presentation is carried out descriptively by describing and explaining the results obtained in the field with existing data and theory, thereby answering the problem.

The form of research results according to the type of research is prescriptive, namely describing/describing facts that actually occur as a reflection of the criminal law book, Law Number 21 of 2007 concerning Eradication of the Crime of Human Trafficking, other related regulations. with the eradication of the crime of human trafficking which is related to this thesis.

## DISCUSSION

### **Legal Protection for Victims of Human Trafficking Crimes, Especially Women (Case Study of Decision Number 841/Pid.Sus/2019/PN Mdn and Decision Number: 180/Pid.Sus/2016/PN Psp)?**

Legal protection for victims of criminal acts of human trafficking, especially women, is contained in Articles 351 to 355 of the Criminal Code, which are included in the provisions of these articles regarding abuse, for perpetrators of serious or minor abuse they are threatened with imprisonment, Article 356 of the Criminal Code provides one third of the threat to abuse committed against people outside their family members.

Legal protection for victims of the crime of trafficking has increasingly gained ground with the enactment of Law Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons. Provisions regarding victim protection are specifically regulated in Articles 43 to 53, Article 43 of Law Number 21 of 2007 regulates the protection of witnesses and victims in the crime of trafficking carried out based on Law Number 13 of 2006 concerning the protection of witnesses and victims unless otherwise specified. in this law.

Legal protection for victims of the crime of trafficking has increasingly gained ground with the enactment of Law Number 21 of 2007 concerning the Eradication of the Crime of

Trafficking in Persons. Provisions regarding victim protection are specifically regulated in Articles 43 to Article 53, Article 43 of Law Number 21 of 2007 regulates provisions regarding the protection of witnesses and victims in Trafficking crimes implemented based on and victims in Trafficking crimes implemented based on Law Number 13 2006 concerning witness and victim protection. In this research, researchers try to examine the case of Decision Number 841/Pid.Sus/2019/PN Mdn and Decision Number: 180/Pid.Sus/2016/PN Psp, Decision Number 841 / Pid.Sus / 2019 / PN Mdn and in the research This time, researchers tried to examine the case of Decision Number 841/Pid.Sus/2019/PN Mdn and Decision Number: 180/Pid.Sus/2016/PN Psp, Decision Number 841 / Pid.Sus / 2019 / PN Mdn with the defendant named Mujiono alias Edak is an entrepreneur whose address is Hamlet III, Liberia Village, Kec. Mengkudu Bay District. Serdang Bedagai. The public prosecutor has submitted the defendant to trial on the charge of declaring that the defendant MUJIONO als EDAK has been legally and convincingly proven to have committed a criminal act ", who carried out recruitment, for the purpose of exploiting said person in the territory of the Republic of Indonesia" as regulated and punishable by crime in Article 2 of the Law Number 21 of 2007 concerning Eradication of the Crime of Human Trafficking.

In Decision Number 841/Pid.Sus/2019/PN Mdn on behalf of the Defendant Mujiono Alias Edak, he has been legally and convincingly proven guilty of committing the criminal act of "Carrying out recruitment for the purpose of exploiting the person, with a prison sentence of 3 (three) years and criminal a fine of IDR 200,000,000 (two hundred million rupiah) and if the fine is not paid it will be replaced by imprisonment for 3 (three months) as charged in the First Indictment by the Public Prosecutor, namely As regulated and punishable by Article 2 Paragraph (1) UURI NO. 21 of 2007 concerning Eradication of the Crime of Human Trafficking. It reads: "Everyone who recruits, transports, harbors, sends, transfers or receives someone with threats of violence, use of violence, kidnapping, confinement, forgery, fraud, abuse of power or a vulnerable position, debt bondage or providing payments or benefits despite obtaining the consent of a person who has control over another person, for the purpose of exploiting that person in the territory of the Republic of Indonesia, shall be punished with imprisonment for a minimum of 3 (three) years and a maximum of 15 (fifteen) years and a fine of at least Rp. 120,000,000.00 (one hundred twenty million rupiah) and a maximum of Rp. 600,000,000.00 (six hundred million rupiah)".

Thus, the defendant Mujiono Alias Edak was sentenced to prison for 3 (three) years and a fine of Rp. 200,000,000,- (two hundred million rupiah) and if the fine is not paid then it will be replaced by imprisonment for 3 (three months) which is the minimum penalty Article 2 Paragraph (1) UURI NO. 21 of 2007 concerning Eradication of the Crime of Human Trafficking. And the sentence received by the defendant was still very light, so it did not provide "Shock Therapy" to the wider community to stop sexually exploiting women in serving philandering men.

The author sees that the crime of human trafficking with the exploitation of women has been very widespread since ancient times and is difficult to eradicate, even though the government is making sufficient efforts to enforce this law. According to the author for several reasons, as follows:

1. It is difficult for investigators to handle human trafficking cases because the perpetrators are discontinuous in their networks of importing women until the sexual execution takes place, so it is very difficult to prove.
2. The perpetrator's identity is often faked/disguised.
3. Often victims are not honest in giving testimony, which affects the severity or severity of the human trafficking case.
4. Society has narrow thinking due to economic factors, poverty factors, so many families force their daughters or wives or closest relatives to make money quickly.

## Accountability of Perpetrators of the Crime of Trafficking in Women (Case Study of Decision Number 841/Pid.Sus/2019/PN Mdn and Decision Number: 180/Pid.Sus/2016/PN Psp)

Within the scope of the principle of criminal responsibility, according to Sudarto, apart from the ability to be responsible, mistakes (*schuld*) and unlawfulness (*wederechtelijk*) as conditions for the imposition of a crime, are the danger to society by the perpetrator. Thus, in the concept of criminal liability, in the sense that the maker is punished, there are several conditions that must be met, namely:

1. there is a criminal act committed by the maker (criminal act);
2. there is a manufacturer who is capable of taking responsibility;
3. there is an element of error in the form of intention or negligence; And
4. no excuses.

Criminal threats that can be imposed on perpetrators (traffickers) who commit criminal acts of human trafficking. The criminal threats that can be imposed on them are:

- a) Imprisonment for a minimum of 3 years and a maximum of 15 years and a fine of at least 120 million rupiah and a maximum of 600 million rupiah (based on Article 2-6 of Law No. 21 of 2007).
- b) The criminal threat can be increased by one third of the criminal threat in Article 2 (2), Article 3, Article 4, Article 5, Article 6. If the criminal act as intended in Article 2, Article 3, Article 4, Article 5, Article 6 results in the victim suffering serious injuries, serious mental disorders, other infectious diseases that endanger life, pregnancy or disruption or loss of reproductive function (based on Article (1) of Law No. 21 of 2007).
- c) For perpetrators who are organized groups, every perpetrator of the criminal act of trafficking in persons within the organized group shall be punished with the same crime as intended in Article 2 plus 1/3 (one third) (based on Article 16 of Law NO. 21 OF 2007).
- d) For those who provide or falsify false information on State documents or other documents or falsify State documents or other documents, to facilitate the crime of trafficking in persons, they will be punished with a prison sentence of at least 40 million rupiah and a maximum of 280 million rupiah. (based on Article 19 of Law NO. 21 OF 2007)

Other related matters include:

- a) For those who are referred to as organizers (*Uitlokker*) or ordering the commission (*doen pleger*) or participating in the commission (*mede pleger*) of criminal acts of human trafficking as intended in Article 55 of the Criminal Code.
- b) For those who are said to be helping to commit (*medeplichtigheid*) the crime of trafficking in persons not only during and before the crime is committed but also after the crime is committed. The criminal threat that can be imposed on a person who assists the perpetrator of the crime of trafficking in persons during and before the crime is committed is to be punished with the same punishment as the perpetrator as intended in Article 2, Article 3, Article 4, Article 5, Article 6, namely the shortest prison sentence. 3 years and a maximum of 15 years and a fine of at least 120 million rupiah and a maximum of 600 million rupiah (based on Article 10 of Law NO. 21 OF 2007).

In Decision Number: 180/Pid.Sus/2016/PN Psp on behalf of the Defendant ABDULLAH TANJUNG ALS DOLLAH has been legally and convincingly proven guilty of committing the crime of "Exploitation of People" and the defendant was sentenced to imprisonment for 4 (four) years and a fine of Rp. 120,000,000 (one hundred twenty million rupiah) with the provision that if the fine is not paid, it will be replaced by imprisonment for 1 (one) month. As regulated in Article 2 paragraph (1) of Republic of Indonesia Law no. 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons, reads: "Every person who recruits, transports, harbors, sends, transfers or receives someone with the threat of violence, use of violence, kidnapping, confinement, forgery, fraud, abuse of power or a

vulnerable position, debt bondage or providing payments or benefits despite obtaining the consent of a person who has control over another person, for the purpose of exploiting that person in the territory of the Republic of Indonesia, is punishable by imprisonment for a minimum of 3 (three) years and a maximum of 15 (fifteen) years and a fine of at least Rp. 120,000,000.00 (one hundred and twenty million rupiah) and a maximum of Rp. 600,000,000.00 (six hundred million rupiah).

The sentence is only 4 (four) years and a fine of Rp. 120,000,000 (one hundred and twenty million rupiah) is too low for the defendant, even though the defendant's actions have damaged the moral, cultural and religious order that prevails in society.

It is hoped that this research can provide input to law enforcement officials to start having the courage to impose maximum sentences for defendants who commit crimes of exploitation of human trafficking so that it can become a legal breakthrough to dare to impose maximum sentences on perpetrators.

## CONCLUSION

Legal Protection for Victims of the Crime of Human Trafficking, Especially Women (Case Study of Decision Number 841/Pid.Sus/2019/PN Mdn and Decision Number: 180/Pid.Sus/2016/PN Psp), namely: In the case decision that the author raises, no explained the process carried out for victims, only focusing on providing legal certainty and law enforcement to the defendant. The author observes that legal protection for victims of the crime of trafficking is increasingly gaining ground with the enactment of Law Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons. Provisions regarding victim protection are specifically regulated in Articles 43 to 53, Article 43 of Law Number 21 of 2007 regulates "Provisions regarding the protection of witnesses and victims in the crime of trafficking are implemented based on Law Number 13 of 2006 concerning Protection of Witnesses and Victims unless otherwise provided in this Law.

In order to provide protection for victims, there are several types of rights that need to be given attention to consider the benefits regulated in regulations or laws in order to uphold legal order and justice. These rights are as follows:

- a. The victim's right to receive compensation for his or her suffering.
- b. The victim's right to refuse compensation because they do not need it.
- c. The right to receive compensation for the heirs if the victim dies in the incident.
- d. The right to receive guidance and rehabilitation.
- e. The right to get his property back.
- f. The right to refuse to be a witness if it endangers him.
- g. The right to receive protection from threats from the perpetrator if the victim reports being a witness.
- h. The right to use the assistance of Legal Counsel.
- i. The right to refuse to become a witness if it endangers him.

Protection of crime victims as part of community protection can be realized in various forms, such as through the provision of restitution and compensation, medical services and legal aid. The term compensation is used by the Criminal Code in Article 99 paragraphs (1) and (2) with emphasis on compensation for costs incurred by the injured party or victim. Judging from the interests of the victim, the concept of compensation contains two benefits, namely first, to cover material losses and all costs that have been incurred, and second, to satisfy the victim's emotional well-being. Meanwhile, seen from the perspective of the perpetrator, the obligation to compensate for losses is seen as a form of punishment imposed and is felt as something concrete and directly related to the mistake committed.

Restitution is more directed at the perpetrator's responsibility for the consequences caused by the crime so that the main target is to overcome all losses suffered by the victim.

Compensation is a form of compensation that can be seen from humanitarian and human rights aspects. Accountability of Perpetrators of the Crime of Trafficking in Women (Case Study of Decision Number 841/Pid.Sus/2019/PN Mdn and Decision Number: 180/Pid.Sus/2016/PN Psp), namely:

- a. Case Study Decision Number 841/Pid.Sus/2019/PN Mdn that the Defendant Mujiono Alias Edak has been legally and convincingly proven guilty of committing the crime of "Carrying out recruitment for the purpose of exploiting the person, with a prison sentence of 3 (three) years and a fine amounting to IDR 200,000,000 (two hundred million rupiah) and if the fine is not paid it will be replaced by imprisonment for 3 (three months)
- b. Decision Number: 180/Pid.Sus/2016/PN Psp that The defendant ABDULLAH TANJUNG ALS DOLLAH has been legally and convincingly proven guilty of committing the crime of "Exploitation of People"; And sentenced the defendant to imprisonment for 4 (four) years and a fine of Rp. 120,000,000 (one hundred twenty million rupiah) with the provision that if the fine is not paid, it will be replaced by imprisonment for 1 (one) month.

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