

Human Trafficking and Human Smuggling

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Abstract

Human trafficking and human trafficking have been major issues in various societies throughout history. This paper provides an overview of the historical context, prevalence, and consequences of human trafficking. The study begins by discussing the historical context of human trafficking, including its roots in the transatlantic slave trade and its evolution into the modern era. The report then examines the prevalence of human trafficking, highlighting the various forms it takes, such as forced labor, sexual exploitation and organ trafficking. This paper also explores the consequences of human trafficking, including physical and psychological harm, social and economic harm, and its impact on society and the country. Finally, the paper discusses current efforts to combat human trafficking, such as international conventions, national legislation, and civil society initiatives. Despite these efforts, human trafficking remains a persistent and widespread problem that requires continued attention and action from governments, civil society, and international organizations. Human trafficking or human smuggling has caused many problems, including pain, use of labor inappropriate, and the spread of disease. Most humans sold into human trafficking or human smuggling do not have the option to stop or reveal themselves. Human trafficking or human smuggling has become a serious problem in many countries, including countries in Southeast Asia and Africa. Some countries have reduced or eliminated policies governing human trafficking, making the problem even more difficult to address. Human trafficking or human smuggling is an activity that causes many problems and results in pain for many people. Effective policies and more knowledge about human trafficking are needed to reduce this problem.

Keywords: Smuggling, humans, trafficking, enforcement, law

1. INTRODUCTION

Human trafficking is a global crime that involves a series of actions such as stalking, harboring, sending, transferring, and receiving victims through various coercive methods including violence, kidnapping, fraud, and exploitation of power or vulnerable positions. Important elements in human trafficking include debt bondage and providing benefits to gain control over victims, often without their consent. The aim of human trafficking is exploitation which includes: sexual exploitation, forced labor, or organ removal. Different from human smuggling, human trafficking does not require the victim's consent and always involves exploitation. Trafficking in persons is a serious violation of human rights and is considered a crime against humanity, requiring a firm legal response and international coordination to effectively combat and eradicate this crime. The elements of human trafficking include a series of actions such as surveillance, transportation, transfer, placement, and reception of victims. This trafficking often involves coercive methods such as violence, fraud, or abuse of power. Perpetrators may also use tactics such as debt bondage or providing rewards to obtain the victim's consent. Human trafficking is considered one of the five greatest crimes and is strictly regulated in legal policy, considering its extremely evil nature and violation of human rights. Human trafficking and human smuggling are crimes that occur when someone is received or kept for the purpose of exploitation, such as exploration, and can be either legal or illegal. Human trafficking can harm children's future by leading to violence, identity theft, isolation, fraud, reduction of their authority, debt bondage, and financial exploitation. Children can be separated from their families and communities, bullied, and manipulated to gain advantage or fulfill debts. In these cases, children lose control of their lives and become subjects in networks that exploit them economically and psychologically. Indonesia faces serious challenges in combating human trafficking, especially trafficking in women and children. This country is in third place as a global supplier of women and children trafficking.

Human trafficking in Indonesia includes the trafficking of women for prostitution, labor trafficking which often resembles slavery, and child trafficking, including the trafficking of babies for illegal adoption. Person traffickers can be individuals or groups, including leaders, collectors, transporters, importers, holders and users. Indonesia is a country that is in third place as a supplier of trafficking in women and children, making it a challenge for the country to save the nation's children from adversity. Factors that influence human trafficking and human smuggling crimes include:

1. Economic Factors: Poverty, low education, and inadequate job opportunities which make unemployed people migrate to other areas and experience their use by certain parties as a source of income
2. Educational Factor: Obedience to parents which can cause children to become vulnerable to trafficking
3. Social Factors: Domestic violence, support for parents, and economic conditions that cause victims to experience an economic crisis
4. Political Factors: Political conditions that make many people vulnerable to human trafficking, such as victims of physical, psychological or sexual violence
5. Cultural Factors: Gender inequality which makes women cornered and trapped in human trafficking
6. Organizational Factors: Actions of corporations, companies, or organizations that help or facilitate human trafficking
7. Criminal Factors: crimes related to human trafficking, such as fraud, fraud, and protection of power
8. Opportunity Factor: The availability of opportunities allows perpetrators to look for victims who are easy to sell
9. Ownership Factor: Availability of activities, such as transportation, warehouses, and documents that facilitate human trafficking
10. Legal Compliance Factor: Lack of law enforcement which allows perpetrators to operate without control
11. Welfare Factor: Low welfare makes many people vulnerable to human trafficking
12. Social Welfare Factors: Low social welfare makes many people vulnerable to human trafficking
13. Economic Welfare Factor: Low economic prosperity which makes many people vulnerable to human trafficking

Identification of problems

Human trafficking, also known as trafficking, is a serious international problem, with approximately 600,000 to 800,000 people becoming victims every year. Of these, approximately 80% are women and girls, indicating that they are particularly vulnerable to exploitation in human trafficking.

Several factors that cause human trafficking in Indonesia include:

1. Poverty: Human trafficking is a logistical consequence of the increasing need for labor in several destination areas, while in sending areas job opportunities are not available or existing jobs are no longer in line with the demands of the realities of life,
2. Increased practice of falsifying documents: Conflicts in various countries make women and children very vulnerable due to loss of protection, security and human rights. This situation forces them into human trafficking circles to find solutions to the difficulties they face. Human trafficking offers false hope of a job or a better life, but often only results in further exploitation.
3. Population increase: When population increases while resources become increasingly limited and unable to meet human needs, this will have an impact on the emergence of forms of human trafficking,
4. Sex industry-both legal and illegal: The WHO report shows an increasing network of sex industries between Indonesia, Malaysia and Singapore, with the movement of clients and sex workers between the three countries.

This indicates a close relationship between the sex industry In the region, impacting the movement of people and related economic activities. To tackle the problem of human trafficking, serious and real efforts are needed from state administrators. Legal protection for victims of criminal acts of human trafficking, eradicating criminal acts of human trafficking, and protecting community rights are important steps to reduce this crime.

2. METHODOLOGY

Normative Research: This method can be used to explore theories, concepts and laws and regulations related to human smuggling. This research can be carried out using a case study approach, which includes statutory provisions, court decisions, reference books, literature and internet sources.

The Crime of Human Smuggling in Indonesia

The Crime of Human Smuggling is a crime that is prohibited in Indonesia. Human smuggling is an activity that is subject to state, legal and government policies and regulations. This activity is carried out to transport people from one country to another country carelessly, which is usually done using careless methods or using roads that are not in accordance with the law. Human smuggling is a criminal act that consists of several activities, such as transporting people in a careless manner, transporting people to another country without permission, transporting people for bad purposes, and transporting people using roads that do not comply with the law. Human smuggling is a criminal offense that is prohibited in Indonesia. Law Number 23 of 2002 concerning Witness and Victim Protection and Law Number 11 of 2012 concerning Children's Courts state that human smuggling is a prohibited criminal act. Human smuggling can be considered a criminal act that impacts human rights, including individual and collective rights. Human smuggling can pose a threat to public welfare, national life and social justice. The Indonesian government is trying to confront and reduce criminal acts of human smuggling. The government has issued political policies and passed laws to regulate and regulate the criminal act of human smuggling. The government also aims to promote general welfare, make the nation's life more intelligent, and clarify the laws relating to the criminal act of human smuggling. Human smuggling is a criminal act committed by bringing people who do not have rights from and/or into a country's territory without going through the procedures established by immigration. In Indonesia, human smuggling has been made a criminal offense suspected by the Indonesian Government

Factors Causing Human Smuggling in Indonesia

1. Economic Satisfaction: Human smuggling in Indonesia occurs because of the perpetrators' desire to seek economic gain
2. Geographical Region: Indonesia, which has various points of entry, such as airports, ports, land borders and waters, has strong potential for human smuggling.
3. World Trade Traffic: Indonesia's location at the crossroads of world trade traffic is also a major factor that causes it to have strong potential for transnational crime in the form of people smuggling.

Efforts to Control Human Smuggling in Indonesia

1. Application of the Law: Human smuggling in Indonesia is suspected of being a criminal act carried out by bringing people who do not have rights from and/or into a country's territory without going through the procedures established by immigration
2. International Cooperation: The Indonesian government realizes that human trafficking crimes cannot be carried out alone unless they have to collaborate with other countries,

The Indonesian government handles the crime of human smuggling with several necessary steps. Here are some steps to take:

1. Investigation and Control: The Indonesian government claims that every person who enters or leaves Indonesian territory needs to undergo an inspection carried out by the authorities
2. Immigration Law: The Indonesian government has issued Immigration Law Number 6 of 2011, which contains articles that regulate human smuggling.
3. Criminal Liability: Criminal liability for the crime of human smuggling is punishable by imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years, as well as a fine of at least Rp. 500,000,000.00 (five hundred million rupiah) and a maximum of Rp. 1,500,000,000.00 (one billion five hundred million rupiah)
4. International Cooperation: The Indonesian government collaborates with international organizations such as UNODC, IOM, and UNHCR in tackling cases of human trafficking and smuggling
5. Improving Facilities and Infrastructure: The government needs to expand employment opportunities, improve educational facilities and infrastructure to tackle the problem of human trafficking and socialize the dangers of human trafficking and smuggling, especially for communities on the coast and in the interior
6. Improvement of Criminal Provisions: The government needs to improve criminal provisions for human smuggling because the criminal provisions for human smuggling are regulated in Law no. 6 of 2011 still contains many weaknesses
7. Cooperation with Other Parties: The Indonesian government cooperates with other parties, such as the police and prosecutors, in tackling criminal acts of human smuggling. With these steps, the Indonesian Government is trying to tackle and reduce human smuggling crimes

Sanctions for the Crime of Human Smuggling

Criminal sanctions for perpetrators of illegal human smuggling in Indonesia are stated in Law Number 6 of 2011 concerning Immigration. Article 124 of this law regulates human smuggling and stipulates criminal sanctions, which include imprisonment for 6 months and a fine of Rp. 5,000,000.00 (Five million rupiah) subsidiary to 2 months in prison. However, in certain cases, the Public Prosecutor has requested higher criminal sanctions, namely 8 months imprisonment and a fine of IDR 5,000,000.00 (Five million rupiah) subsidiary 4 months imprisonment. The Indonesian government must also expand employment opportunities and improve educational facilities and infrastructure to tackle the problem of human trafficking and human smuggling, as well as provide outreach to communities on the coast and in the interior so that they do not become victims or perpetrators. To tackle cases of human trafficking and smuggling, Indonesia collaborates with international organizations such as UNODC, IOM, and UNHCR. Criminal sanctions against human smuggling in Indonesia are part of the legal system which aims to maintain social agreements and prevent crimes that might occur. The way to measure the impact of criminal penalties on human smuggling is to conduct research using normative juridical research methods. In this research, observations and analysis were carried out on the criminal act of human smuggling and the legal consequences of this criminal act, to measure the impact of criminal sanctions, research must also cover aspects of government policy regarding human smuggling crimes, such as criminal law enforcement, policy formulation, and the quality of law enforcement officers. Research also needs to address aspects of supervision and strict sanctions in mitigation efforts so that the provisions regulated in this law are complied with. Apart from that, research must also cover aspects of economic insight and stability to ensure increased revenues and anticipate all increases in national development financing needs. The types of criminal sanctions that can be given for human smuggling in Indonesia are Imprisonment: Perpetrators of the crime of human smuggling can be threatened with imprisonment of 8 months, criminal fine: (1) Perpetrators of criminal acts of human smuggling can be subject to a fine of IDR 5,000,000.00 (Five million rupiah) subsidiary to 4 months in prison, (2) Criminal transfer of people: Perpetrators of criminal acts of human smuggling can be given criminal transfer of people as regulated in article 1 paragraph (2) Number 32 of Law Number 6 of 2011 concerning Immigration. Research on human smuggling also needs to involve aspects of education and outreach, especially for people in Indonesia's border areas, to increase their awareness about the dangers of illegal immigrants and how to deal with human smuggling crimes. This education aims to equip the community with adequate information, so that they can be more alert and proactive in supporting efforts to prevent and handle this problem in their area.

3. RESULTS AND DISCUSSION

Human smuggling is a criminal act regulated in Immigration Law Number 6 of 2011 in Indonesia. Perpetrators of this crime can be punished with imprisonment for five to 15 years, showing the state's legal efforts to address this problem even though the sanctions given are relatively light compared to the severity of the crime. Human smuggling is a transnational organized crime that is a global problem, including in Indonesia, which is often used as a transit country by the perpetrators. Indonesia's existence as a transit route shows its role in a complex human smuggling network that requires a coordinated response and international cooperation to handle it. Human smuggling refers to attempts to obtain economic or other material benefits directly or indirectly from someone who enters a country illegally. The Indonesian government has made every effort to make human smuggling a criminal offense. However, the criminal provisions for human smuggling regulated in Law no. 6 of 2011 still contains many weaknesses and also several terms in human trafficking and human smuggling regulated in national law give rise to various interpretations. To tackle the problem of human trafficking and socialize the dangers of human trafficking and smuggling, clearer regulations need to be made and implemented. The government also needs to expand job opportunities, improve educational facilities and infrastructure, and develop monitoring and control programs for illegal immigration.

4. CONCLUSION

The crime of human smuggling is a crime that often occurs in Indonesia. The legal consequences of the crime of human smuggling in Indonesia, as stated in Law Number 6 of 2011 concerning Immigration, contains the penalties stipulated for people who commit acts aimed at making a profit by bringing a person or group of people, whether organized or unorganized, who does not have the legal right to enter Indonesian Territory or leave Indonesian Territory. This punishment consists of imprisonment for a minimum of 5 years and a maximum of 15 years, as well as a fine of at least IDR 500,000,000.00 and a maximum of IDR 1,500,000,000.00. Human smuggling in Indonesia is caused by low security factors, low levels of education, lack of government care, and economic constraints which cause other opportunities to be taken away. The criminal act of human smuggling

also occurs due to globalization factors and regional factors in Indonesia which has many entry points and limited space. To deal with criminal acts of human smuggling, Indonesia has immigration checks carried out at Indonesian airports and border crossing posts, as well as an investigation process carried out by the Police and the Police. The level of law enforcement against perpetrators of criminal acts of human smuggling in Indonesia also needs to be carried out optimally, including increasing public awareness, empowering the PORA Team, increasing the quality and quantity of Immigration PPNS, and implementing visa on arrival. Suggestions from the study of law enforcement against perpetrators of human smuggling crimes in Indonesia include, increasing public awareness, empowering the PORA Team, increasing the quality and quantity of Immigration PPNS, limiting the authority of human smuggling criminal investigators by National Police investigators, and enforcing visas. on arrival.

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