

Criminal Sanctions for Perpetrators of Human Trafficking in Indonesia

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ABSTRACT

Human trafficking is a serious crime that violates human rights and threatens the dignity of victims, especially in Indonesia, which is a source, transit, and destination country. This crime not only harms individual victims physically and psychologically, but also has a negative impact on national social and economic development. Indonesia has strictly regulated human trafficking in Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking (UU TPPO) along with the Criminal Code and other supporting regulations. This article aims to analyze the application of criminal sanctions against perpetrators of human trafficking in Indonesia and the challenges in enforcing them. The normative legal method is used to examine the relevant regulations and court decisions. The results of the study indicate that the criminal sanctions applied are quite severe normatively, but in practice there are still obstacles in the form of lack of coordination between institutions, minimal protection for victims, and suboptimal law enforcement. Recommendations are given so that strengthening the legal system and a multidisciplinary approach can improve the effectiveness of handling human trafficking in Indonesia.

Keywords :Human Trafficking, Criminal Sanctions, TPPO Law

INTRODUCTION

Human trafficking or trafficking in persons is a form of crime that involves the exploitation of humans for various illegal purposes, such as forced labor, prostitution, and other uses. This phenomenon has become a global issue that requires serious handling because it involves the most basic human rights violations. In Indonesia, cases of human trafficking are still quite high due to economic, social factors, and weak supervision in vulnerable areas. Human trafficking not only harms victims directly, but also damages the social order and tarnishes the image of the nation.

Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking (UU TPPO) is a special regulation that regulates this crime, establishing prohibitions, types of criminal sanctions, and procedures for handling victims. This law is present as a response to the need for more comprehensive legal protection for victims and effective prosecution of perpetrators. The articles in the TPPO Law regulate the form of criminal sanctions ranging from imprisonment to fines, as well as additional penalties such as revocation of business licenses for corporate perpetrators.

Although normatively the provisions are complete, implementation in the field still faces many obstacles. One of the main problems is the weak coordination between law enforcement officers and the lack of public awareness to report human trafficking cases. In addition, the protection of victims is still inadequate, causing victims to often be afraid or reluctant to testify, so that investigations are hampered. This has an impact on the low number of prosecutions and criminalization of perpetrators.

The phenomenon of human trafficking in Indonesia requires handling efforts that are not only repressive, but also preventive and rehabilitative. Therefore, a discussion on the effectiveness of criminal sanctions in the TPPO Law needs to be carried out so that law enforcement can run optimally and provide a deterrent effect for perpetrators. The legal approach must be supported by synergy between government institutions, non-governmental organizations, and international support.

This study aims to examine the normative legal aspects of the application of criminal sanctions against perpetrators of human trafficking in Indonesia, analyze the obstacles faced in law enforcement, and provide recommendations for increasing the effectiveness of criminal sanctions and victim protection.

METHOD

This study uses a normative legal approach, namely an analysis of applicable legal norms and regulations. Data were collected through library research by reviewing laws, government regulations, legal doctrines, scientific journals, and court decisions related to the crime of human trafficking. The focus of the analysis is directed at Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking, the Criminal Code (KUHP), and Law Number 8 of 1981 concerning Criminal Procedure Law (KUHAP). Data were analyzed qualitatively descriptively to describe the application of criminal sanctions and evaluation of their enforcement in practice. This approach was chosen in order to understand the normative and applicative aspects of existing regulations and identify problems that arise in the enforcement of human trafficking laws in Indonesia.

Discussion

1. Definition and Forms of Human Trafficking

Human trafficking is legally defined in Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking (UU TPPO) and internationally according to the Palermo Protocol (2000) as the recruitment, transportation, transfer, harboring, or receipt of a person by means of violence, coercion, fraud, abuse of power or vulnerability, or by giving or receiving payments or benefits to obtain the consent of a person having power over another person, for the purpose of exploitation.

The most common forms of exploitation include forced labor, prostitution or commercial sexual exploitation, slavery, illegal organ harvesting, and other practices that violate human rights. The profile of victims usually includes women, children, and socio-economically vulnerable groups, while the perpetrators are well-organized criminal networks.

2. Legal Framework and Criminal Sanctions in the TPPO Law

The TPPO Law regulates in detail the crime of human trafficking, including articles that stipulate the main criminal sanctions in the form of imprisonment of a minimum of 3 years to a maximum of 15 years and a fairly large fine. In addition, there are additional sanctions such as the revocation of certain rights, the announcement of court decisions, and the confiscation of evidence.

The Criminal Code and Criminal Procedure Code play a complementary role in legal procedures, especially in the investigation, prosecution, and trial of human trafficking cases. The Criminal Code regulates general provisions regarding criminal acts, while the Criminal Procedure Code regulates the procedures for enforcing criminal law procedurally.

3. Implementation and Challenges of Law Enforcement

Data from the National Commission on Violence Against Women and LPSK show that handling of TPPO cases in Indonesia still faces various obstacles. Statistics show an increase in case reports, but the rate of case resolution is still low. The main inhibiting factors include a lack of human resources and budget, suboptimal coordination between law enforcement agencies, and the difficulty of collecting strong evidence.

Protection for victims is also not optimal, so many victims are reluctant to become witnesses in the trial process because they are afraid of threats or social stigma. This slows down the legal process and reduces the effectiveness of law enforcement.

4. The Role of Communities and Non-Governmental Organizations (NGOs)

NGOs and communities play an important role in victim advocacy, legal assistance, and monitoring the implementation of the TPPO Law. NGOs are also active in conducting public

awareness campaigns to prevent human trafficking and report indications of such illegal practices. Community involvement can strengthen prevention and assist law enforcement in gathering information.

5. Multidisciplinary Approach and Restorative Justice

Tackling TPPO requires a cross-sectoral approach, including legal, social, health, and psychological aspects. Preventive efforts include public education and economic empowerment of vulnerable groups, while victim rehabilitation includes psychological recovery and social reintegration.

Restorative justice is starting to be considered as an alternative solution that focuses on victim recovery and perpetrator rehabilitation. However, the implementation of this approach must be done carefully so as not to sacrifice the rights and safety of victims.

6. Recommendations for Strengthening the Law Enforcement System

To strengthen the legal system, it is necessary to revise adaptive regulations, increase the human resource capacity of law enforcement officers, and develop more effective reporting mechanisms and integrated protection for victims.

In addition, support for international cooperation and the implementation of human rights standards are key to handling cross-border cases and increasing the credibility of national legal systems.

CONCLUSION

The application of criminal sanctions against perpetrators of TPPO in Indonesia has been clearly regulated in the TPPO Law with penalties that are severe enough to provide a deterrent effect. However, the effectiveness of law enforcement is still limited by obstacles such as lack of coordination between institutions, suboptimal victim protection, and limited resources. Improving protection for victims is very important so that they dare to give testimony so that the legal process can run smoothly. A multidisciplinary approach involving various sectors as well as the community and NGOs is key to overcoming TPPO comprehensively. Restorative justice can be a good alternative as long as it still pays attention to the rights and safety of victims. The government needs to strengthen regulations, the capacity of officers, and optimize international cooperation so that efforts to eradicate human trafficking can be more effective and fair, in order to protect human dignity and realize an Indonesia free from TPPO.

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