

Immigration's Role in Preventing and Resolving Human Trafficking

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Abstract

Globalization has a variety of effects on the lives of individuals across the world, particularly in terms of meeting basic necessities and the economics of the community, ranging from the smallest to the largest. Globalization has resulted in a rise in the flow of people's traffic in each nation; Indonesia is one of the countries experiencing an increase in traffic flow at the moment. The impacts of increasing transportation movement around the world, including Indonesia, include cross-country or usually referred to as organized transnational crime, which poses a danger to every country on the planet. Organized transnational crimes come in a variety of forms, including people trafficking, people smuggling, narcotics trafficking, cybercrime, criminal acts of corruption, and terrorism. Which brings a great deal of attention to the globe, one of which is human trafficking, a crime that violates a person's rights as an autonomous human being with basic rights. In Indonesia, efforts to prevent and combat human trafficking are being made through improving the legislation and enforcement in the sector, as well as by fostering collaboration among government agencies and organizations involved in the fight. One of the agencies that have a direct relationship with human trafficking is immigration; because immigration has power over people's crossings, immigration plays a critical role in preventing and resolving human trafficking.

Keywords: immigration;
preventing; resolving;
human trafficking



I. Introduction

The United Nations Convention against Transnational Organized Crime provides the following: Organized transnational crime is a cross-country crime committed by an organized organization of more than three criminals over a specified length of time, with the crime aiming to gain, both directly and indirectly, in financial and material profits. Indonesia has ratified the United Nations Convention against Transnational Organized Crime by enacting Law No. 5 of 2009 on the Ratification of the United Nations Convention against Transnational Organized Crime. There are several organized transnational crimes in Indonesia, including corruption, terrorism, human trafficking, people smuggling, narcotics trafficking, and sea product smuggling.

A crime can be classified as organized transnational crime if it meets one of the following criteria: it is committed in more than one region of the country, it is committed in one country but all forms of operations and planning are conducted in other regions, it is committed in one country but all forms of operations and planning are conducted in other regions, it is committed in one country but all forms of operations and planning are conducted

in other regions, it is committed in one country but all forms of operations and planning are conducted in other regions, it is committed in one.

In Indonesia, some transnational criminal activities have been criminalized as a means of enforcing the obligations of state parties that ratify the convention; this is also done to prevent and combat organized transnational crime in the relevant nations. Additionally, internal collaboration was established to improve the prevention and management of organized transnational crime, including extradition, reciprocal legal aid, training cooperation, and technical support to law enforcement. Cooperation between countries accepted with the purpose of facilitating the Convention's implementation, particularly in terms of evil prevention, because organized transnational crime does not primarily harm one party, cooperation between the investigations of criminal acts in Indonesia is expected to facilitate the implementation of organized transnational crime prevention and management.

Human trafficking is an example of organized transnational crime. Trade crimes and human smugglers are inextricably linked to the movement of people inside a country, both as offenders and as victims of crime. The two crimes are fundamentally similar in that they involve the transfer of humans from another location in a manner that violates the law and is motivated by profit. As explained in Law No. 21 of 2007, human trafficking is committed both on and off the Indonesian mainland by exploiting victims and seeking profit for themselves and others. Immigration is one of the authorities involved in the prevention and management of human trafficking, as the human trafficking is inextricably linked to the crossing of persons, which immigration has control over in Indonesia. Immigration's measures in preventing crime will include surveillance, particularly of Indonesian people making passport requests, and thorough exams at the time of the immigration examination. This will help prevent Indonesian citizens from becoming victims of the human trafficking.

Human trafficking preventive activities that may be accomplished by law enforcement of existing legal frameworks, the punishment meted out to offenders of human trafficking crimes must have a deterrent impact, and community awareness of the human trafficking and the presence of sustained government attempts to eradicate it.

II. Research Methods

This research cannot be assessed quantitatively. This observation was carried out using a qualitative approach to secondary data as a basic material to be researched by conducting a search on regulations and literature related to the problems studied (Soekanto & Mamudji, 2001). Observations were carried out using secondary data obtained through the method of literature study or literature review.

III. Results and Discussion

3.1. A Brief Overview of the Human Trafficking

With the growth of the digital world through information and communication technology, different types of crime have emerged, one of which is human trafficking, which is a form of contemporary slavery and exploitation that occurs on a national and worldwide scale. Trade of people themselves as explained in Law No.21 of 2007 concerning the eradication of the human trafficking, is a recruiting action, transporting, accommodating, sending, moving or making a person in which there is a threat in the form of violence, kidnapping activities, surfacing the victim, doing counterfeiting, cheating, abuse power or has a prone position regarding debt or accepting payments in the form of benefits that subsequently get approval from people who take control of other people, in this case Locus

Delicti is carried out inside and outside the territory of Indonesia with the aim of exploiting. The International Organization for Migration identifies four elements that must exist in human trafficking, namely that people trade in transnational crime across national borders, that there is a facilitator in smuggling victims of trafficking, and that there are payments that flow from one perpetrator to other actors and enter or remain in the destination country.

In Indonesia itself the human trafficking has a clear legal basis in the form of national law and international law which is then adapted into Indonesian national law. The basis of the Law of human trafficking eradication, namely Article 297 of the Criminal Code determine the prohibition of trade in women and mature boys and encompasses the action as a crime, the regulation is Law No. 21 of 2007 concerning Eradication of human trafficking. Next there are some international laws that regulate the human trafficking namely United Nations Convention Against Transnational Organized Crime, International Convention for the Suppression of Traffic in Women and Children, Valermo Protocol Convention (Protocol to Prevent, Suppress Ang Punish Traffikking in Person, Especially Women and Children, Supplement The United Nation Convention Againstst Transnational Organization Crime).

There are several factors that result in the presence of human trafficking, this can be described as follows:

1. Economy

The existence of poverty conditions that afflict society due to a variety of factors, including the difficulty of finding work due to a lack of infrastructure, particularly in disadvantaged areas, which means that human resources are less supported in some areas by adequate facilities and infrastructure.

2. The lack of education

The economy is not doing well, and the cost of schooling is extremely high, making it difficult for individuals to catch up with the number of people who continue to have a poor level of education. While finding job in Indonesia still needs a certain degree of education. Additionally, poor levels of education can result in fraud and document forgery, and victims will be more likely to get caught up in human trafficking crimes, as the criminals' goal is to exploit and trade victims.(B. Nugroho, 2017)

3. Early marriage is on the rise

Marriage at an early age is still practiced, particularly in disadvantaged areas where poverty and lack of access to education make it difficult to marry, but this can result in exploitation measures carried out by perpetrators where the victim was married and used as a breadwinner and all types of work are prohibited.

Marriage is the process by which two people make their relationship public, official, and permanent. It is the joining of two people in a bond that putatively lasts until death, but in practice is increasingly cut short by divorce. Over the course of a relationship that can last as many as seven or eight decades, a lot happens. Personalities change, bodies age, and romantic love waxes and wanes. And no marriage is free of conflict. (Jamaluddin, 2018)

In the human trafficking. there are several modus operandi, it can be seen from the mushrooming of the human trafficking case that occurred, the modus operandi includes:(Harkristuti Harkrisnawo, 2007)

1. Human trafficking using modes of delivery that do not need legitimate documents, including work and immigration documents that serve as the workforce's identification. As for the method of fabricating official papers such as identification cards and family cards in order to get travel documents such as passports for the purpose of performing visits such as tours or religious activities such as Umrah, etc.

2. Trade people with bridal mode orders, where the majority of victims are women who are unaware of the condition of their future husband, the medium that is frequently employed in the case of orders is typically internet, where everyone feels more free.
3. Trafficking Individuals with a modus operandi of recruiting children under the age of 18 to work; this is discovered in the field due to a variety of factors, most notably economic factors; children make easy victims of trafficking with a large salary, but in reality.
4. wages obtained are far from the big word, with working conditions that can jeopardize the child's security and psychological well-being.
5. Individuals with a modus operandi Placement of employees in a nation with the intention of being sexually exploited reveals that the field is frequently found in the field, which is a victim of a woman under the age of 18, and that the earnings derived from the exploitation of sesksual were then collected by pimps.
6. Human trafficking with modus operandi contracts in which the marriage is committed solely to legalize sexual relations that occur and in which the victim receives financial compensation from the perpetrators; this contract is usually carried out by a man of foreign nationals against women in Indonesia.
7. Human trafficking While there are few identical incidents, the effect of this crime is that many children lose their rights when they are recruited or used by parents lift them.

As can be seen from the examples above, human trafficking happens in and across the world in a variety of modes of operation. As can be seen from the various modes of operation, there are recurring elements, namely exploitation, which includes the exploitation, utilization, or utilization of profit seeking profits for themselves, or the extortion of other people's power through indisputable actions or violations of legal norms.(Melvy R. Tumengkol, 2016) In certain instances of human trafficking, there are many patterns that are followed by the perpetrators, including the following:(Putra & Wiraputra, 2020)

1. Commit fraud, intimidation, and seduction; offenders may also commit rape and disposal.
2. Conduct kidnappings of human trafficking victims.
3. Intentional kidnapping.
4. Inflict debt on the sufferer.
5. Select victims from households who purposefully deprive themselves of economic sources.

Numerous Indonesian residents who are victims of trade in trade organizations are Indonesian migrant workers, owing to their human trafficking status and other factors that compel them to take risks as Indonesian migrant workers. The human trafficking qualities as Indonesian migrant laborers, specifically:

1. Recruitment without placement agreement

Due to the victims' lack of knowledge regarding work contract agreements, they were duped by the perpetrators, which resulted in the victims not being employed in the countries promised by the perpetrators, and thus the victims themselves were unaware of the situation and conditions in the country where they worked. The placement of procedure in Syria is an example of a commercial case without placement agreements. Syria is one of the nations that has been afflicted by violence since 2007. Victims of human trafficking in Syria who returned to Indonesia stated that they were first promised placement in Qatar or Saudi Arabia, but the Syria conflict ended.

The Syrian situation, which is wracked by civil war, makes it difficult for the government to ascertain the conditions and locations of the victims. As a result of the civil war, migrant workers in Syria are extremely isolated and restricted in their ability to communicate with the outside world by their employers. Additionally, it is difficult for the government to obtain information on Indonesian migrant workers in Syria since the Syrian government is hesitant to grant access to information without the agreement of the employer, who is a Syrian citizen.

2. Underage recruitment

This recruitment is typically accomplished by fabricating victims of human trafficking with minors; there are numerous factors that contribute to the trade in underage people; typically, the victim is a person with limited education and knowledge who is experiencing social, economic, and political difficulties, or is a member of a family that is experiencing economic crises and environmental conditions that support the concerned.

3. Placed without a work agreement

Due to the victims' lack of understanding regarding the employment contract agreement, they were employed as illegal migrant workers in the destination country. Numerous victims of human trafficking were transported and re-traded from one employer to another. This complicated the government's efforts to gather information on victims, such as where they live and work, and how long they intend to remain in the country where they labor.

4. Placed by individual individuals not through the official company.

The dismantling of the business that sent Indonesian migrant workers caused an increase in trafficking cases with Indonesian migrant laborers as the *modus operandi*. If a passport is issued by a legitimate firm with the authorization of the Ministry of Manpower, it is possible to verify that migrant workers have gone through a lengthy and legal process and can be accounted for in the future. Additionally, it is an endeavor to safeguard its nationals when they are overseas.

5. Typically, a visa visit is used to exit Indonesia

Numerous offenders use shortcuts by utilizing a visa visit regardless of paperwork in order to function as an immigrant. Frequently discovered in the field, when candidates interviewed by immigration officers claimed they wanted to travel to Turkey or perform Umrah in Saudi Arabia, but in reality, the illegal migrant workers took a shortcut to obtain a travel document in the form of a passport, allowing them to depart immediately for the promised country.

In fact, Indonesia is not only a sender and recipient of human trafficking victims, but also acts as a transit country for victims who would be trafficked to other nations. This is the result of a shift in the *modus operandi* of ASEAN member states, including Indonesia. Additionally, there is a shift in the pattern of the human trafficking's network, namely the victim becoming the perpetrator; this is done by the major actors in order to create a new network for recruiting human trafficking victims. (Isi, n.d.)

The impact of human trafficking is not limited to physical disorders such as health problems, physical disabilities, sexually transmitted infections, and death; victims also experienced numerous mental disorders and severe trauma, which have a significant impact on their lives as individuals and social beings in the community. As a result, the government collaborates both locally and internationally to overcome this human trafficking, with one of the agencies contributing to the prevention and management of human traffickings, namely immigration.

3.2. The Human Trafficking's Involvement in Immigration

The role of immigration in the human trafficking. Immigration, as the body with responsibility over border crossings, has the ability to prevent and manage human trafficking, particularly in the context of human traffic. As mentioned in Law No.6 of 2011, where the minister or immigration officials are required to conduct measures to prevent and address human trafficking and people smuggling, immigration efforts can be summarized as follows:

1. Supervising immigration

As we all know, immigration is tasked with the responsibility of supervising migration. In this situation, immigration monitoring can also be used to avoid and manage the human trafficking.

- Administrative supervision

Administrative oversight is exercised over Indonesian residents at the moment they submit a request for passport production. Immigration officials provide protection to applicants by verifying the authenticity of the identity suggested for passport manufacturing; this is done to ensure that the supplied self-identity is not faked and obtained lawfully. Additionally, during the interview, the passport application officer carefully asked a question to ensure that the purpose of creating passports was not in violation of the rules and was being used properly. If Indonesian migrant workers want to submit a request for creating a passport, the requirements must be attached differently to prevent illegal migrant workers who are discovered in the field through the process of creating a passport.

- Field supervision

Field supervision may be conducted following the officer's findings during administrative supervision or to check the authenticity of the information or document provided to the officer. If officers discover suspicion of the existence of foreigners who appear to be victims of human trafficking, and if this is established, it is carried out on victims of trafficking in the form of placing victims in the rudenim or other locations determined, and victims receive different special treatment from deteria in general, then an effort is made to restore them.

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Table 1

| No | Immigration checkpoint | Total |
|----|------------------------|-------|
| 1. | Soekarno-Hatta Airport | 127 |
| 2. | Batam Center | 84 |
| 3. | Entikong | 46 |
| 4. | Tanjung Balai Karimun | 41 |
| 5. | Juanda Airport | 37 |
| 6. | Ngurah Rai Airport | 18 |
| 7. | Dumai | 16 |

| | | |
|-----|-------------------------------------|----|
| 8. | Nongsa Pura Batam | 14 |
| 9. | Citra Tri Tunas Batam | 12 |
| 10. | Minangkabau Airport | 11 |
| 11. | Aruk Sambas | 6 |
| 12. | Lombok | 3 |
| 13. | Kuala Namu Airport | 3 |
| 14. | Sultan Syarif Kasim II Airport | 1 |
| 15. | Yogyakarta | 1 |
| 16. | Teluk Nimbung, Tanjung Balai Asahan | 1 |

Source: Directorate General of Immigration, 2018.

2. Passports should be cinched

In terms of prohibiting an Indonesian national who is a victim of the human trafficking from obtaining a passport. Immigration holds up the issuance of a passport for candidates who want to work overseas via inadvertent or, in this case, without the knowledge of the Ministry of Manpower or Labor Service. In 2017, 5,960 passports were delayed due to allegations of human trafficking victims overseas. (*Lindungi TKI, Ditjen Imigrasi Perketat Penerbitan Paspor*, 2018)

3. Enhancing the Information System for Immigration Management

The Immigration Management Information System, or SIMKIM, is a system that enables operations, management, and decision-making linked to the implementation of immigration functions. SIMKIM's existence enables the prevention of human trafficking by ensuring data integrity across institutions / ministries.

4. Collaboration on both a national and international level

The partnership might be for the goal of preventing illegal Indonesian migrant workers from becoming a victim of the human trafficking. Particularly in the case of prospective passports, official papers from the appropriate ministries / organizations must be submitted in accordance with established processes.

With several established modes of operation in the field, Indonesia is committed to combating human trafficking, particularly that involving international syndicates. As a result, Indonesia accepted the United Nations Convention Against Transnational Organized Crime, which was followed by the enactment of Law No. 21 of 2007 on the Elimination of Criminal Trafficking in Persons. Apart from the heinous crime of human trafficking, the government maintains a synergy among the necessary ministries / agencies.

Although immigration is not an authorized agency in the legal process of human trafficking, immigration has a role and obligation to prevent human trafficking, particularly in Indonesian migrant workers.. This is a manifestation of the state's protection of its citizens abroad, by ensuring that residents of Indonesia who travel abroad can be observed and receive their worker rights. Many of the instances that occur mostly among Indonesian migrant workers. victims overseas are trafficked by other employers without formal employment and employment contracts, making their existence abroad also difficult to ascertain by the Republic of Indonesia's Representatives in the nation. Additionally, due to the difficulties encountered by the government in dealing with Indonesian migrant workers. who were victims of the human trafficking, namely that many of the Indonesian migrant workers entered the country illegally and without legitimate travel documents, and not a few who entered through the country's proper entrance, many of the Indonesian migrant workers. who became victims of the human trafficking were tried as foreigners who violated the immigration provision.

Apart from the aforementioned, Indonesia is also a place where the human trafficking of foreign nationals occurs in a variety of ways, one of which is through the provision of respectable employment and livelihoods, particularly for foreigners seeking refuge in Southeast Asian nations. It is essential to understand that, unlike human dialing, where victims are aware of their activities, this human trafficking is not done deliberately by the victims; thus, it has an element of deception. For the treatment of human trafficking victims in Indonesia, Immigration may detain them at Rudenim or other designated locations and assist in the repatriation process through the use of a travel letter if the victim does not have a legal and proper voyage.

The frequency of human trafficking s, particularly for Indonesian migrant workers, is also inextricably linked to the government's objective of liberalizing Indonesian migrant workers through the passage of Indonesian migrant workers placement and protection legislation. Although it is referred to as protection, its execution contains several irregularities in the form of fraud, coercion, and identity forgery, as well as the victim's lack of information, all of which contribute to the occurrence of this human trafficking. This policy may result in gaps and anomalies and may obstruct the human trafficking 's assistance. Among the numerous instances where ordinary deviations are committed by commercial firms, Indonesian migrant workers. senders, and associated government officials.(O. C. Nugroho, 2018)

For human trafficking players, sanctions should be imposed in accordance with the law in order to serve as deterrence to those who commit human trafficking crimes and run the human trafficking syndicate in Indonesia. Along with repressive efforts through supervision and law enforcement, the community must also be more vigilant against this crime. As previously stated, many of the human trafficking's causes stem from people's ignorance of the human trafficking, particularly knowledge about the work to be done abroad, such as work agreements, countries, and employers who will be targeted, and so on. Many of the children and women who are victims of human trafficking, including sexual exploitation and enslavement, could be prevented by empowering women, particularly through education and information, and by preventing early marriage, which can result in a relevant victim of human trafficking.

IV. Conclusion

The International Organization for Migration establishes the human trafficking 's four requirements. Through the border between countries, it is possible to classify human trafficking as a form of transnational crime. The facilitators in the smuggling of victims of human trafficking, the existence of payments that flow from one perpetrator to other actors, and enter or live in the destination country, are all considered illegal. Numerous reasons contribute to the existence of human trafficking, including the economy, a lack of education, and the growth in early marriage. There are numerous modes of operation in the human trafficking, including delivering Indonesian migrant workers abroad without valid documents, both work and immigration documents that serve as the workforce's identity, and the bridal mode of orders, in which the majority of victims are women who do not know the truth about their husbands. Additionally, underage minors are recruited to labor, sexual exploitation occurs, marriage contracts are entered into, and newborns are adopted without following the legal process. Immigration, as an institution with responsibility over border crossings, has the ability to prevent and manage human trafficking, particularly within the scope of persons. As stated in Law No.6 of 2011, if the minister or immigration authorities are required to conduct measures to prevent and address human trafficking and people

smuggling, immigration's efforts in this situation include administrative and field supervision. Additionally, delays in departure at the Immigration Checkpoint for Indonesian citizens were thought to be caused by human trafficking victims. Additionally, the Directorate General of Immigration tightened passport administration, particularly for Indonesian migrant workers candidates suspected of being victims of human trafficking. Immigration also improved the immigration management information system and related inter-institutional/inter-ministerial collaboration.

When it comes to implementing the human trafficking, there must be synergy between institutions / relevant ministries and the latest innovations, most notably through the integrity system for creating identity cards and family cards that are then used as one of the requirements for creating passports for trips outside of Indonesia. Additionally, the government must take decisive action against human trafficking actors operating both within and outside of Indonesia's borders in order to serve as a deterrence, particularly against human trafficking syndicates. Additionally, the government must offer safety for its people who are traveling outside of Indonesia's borders, particularly Indonesian migrant workers, in order to avert trafficking victims. Immigration, as one of the institutions directly involved in the prevention and management of human trafficking, can continue the efforts already made, particularly in tightening the passport requirements for Indonesian nationals and delaying exit at the immigration checkpoint. Additionally, immigration can help enhance the immigration management information system, particularly with regard to crossing data; it can also assist Indonesian migrant worker-related institutions in tracking how many Indonesian migrant workers are outside of Indonesia's jurisdiction

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