

JURIDICAL REVIEW ON HUMAN TRAFFICKING CRIMINAL ACTS (Decision Number: 801/Pid.Sus/2020/PN Lbp)

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Abstract. Trafficking in persons is a symbol/social status where people who have high social status (economic and political power) are ensured to have slaves. Everyone who has slaves will be considered to have a high social status, so it has become a common thing for people who have a high social status. In this problem, the researcher asserts that the legal questions and objectives for human trafficking are as follows: 1. How is the application of the legal system governing the occurrence of the crime of human trafficking (human trafficking) 2. How is the analysis of judge decisions in trafficking decisions Human Trafficking at Number.801/Pid.Sus/2020/PN Lbp. 3. How are the obstacles faced by law enforcement officers in tackling the crime of trafficking in persons (human trafficking). Research is the most important part of the whole series of activities for writing a scientific paper, because to answer the main research problems, the object of the problem described in the formulation of the problem will be answered. The research location is a place or area where the research will be carried out. The location of this research is located at the Lubuk Pakam State Court Class IA JI. General Sudirman No. 58 Lubuk Pakam, Postal Code: 20512, Tel/Fax: (061) 7955861, North Sumatra. In the application of the legal system that regulates the occurrence of the criminal act of trafficking in persons, it has been very widespread which has been organized both on a national and international scale.

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1. INTRODUCTION

Human trafficking is a symbol / social status where people who have high social status (economic and political power) are ensured to have slaves. Everyone who owns slaves will be considered to have a high social status, so this has become a common thing for people who have high social status. In the history of trafficking in persons, initially the object of trafficking in persons was women. In ancient Greek society, women were used as buying and selling transactions in markets, like animal trade or other goods. The subsequent development of women in ancient Greece was made a place of mere outlet for lust. Women are completely worthless.

Humans in the view of any religion is the most perfect creation of God. As an appreciation of God's creation, it is proper and proper for humans to be valued as high as possible. However, in reality, humans are treated like animals. Since thousands of years ago, slavery has been a part of human history. Trafficking in persons is generally a violation of human dignity and human dignity in the form of cruel treatment, and even treatment similar to slavery. These perpetrators are accepted as helpless victims, who are trapped in a network that is very difficult to identify, so that it will be difficult to find a solution.

In the history of the Indonesian nation, human trafficking has existed through slavery or servitude. During the Javanese kingdoms, human trafficking, namely women at that time was a complementary part of the feudal system of government. At that time the concept of the king's power was described as a power that was great and noble. The crime of trafficking in persons is increasingly showing an increasing trend followed by an increasingly diverse and complex modus operandi, so that a comprehensive and synergistic handling is needed. The ongoing traffic in human trafficking becomes even more concerning when the consequences have shackled the human rights and independence of the

victims, who are mostly women or hampered the growth and development of the personality of the child concerned, which will further hamper the process of developing Indonesian human resources with high potential and quality. .

The government in this case must be fast and responsive in terms of prevention so that cases of trafficking in persons (trafficking) do not happen again, especially those whose victims are targeting children and women. The law on the crime of trafficking in persons is not effective if in practice the Government is not serious in terms of prevention. Prevention can be in the form of educational outreach programs and good guidance that can be done through print media, electronic media, home and school environments. With this policy, the government can reduce and even suppress the number of criminal acts whose victims target children and women, especially the crime of trafficking in persons (trafficking). Trafficking in persons has been criminalized under Indonesian law.

Article 65 of Law Number 39 of 1999 concerning Human Rights states that: "Every child has the right to obtain protection from sexual exploitation and abuse, kidnapping, trafficking in children, as well as from various forms of abuse of narcotics, psychotropic substances, and other addictive substances."

From the descriptions above, it encourages the author to find out whether the criminal law policy in tackling the Criminal Act of Trafficking in Persons has been carried out and implemented properly, and the author wants to know what factors cause the occurrence of the Crime of Trafficking in Persons and efforts to overcome the occurrence of the Crime of

Trafficking People, thus the author made a title that reads "Juridical Review of the Criminal Act of Human Trafficking (Human Trafficking) Decision Number: 801/Pid.Sus/2020/Pn Lbp." It can be concluded that the formulation of the problem is: How is the application of the legal system that regulates the occurrence of the crime of human trafficking. How is the analysis of the judge's decision in the verdict of the human trafficking case on number. 801/Pid.Sus/2020/PN Lbp. How are the obstacles faced by law enforcement officers in tackling the crime of trafficking in persons (human trafficking). And the purpose of the research is to find out the application of the legal system that regulates the occurrence of the crime of human trafficking (human trafficking). To find out how to analyze the judge's decision in the decision of the human trafficking case at Number 801/Pid.Sus/2020/PN Lbp. To find out how the obstacles faced by law enforcement officers in dealing with the crime of trafficking in persons (human trafficking).

2. METHOD

Research is the most important part of the whole series of activities for writing a scientific paper, because to answer the main research problems, the object of the problem described in the formulation of the problem will be answered. The research location is a place or area where the research will be carried out. The location of this research is located at the Lubuk Pakam State Court Class IA Jl. General Sudirman No. 58 Lubuk Pakam, Postal Code: 20512, Tel/Fax: (061) 7955861, North Sumatra.

The type of research used in this research is empirical normative juridical or often referred to as field research, which examines the applicable legal provisions and what happens in reality in society. Or in other words, that is a research conducted on the actual situation or conditions that occur in the community with the intention of knowing and finding the facts and data needed, after the required data is collected then leads to problem identification which ultimately leads to problem solving. . In the sense that this research is expected to be able to provide a systematic, detailed and comprehensive description of the "Juridical Review of the Criminal Act of Human Trafficking (Human Trafficking) Decision Number: 801/Pid.Sus/2020/PN Lbp".

The data obtained through research activities were analyzed qualitatively and then presented descriptively, namely by describing, explaining and adding in accordance with matters related to this research. The use of qualitative analysis techniques includes all research data obtained so as to form a description that supports the qualitative study. Data analysis used with a qualitative approach is able to answer and solve as well as thoroughly and completely deepen the object being studied in order to produce descriptive conclusions.

3. RESULTS AND DISCUSSION

A. Implementation of the Legal System that Regulates the Crime of Human Trafficking.

Trafficking in persons according to the Criminal Code:

Trafficking in persons is a form of ill-treatment as a violation of human dignity. Trafficking in persons has spread in the form of organized crime networks both between countries and abroad. This organized crime also makes it difficult for the government to deal with it and provide protection to victims. Bloomsbury calls Human Trafficking with the term Trafficking in Person which is defined as "The illegal practice of finding and using human beings for unpaid often unpleasant work in situations their circumstances prevent them from living".

Trafficking in persons was prohibited from the start, both in the United States and in Indonesia. The act of trafficking in persons has been categorized as a crime, more specifically a special crime. In the Indonesian criminal law system, special crimes are regulated and sourced from criminal law rules outside the Criminal Code (Effendi, 2013).

In the development of the regulation of the human trafficking law in Indonesia, Law No. 21 of 2007 concerning the eradication of the criminal act of trafficking in persons was ratified, Article 297 of the Criminal Code was used which reads "trafficking in women and boys who are not yet adults, is punishable by a maximum imprisonment of 6 years. , and only this article specifically mentions trafficking in persons however this is still very incomplete and has not accommodated legal protection against trafficking in persons.

According to Law Number 26 of 2000 concerning the Human Rights Court, trafficking in persons is a violation of human rights, including crimes against humanity. Article 9 states that a crime against humanity is one of the acts committed as part of a widespread or systematic attack where it is known that the attack was directed directly against the civilian population. In addition, Indonesia has signed the UN Convention on Transnational Organized Crimes and its protocols, namely the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol Against the Smuggling of Migrants by Land, Sea and Air, in December 2000 in Palermo, Italy, which is of course in order to address the legal implications of the act of trafficking in persons.

B. How to Analyze Judge Decisions in Human Trafficking Case Decisions (Human Trafficking) On Number. 801/Pid.Sus/2020/PN Lbp.

Considering, that because all the elements of Article 76 F in conjunction with Article 83 of the Republic of Indonesia Law No. 35 of 2014 concerning Amendments to Indonesian Law No. 23 of 2002 concerning Child Protection in conjunction with Article 55 paragraph (1) of the Criminal Code have been fulfilled, the charges against The defendant has been legally and convincingly proven, so now the Panel of Judges will consider whether the actions of the proven defendant can be accounted for or blamed on the defendant will be considered below;


Considering, that throughout the trial the Panel of Judges did not see any excuses for forgiveness, justification or that could eliminate the error or unlawful nature of the Defendant's actions, therefore the defendant must be found guilty of committing the crime he was accused of, namely violating Article 76 F in conjunction with Article 83 Law of the Republic of Indonesia No. 35 of 2014 concerning Amendments to Law of the Republic of Indonesia No. 23 of 2002 concerning Child Protection Jo Article 55 paragraph (1) of the Criminal Code whose qualifications will be mentioned in this ruling;

Considering, that in terms of imposing criminal sanctions to be imposed on the Defendant, the Panel of Judges agrees with the opinion of GP Hoefnagels quoted by M. Solehuddin in his book entitled The Sanctions System in Criminal Law DoubleTrack Basic Idea & Its Implementation, which provides a broad meaning of sanctions, namely sanctions in criminal law are all reactions to violations of the law that have been determined by law, starting from the detention of the suspect and the prosecution of the defendant to the sentencing by the judge. Hoefnagels sees crime as a time process in which the whole process is considered a crime;

C. Factors That Become Obstacles in Tackling the Crime of Human Trafficking

Weak law enforcement

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Law enforcement efforts against perpetrators of criminal acts of trafficking in persons are still weak, this is due to the weakness of internal law enforcement officers as one of the ineffectiveness of a law when compared to the number of cases that have been successfully raided and dismantled by the police with those that are seriously processed legally to completion. in the sense that the perpetrator is sentenced to prison is very disproportionate. a. Lack of public awareness

The general public, especially victims of human trafficking, have to report human trafficking that has occurred and even experienced it themselves to law enforcement officers such as the police.

a. Lack of socialization of laws and regulations

Lack of socialization of laws related to human trafficking, especially Law NO. 21 of 2007 which specifically regulates the eradication of the criminal act of trafficking in persons, as a result the general public and victims in particular do not know that trafficking in persons is a criminal act of trafficking in persons.

b. Unemployment and Poverty

The difficulty of getting a job makes it easy for women, especially those of young children (ABG) to be seduced by traffickers. Unemployment generally has an impact on poverty, especially young people, with the hope of getting a job and avoiding poverty, many women and children are ensnared in human trafficking syndicates. Even if they know that they are victims of trafficking in persons working in the field of sexual exploitation, they generally surrender. They think that the most important thing is that they get a job.

In terms of barriers to preventing criminal acts of trafficking in persons, judges as law enforcement officers face obstacles to prevent criminal acts of trafficking in persons from occurring.

4. CONCLUSION

The judge in imposing a sentence must also consider the sense of justice for the Defendant and the community. In addition, the purpose of sentencing is not merely a retaliation but as a preventive and repressive effort so that the defendant can reflect on his next act, more specifically, the sentence imposed is not to reduce human status, but is educative, motivational so that the Defendant does not commit the act again and is preventive for other people, therefore the Defendant must be sentenced to a sentence as stated in the verdict that has been determined by the panel of judges. The obstacles faced by law enforcement officers in tackling the criminal act of trafficking in persons consist of several supporting factors, including weak law enforcement in supervising the criminal act of trafficking in persons, the lack of public awareness in terms of protecting themselves, especially for victims to report directly to the victim. the authorities in the event of such a crime, as well as the lack of socialization of the regulations regarding the eradication of the criminal act of trafficking in persons so that the public does not understand the legal threats to the perpetrators so that the perpetrators lose themselves, and the most important thing is the economic factor that is getting more difficult so that it makes the victims closer with the crime because of his economic difficulties.

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