

**THE ROLE OF THE IMMIGRATION OFFICE IN TACKLING THE CRIME OF
HUMAN TRAFFICKING
(Case Study at Immigration Office Class I TPI Surakarta)**

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ABSTRACT

The role of the Immigration Office in tackling the Crime of Human Trafficking also has juridical reasons based on Law No. 21/2007 on the Eradication of the Crime of Human Trafficking. The Law on Trafficking in Persons authorizes the Immigration Office to prevent, prosecute, and restore victims of Trafficking in Persons. This research uses the empirical juridical approach method, especially on issues related to the Role of the Immigration Office in Combating Human Trafficking Crimes and to fully describe the Role of the Immigration Office in Crime of Human Trafficking in eradicating human trafficking crimes and thoroughly explain the basis for regulating the Role of the Immigration Office in Crime of Human Trafficking (TPPO) preventively in order to increase public legal awareness. The result of this research shows that Surakarta Immigration conducts socialization to the community to provide an understanding of the Crime of Human Trafficking. However, the prevention has not been effective because Immigration cannot monitor the reason behind making a visa or passport. The socialization process is conducted through social media and visits to high schools to increase public awareness.

Keywords: Immigration, Surakarta, Human Trafficking

INTRODUCTION

The principle of the rule of law stems from the perspective of the application of law, which asserts that all activities, whether by the government or the people, must conform to the legal regulations applicable in the country. This results in the adoption of rules that serve as guidelines to be followed, encompassing commands and prohibitions that ensure the creation of order and security (Atmoko dan Taufik, 2024). Every person who lives in this world is protected by rights that are inherent from the womb. Likewise, the Indonesian state guarantees

the human rights of every individual in society. So that people who are victims of crime, receive legal protection from the state. Human trafficking is a complex problem. An example of human trafficking is the act of recruitment, transportation, concealment, conveyance, transfer, or receipt of persons who carry out such threats for the purpose of exploitation. Currently, human trafficking is dominated by women as victims for the purpose of prostitution. This problem is complex and involves many networks, namely inter-regional, inter-island, national, and international networks also on a large scale (Seftiniara, 2016).

Immigration is one of the important elements of the problem of Crime of Human Trafficking, especially in eliminating human trafficking at the international level, namely trafficking from one country to another or a foreign country to Indonesia (Taraputra dan Wiraputra, 2020). According to Law No. 6/2011 on Immigration, the Director General is responsible for immigration functions and duties. Philosophically, immigration offices operate based on human rights principles when dealing with Trafficking in Persons (exploitation is not limited to sexual exploitation, as stated in Article 7 of Law No. 21 of 2007 on Crime of Human Trafficking).

Trafficking in persons can take many forms, such as trafficking for organs, forced labor exploitation, and sexual exploitation of Crime of Human Trafficking. Trafficking is a transnational crime that has significant consequences for victims, their families, and society as a whole. In Crime of Human Trafficking, exploitation is the main element.

In addition to philosophical reasons, the role of the Immigration Office in combating Crime of Human Trafficking is based on the fact that Crime of Human Trafficking is a serious problem in Indonesia. According to the National Counterterrorism Agency (BNPT), Indonesia ranks 15th as a source and destination country for Crime of Human Trafficking in 2022, one of which is Surakarta. Surakarta is one of the cities in Indonesia that is the target of sexual harassment for Crime of Human Trafficking. Various efforts have been made by the Immigration Office Class I TPI Surakarta to eradicate the Crime of Human Trafficking, the Immigration Office Class I TPI Surakarta will process 43 cases of Trafficking in Persons. The case under consideration concerns the fact that the author falsified a visa extension. This shows that thousands of victims have fallen for the promises of fraudsters. (Prasasti, 2021)

The role of the Immigration Office in tackling the Crime of Human Trafficking also has juridical reasons based on Law No. 21/2007 on the Eradication of the Crime of Human Trafficking. The Trafficking in Persons Act authorizes the Immigration Office to prevent,

prosecute, and restore victims of Trafficking in Persons.

From the above explanation of philosophical, empirical, and juridical reasons, it can be concluded that the Immigration Office has an important role in tackling the Crime of Human Trafficking. The immigration office can play a role in the prevention, prosecution, and recovery of victims of Trafficking in Persons. In addition, the Immigration Office also makes efforts such as increasing socialization and education about the Crime of Human Trafficking, conducting surveillance of foreigners and most importantly cooperation with related parties.

Research conducted by Ayu Heni Prasasti (2021), entitled “Efforts to Combat Trafficking in Persons (TPPO) at the Jambi Class I TPI Immigration Office in Review of Law Number 6 of 2011 concerning Immigration”. This research focuses on the Jambi immigration office as an agency that handles immigration crimes. This study concludes about the factors that cause the occurrence of Human Trafficking Crime and the prevention of Trafficking Crime. People at the Jambi TPI Class I Immigration Office. The difference with this research is that this research focuses more on the countermeasures and the role of the Immigration Office against the Crime of Human Trafficking and the difference in the research location, namely at the Surakarta Immigration Office.

Research conducted by Putra (2020) et al, entitled “Immigration Policy in Efforts to Eradicate and Prevention of Human Trafficking”. The research focuses on immigration policy in eradicating the crime of human trafficking. This research concludes that there is a need for selective policies in immigration in eradicating the crime of human trafficking. The difference with this research is the normative juridical approach.

Based on the background that has been described above, the problem is the basis for regulating the role of immigration in countering the crime of human trafficking preventively and the process of implementing activities carried out by immigration in countering the crime of human trafficking in the Surakarta area. Therefore, the author is interested in conducting research with the title “The Role of the Immigration Office in Overcoming the Crime of Human Trafficking (Case Study at the Surakarta Immigration Office)”.

RESEARCH METHOD

In this study, researchers used an empirical juridical approach. The empirical juridical approach can be directed at issues related to the Role of the Immigration Office in Countering

the Crime of Human Trafficking. Countering this crime is to increase public legal awareness. Therefore, this study examines in depth the Role of the Immigration Office in Countermeasures. This research is based on empirical legal research conducted with Descriptive Research Type. Empirical research is a foundation that contains real data conducted directly into the field such as interview results and observation results (Sugiono, 2015). The purpose of this study is to fully describe the role of the Immigration Office in the Crime of Human Trafficking in eradicating the crime of human trafficking and explain thoroughly the basis for regulating the role of the Immigration Office in tackling the Crime of Human Trafficking preventively in order to increase public legal awareness.

RESULTS AND DISCUSSION

The Role and Regulatory Basis of the Immigration Office in Tackling Cases of Human Trafficking

Human Trafficking consists of two words: human and trafficking. Trafficking comes from the English language which means illegal trade, while some say that trafficking is taken from the word traffic which means trade. This means that Human Trafficking is the act of recruiting someone by force and trafficking them to another party and can control someone directly. The crime of human trafficking is any act that has a purpose, the crime has been regulated in the Law of the Republic of Indonesia Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking.

With Law No. 6/2011 on Immigration, the Directorate General of Immigration explains the preventive and repressive measures that can be taken by immigration authorities. The existence of this Directorate General of Indonesia can prevent and eradicate acts of human trafficking (Tanjung, 2023).

The definition of Preventive Efforts and Repressive Efforts has been explained in Article 89 of Law Number 6 Year 2011 on Immigration. Preventive efforts are efforts made by Immigration in terms of (a) Exchange of information with other countries and other agencies; (b) Technical cooperation and training with other countries; (c) Providing legal counseling; (d) Ensuring that travel documents are of high quality; (e) As well as ensuring integrity and security that is not against the law. While Repressive efforts are efforts in terms of (a) Immigration investigation of criminal offenders; (b) Immigration Administrative Action; and (c) Cooperation in the field of investigation. So that the legal efforts that are used as the basis

for the Immigration regarding the prevention of Human Trafficking that exist in the community have been listed in Article 89 Paragraph (2) letter c, which reads *“Provide legal counseling to the public that human trafficking and human smuggling are criminal offenses so that people do not become victims”*.

According to an interview with one of the Divisions of the Surakarta Class I TPI Immigration Office, he said that there were 43 cases of Human Trafficking cases that had been handled and the victims amounted to 1,338 people in 2023. The immigration office also considers facts related to visa forgery, one of which is that many people misuse visas and passports that were originally intended to be used for tourist visits but arrived in the destination country to work.

In this case, Surakarta Immigration can only take preventive action in the form of socialization to the community with the aim of providing understanding related to the Crime of Human Trafficking in the form of smuggling and human trafficking is an unlawful act, as well as preventing people from becoming victims of the Crime of Trafficking in Persons (Khodijah, 2022).

The series of socialization process conducted by the Immigration Surakarta is by giving an explanation to the community about the criminal act of human trafficking, besides that the Immigration Surakarta also invites the community to interact directly in order to understand what has been delivered.

Surakarta Immigration also explained that the prevention that has been carried out has not been effective because Immigration cannot monitor the reason for someone to make a visa or passport. Unless the prevention is carried out at the airport, it can only be monitored because the airport will monitor what the visa will be used for and can check all the files that have been brought by someone who will travel. That is where prevention is more effective. (S. A. Praktikto, 2024) Immigration can only conduct socialization such as providing knowledge through social media or visiting high schools to provide understanding to students. (Taraputra dan Wiraputra, 2020).

The implementation process carried out by the immigration office in its current activities provides in-depth knowledge related to the Crime of Human Trafficking to the community in particular to be more careful because it will have an impact on people's lives. the positive impact can increase people's work readiness, advance technology and information in various lives, increase individual productivity for the development of the country in addition

to the positive impact also has a negative impact, namely the emergence of individualism, loss of sympathy, empathy and kinship among Indonesians so that it can lead to loss of culture. And the way that is done for now is to socialize through online so that it is more effective and easier to reach.

In carrying out efforts to prevent the occurrence of Human Trafficking which is preventive in nature, a direct effort must be made by the Regional Government to prevent human trafficking in the form of supervision of the implementation of private and corporate placement of Indonesian workers, building networks with various parties related to non-governmental organizations, law enforcement and opening access to complaints against Human Trafficking.

CONCLUSION

The crime of human trafficking is an act of forcibly recruiting a person and trafficking them to another party, which has been regulated in the Law of the Republic of Indonesia Number 21 of 2007 concerning the Eradication of Human Trafficking. Prevention of human trafficking is conducted through preventive and repressive measures, such as information exchange, cooperation with other countries, legal counseling, and immigration administrative measures.

Surakarta Immigration has conducted various socializations to the community to provide an understanding of human trafficking, but prevention has not been effective due to limitations in monitoring the reasons why someone makes a visa or passport. Prevention procedures are more effectively carried out at the airport by monitoring what the visa will be used for. In addition, Surakarta Immigration also conducts socialization through social media and visits to high schools.

The process of implementing efforts to prevent human trafficking is carried out by providing in-depth knowledge to the community, but also noting the positive and negative impacts of these efforts. Local governments also need to prevent human trafficking by supervising the placement of workers, building networks with various related parties, and opening access to complaints against human trafficking.

SUGGESTION

To successfully prevent human trafficking, local governments need to supervise the

placement of private workers, build networks with non-governmental organizations, and open access to complaints against illegal acts. Through effective preventive efforts, it is expected to reduce human trafficking cases in Indonesia.

Increased cooperation between Immigration Offices, local governments, non-governmental organizations (NGOs), and other relevant parties is also needed to monitor and address human trafficking cases more holistically. With close cooperation, information on human trafficking cases can be more easily exchanged, and prevention efforts by each party can be better coordinated.

In addition, it is necessary to improve the monitoring of the visa and passport making process by the Immigration Office by utilizing more sophisticated technology and information systems. With a more integrated system that can monitor the reasons behind making a visa or passport, the potential for document forgery can be detected earlier. In addition, the Immigration Office also needs to continue to increase the capacity and knowledge of relevant officers regarding the crime of human trafficking and how to identify related cases. Therefore, efforts to prevent human trafficking can be more effective and coordinated, thereby reducing the number of human trafficking cases in Indonesia.

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