

GOVERNMENT LEGAL ACTION IN THE PROTECTION OF INDONESIAN WORKERS VICTIMS OF TRAFFICKING CRIMES

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Abstract

Legal action by the Indonesian government to protect trafficked workers. Through law enforcement, prevention, education, rehabilitation, and international cooperation, governments are committed to protecting the rights and well-being of victims. Several laws, such as the Indonesian Labor Protection Law and the Law on Combating Trafficking in Persons, provided the primary legal basis for victim protection. These protective measures include prevention, law enforcement, and rehabilitation in accordance with human rights principles. However, challenges remained in protecting the workforce, especially those vulnerable to trafficking. Further efforts are needed to enforce the law, improve regulations, and raise public awareness to address the trafficking problem that impacts the lives of Indonesian workers.

Keywords: *human trafficking, rehabilitation, crime*

I. INTRODUCTION

In Indonesia, rapid economic growth has created major challenges in providing adequate employment for a large part of the population. This phenomenon causes significant gender inequality in developing regions, creating an imbalance between the number of men and women. The involvement of almost all regions in trafficking networks is also a serious concern, with deportations of people to their countries of origin becoming a common occurrence (Setiawan, 2021).

Protection for Indonesian workers, especially those who fall victim to human trafficking, is a crucial issue. The government plays a vital role in safeguarding the rights and welfare of workers, both domestically and internationally. The legal framework for labor in Indonesia encompasses regulations governing the relationship between employers and workers, including provisions for protecting workers' rights before, during, and after employment (Anggara & Setiawan, 2020).

Government actions to protect Indonesian workers, particularly those who are victims of human trafficking, stem from the recognition of the importance of workers' roles in national development and the necessity of ensuring their well-being. This is evident from various scholarly works and legal documents emphasizing the significance of labor in economic development and the need for comprehensive legal protection for workers.

Protection for Indonesian workers, especially those vulnerable to crimes like human trafficking, is a multifaceted issue involving considerations of both domestic and international law. The government's role in addressing this issue includes formulating and enforcing laws and regulations that safeguard workers' rights and welfare, as well as providing support and assistance to victims of human trafficking (Rahmad & Setiawan, 2022).

The labor law framework in Indonesia includes provisions protecting workers' rights, addressing issues such as employment placement, working conditions, and social security. Additionally, international legal instruments and diplomatic efforts also play a crucial role in ensuring the protection of Indonesian workers abroad, particularly in the context of labor migration. Legal actions by the government to protect Indonesian workers who are victims of human trafficking in the Grobogan region of Central Java can be carried out based on Law No. 13 of 2003 concerning Manpower. This law regulates everything related to labor before, during, and after work, including providing protection to workers in achieving welfare. In case of disputes between employers and workers, Indonesian law has regulated it in Law No. 2 of 2004 concerning Industrial Relations Dispute Settlement. Furthermore, the protection of Indonesian workers abroad is also regulated in Government Regulation No. 4 of 2013 concerning the Protection of Indonesian Workers Abroad. However, for human trafficking crimes, the appropriate legal action is to report the incident to the authorities, such as the police or prosecutor's office, for further action according to applicable law (Suwito, et al, 2023).

Law Number 21 of 2007 concerning the Eradication of Human Trafficking Crimes, Government Regulation Number 9 of 2008 concerning Procedures and Mechanisms for Integrated Services for Witnesses and/or Victims of Human Trafficking Crimes, and Law Number 13 of 2006 as amended by Law Number 31 of 2014 concerning the Protection of Witnesses and Victims, are legislative regulations made by the Government of the Republic of Indonesia to provide legal protection to victims of human trafficking crimes in Indonesia (Mulyadi, 2017).

Article 33 paragraph (1) of Law Number 39 of 1999 concerning Human Rights has affirmed that everyone must be free from torture, punishment, or cruel, inhuman, degrading treatment that diminishes their human dignity. Violations of this article can be categorized as serious human rights violations. Exploitation of Indonesian Migrant Workers (TKI/TKW) constitutes a violation of human dignity. Legal protection for Indonesian Migrant Workers (TKI/TKW) has been regulated in Law Number 13 of 2003 concerning Manpower and Law Number 39 of 2004 concerning the Placement and Protection of Indonesian Workers Abroad. The Indonesian government has guaranteed legal protection for all Indonesian workers, both domestically and abroad, but the facts on the ground show that many workers still experience violations of their rights (Akbar et al, 2023).

Efforts to provide legal protection for workers as victims of human trafficking must include both preventive and repressive measures as stipulated in legislation. Preventive legal protection involves measures to prevent and eradicate human trafficking crimes, aiming to minimize or even eliminate the occurrence of human trafficking victims. Repressive legal protection involves legal protection efforts undertaken when there are victims of human trafficking crimes.

Human trafficking crimes take advantage of social, economic, and even natural disaster situations that force people to seek livelihoods for survival. Initially, they are promised opportunities abroad with the lure of high wages, but in reality, this only becomes a form of human trafficking. The phenomenon of human trafficking crimes is becoming more widespread due to geographical factors in Indonesia, not only economic issues but also due to cultural factors that allow it to happen in Indonesian territory.

To address this, the government needs to provide strong legal protection to victims of human trafficking, so that the future of women and children can be safeguarded and they do not become victims of exploitation. So far, many Indonesian workers are vulnerable to being involved in human trafficking due to the lack of legal protection for them. The placement of Indonesian

migrant workers, especially in vulnerable areas such as the fisheries sector, oil palm plantations, and domestic areas, is one of the main triggers for human trafficking and modern slavery. Cross-border human trafficking is a crucial issue that demands serious attention. This occurs when crimes plan and execute their actions involving more than one country, as mentioned by Jay S. Albanese (2016: 225). Crimes like these deprive human dignity. The most vulnerable groups affected by this are women and children, especially those involved as Indonesian Migrant Workers (TKI) or Women Migrant Workers (TKW).

Law enforcement against victims of human trafficking crimes and the sending of Workers to Indonesia is limited by constraints in human trafficking laws. The problem of human trafficking in Indonesia continues to emerge, causing Indonesia to often only be able to provide lenient punishments as a form of resolution. The sending or placement of prospective migrant workers by individuals is often done illegally and violates the provisions regulated in regulations governing the application of Indonesian workers abroad. This includes the industry of recruiting Indonesian workers and industries that employ Indonesian workers for their internal needs (Rahardjo, 2000).

Many Indonesian citizens want to work abroad to quickly earn a better income, but many of them become victims of human trafficking because they do not comply with Indonesian laws. There are two main causes of undocumented migrant workers, namely migrant workers who use illegal channels and workers who are unable to pay migration costs due to financial conditions, as well as workers who flee because their employers do not meet all the requirements they need. To provide legal protection to migrant workers who become victims of human trafficking, the Indonesian government must provide restitution and compensation as legal measures to ensure their rights, such as maintaining their identities confidentially to receive rehabilitation Setiyawan & Rahmad, 2022).

II. PROBLEM FORMULATION

Based on the previous introduction, this research examines the following legal issues:

1. What is the role of the Trafficking in Persons Eradication Act as the main legal basis in protecting victims, particularly Indonesian workers?
2. How effective are law enforcement efforts, regulatory improvements, and increasing public awareness in addressing human trafficking issues impacting the lives of Indonesian workers?

III. RESEARCH METHODS

The Indonesian government takes legal action to protect workers who are victims of human trafficking. Through law enforcement, prevention, education, rehabilitation, and international cooperation, the government is committed to protecting the rights and welfare of victims. Several laws, such as the Indonesian Manpower Protection Act and the Anti-Trafficking in Persons Act, serve as the main legal basis for victim protection. These protection measures include prevention, law enforcement, and rehabilitation in accordance with human rights principles. However, there are still challenges in protecting workers, especially those vulnerable to trafficking. Further efforts are needed to enforce laws, improve regulations, and raise public awareness to address the issue of human trafficking affecting Indonesian workers' lives.

IV. RESULTS AND DISCUSSIONS

1. Government Actions Regarding Indonesian Workers in Relation to Human Trafficking

Its citizens through the constitution outlined in the 1945 Constitution of the Republic of Indonesia. Additionally, the Indonesian Government has enacted Law Number 39 of 1999 specifically addressing Human Rights. Although discussions on human rights have received attention both nationally and internationally, the implementation of human rights protection in Indonesia remains a focus of criticism from the international community as it has not yet reached an optimal level in practice (Oktavia et al., 2020).

Human trafficking is one form of human rights violation that frequently occurs in Indonesia. Reports of both the origin and destination areas of human trafficking victims are present in almost all provinces of Indonesia. Human trafficking has become a serious issue that can harm various segments of society. One example is the exploitation of labor, which often occurs in Indonesia as part of human trafficking crimes.

Government legal actions in protecting Indonesian workers who are victims of trafficking involve law enforcement efforts involving various relevant agencies and institutions. The Government has reaffirmed its commitment to protecting Indonesian workers who are victims of human trafficking through several concrete steps. The background to the need for protection of Indonesian workers who are victims of trafficking is the practice of human trafficking exploiting the vulnerability and economic needs of the community. Laborers who are often trapped in human trafficking networks are individuals seeking employment for a better livelihood, but they are then exploited through modern slavery, prostitution, or forced labor.

Through existing policies and programs, the government strives to provide protection to victims of trafficking. Legal actions taken include law enforcement against human trafficking perpetrators, conducting education and socialization on the dangers of human trafficking, providing legal assistance to victims, and efforts in rehabilitation and social reintegration for victims. The government is also active in cooperation with international organizations and other countries to address the issue of human trafficking. For example, by establishing bilateral cooperation in law enforcement, information exchange, and collaboration in human trafficking victim rehabilitation programs (Pradana et al, 2022).

Overall, the government's legal actions in protecting Indonesian workers who are victims of trafficking include law enforcement, prevention, education, rehabilitation, and international cooperation. All of these aim to protect the rights and interests of the victims and provide them with appropriate protection in accordance with legal principles and human rights. This law is the main legal basis governing the eradication of human trafficking crimes in Indonesia. This law provides a basis for law enforcement to conduct investigations, prosecutions, and punishment against human trafficking perpetrators.

2. Law No. 18 of 2017 concerning the Protection of Indonesian Workers

This law provides protection for Indonesian migrant workers working abroad. Although its focus is not on human trafficking, this law also protects migrant workers who are victims of human trafficking and provides a basis for the government to protect them. The law on criminal threats against perpetrators of human trafficking has provisions regarding the range of penalties that can be applied, as well as giving victims the right to receive compensation and restitution from perpetrators. The penalties in cases of human trafficking included in Indonesian criminal

law have been perfected to include recruitment of prospective migrant workers, immigration services, and health issues, as part of the state's efforts and protection for migrant workers. This is done to increase employment opportunities, given the challenges faced by Indonesian workers seeking employment abroad and the difficulty in finding suitable jobs in various countries (Yuliardi et al., 2021).

Taking advantage of victims in cruel ways and involving human trafficking has caused serious problems. It is important to produce strong protection for workers by providing adequate rights. Several international organizations and governments work together to implement laws to prevent human trafficking, although there are still challenges because public awareness of this issue is still low. One form of human trafficking involves recruitment with promising job offers, but ultimately results in exploitation. The act of enslaving victims as commodities, treated cruelly for financial gain, has prompted responses to protect workers' rights. The International Labour Organization (ILO), which is part of the UN, has initiated changes in protection for migrant workers. However, despite efforts by governments and societies, as well as international cooperation, there are still high numbers of human trafficking cases, often due to high interest from individuals in promising job offers that are actually involved in human trafficking practices (Setiawan & Rahmadhani, 2022).

Not all human trafficking crimes are considered illegal, but imposing punishments on perpetrators can entail heavy sanctions to deter them. The process of investigation, trial, and review related to the enforcement of the Trafficking in Persons Crime Act (TPPA) is regulated in the Criminal Procedure Code, unless specified by the Trafficking in Persons Crime Eradication Act (PTPPA). Violating Article 24 of the PTPPA by disclosing the identity of witnesses or victims who are supposed to be concealed can result in a maximum prison sentence of 3 to 7 years, and fines ranging from Rp. 120,000,000 to Rp. 280,000,000. Human trafficking perpetrators can be charged under Articles 4 and 10 of the PTPPA as well as Articles 81 and 86 of Law No. 18 of 2017 concerning the Indonesian Migrant Workers Conservation Law. For example, Article 86 provides for a maximum prison sentence of 5 years and a maximum fine of Rp. 15,000,000,000 (fifteen billion rupiah) for each violation.

Actions to secure basic human rights have inspired the International Labour Organization (ILO) steps in 1919. This triggered international agreements to protect workers in exploitative factories and improve working conditions. ILO documents developed by the International Labour Office specifically address control of forced labor, equality, and actions in the workplace.

Legal protection for workers involved in human trafficking cases must be implemented through preventive measures and protection in accordance with applicable legal regulations. When human trafficking cases occur, victims are provided with legal protection and opportunities to develop skills based on their personal interests. They are also given incentives to start businesses based on the skills they choose. Efforts to protect justice for Indonesian workers involved in human trafficking must involve prevention and law enforcement in accordance with the applicable legal system (Ramli, 2021).

Preventive and counter-trafficking measures include establishing shelters for victims, disseminating information about the dangers of human trafficking to the public, the commitment of law enforcement agencies and related parties to protect issues related to human trafficking, especially the exploitation of women, and the improvement of regulations in Law No. 21 of 2007 concerning Human Trafficking Crimes to be in line with Article 28B which guarantees the right

of every individual to seek a living and form a family, including in the context of living children outside marriage.

V. CONCLUSION

The Indonesian government has taken a series of concrete steps to protect workers who fall victim to human trafficking. Its legal measures include law enforcement efforts, prevention, education, rehabilitation, and international cooperation. Laws such as Law No. 18 of 2017 concerning the Protection of Indonesian Migrant Workers and the Law on the Eradication of Trafficking in Persons serve as the main legal framework governing protection for victims of human trafficking. These protection measures involve prevention, law enforcement, rehabilitation, and raising public awareness about the dangers of human trafficking, as well as a commitment to protecting individual rights in seeking livelihoods and forming families.

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