



Legal Protection Against Victims' Rights in Human Trafficking from Human Rights Being

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Abstract

Attempts to commit criminal trafficking are common among women and children. This is because demands (economics are scarce) are often made. The government must eradicate this case and grant legal protection to the trafficking criminal community so that women and children will not be imposed arbitrarily by human traffickers. The type of research used is normative jurisdiction; A study based on legislation and legal materials. Analysis shows that a criminal sanction given to me must be a real deterrent to a real deterrent, lest the perpetrator repeat the mistake. Furthermore, with saknsi could reduce the practice of human trafficking of women and children, and no one imposed women and children arbitrarily, and no longer made women and children victims of the trafficking of people. So that children and women could become the succeeding generations of a nation that isa pride to themselves and others.

Keywords: *Protection of Law; Human Trafficking; Human Rights; Witnesses*

Introduction

Ham which is the basic right of all mankind; As the grace of god almighty and unchallenged by anyone. The right to live for humans is the underlying right of individual persons, whether black or white all have equal standing in the eyes of the law, and we must therefore respect one's rights. Surely, with legislation on human rights, we can better appreciate one's rights and position as arbitrarily applied to others. One of the human rights issues that occurs in Indonesia in which cases are people trafficking, people trafficking is rigial where the case often takes place in women and children, the varied motives of the case are like kidnap, promising to give a lot of money to the akorban, Frequent in these cases are adult women in which today's women in commerce satisfy compulsive appetites.

In Indonesia, commercial crime takes on a form of commerce for the purpose of sexual exploitation Domestic workers, migrant workers, child workers, and frequent custom marriages among

women and children that bind a child and a girl to the play of a perpetrator and make it difficult for them to escape the scene. It is recommended to governments and law enforcement to help solve the case so that further bullying will not even result in future loss of women and children. Law enforcement should render appropriate laws for trafficking persons they refrain from misbehaving others and can reduce trafficking in persons. That way, the future is best for women and children. Trafficking in people is a very damaging crime in the future of women and children because it forces women and children to conform to the dictates of human traffickers.

Trafficking cases are not unique to Indonesia. However, the same is true in some other countries. We can easily see this case anywhere; A trafficking victim must conform to the whim of the trafficker. Trafficking in people is an atrocity among society and is demeaning to human beings.¹ Today, there is a high percentage of the victims' hedge fund strategies, making them more likely to give in to the demands of criminal traffickers. Eventually, the victim gets caught up in a criminal trafficking operation that makes it very difficult for the victim to break out of the game. They are forced to work even if they dislike and must submit to the will of commercial traffickers, otherwise they will be threatened and harm to women and children who will spoil their worth by doing a job that will keep them trapped in one that will ruin their future.

People's trades are set in Act number 21 2007 about Criminal trafficking in persons, Dan Convicted criminal, but deep The doing of this is still a lot Done, even made a living Or the living source of family life. The human rights act, where the Perpetrators will be charged with criminal charges, whereupon Judging by the effectiveness of these rules Ineffective. causes Of course any number of reasons can be caused Other factors, so process Ineffective. or law enforcement People's distrust of The institution of law, as a vote no Gets justice.²

Human rights are rights A foundation attached to human self It's just nature, universal and perpetual as a gift God almighty, over the right to life, Right to family, right to develop, right Justice, the right of freedom, the right Communications, security rights, Dan Welfare which therefore should not Ignored or taken by anyone. Act number 39 in 1999 about Human rights rights issue for women's rights protection and child rights turned out to be Get more attention Large. Women are often victimized As a result of his sexuality Female. Lots of research, lots of it Found in its everyday reality Presented by the media, shown How weak.

Legal protection against victims of human trafficking is vital to note. Protection of the law is the protection given to women and children in the trafficking of people, provided by governments in order to protect women and children from human trafficking that could ruin their future. With a legal protection from the government, it can appeal to the rights of the often pervasive trafficking victims. With legal protection, women and children could be avoided or eliminated from trafficking. The case is common among teenage and adult women. They even served as sex agents for men who were sexually active. Each day they are to serve or sell their self-esteem at a sufficient price for the necessities of their daily life. The case is really paying attention where women and children sell their self-esteem every day. It is a shame that if this case continues, the future of women and children will be ruined and if they return home in their actual lives in society, it is difficult for the community to welcome them back, because they are rebranded with an unfavorable act, so the government is ordered to provide legal protection for women and children that they should have it.

¹ Suhardin. Y, (2008). *Tinjauan Yuridis Mengenai Perdagangan Orang dari Perspektif Hak Asai Manusia*, Mimbar Hukum, Fakultas Hukum Universitas Gadjah Mada. Hlm. 485

²² Marzuki, P. M. (2011). *Penelitian Hukum* Jakarta: Kencana Prenida Media. Hlm 271

Protection of the law is a government protection to trafficking victims of the law so that they can regain their rights.³ They can be protected from criminal trafficking in people as well as women and children can make things positive again in their lives. Based on the above description, this study is for analysis Legal protection against women and children who experience criminal trafficking in individuals and know legal penalties for people's trafficking.

Formulation of the Problem

- 1) What is the enforcement of laws, laws of proof, and penalties for perpetrators of criminal trafficking?
- 2) How does legal protection protect victims' rights in human trafficking?

Research Methods

The method used in the study is the normative-juridical approach. The normatitic juridical approach is the approach made based on the main legal material by studying the theories, concepts, principles of law and the regulations of legislation related to the study. It is also known as the approach to literature, that is, by studying books, regulations of legislation and other documents relating to the study

Discussion

1. Enforcement of Laws, Laws of Verification, and Penalties for Perpetrators of Criminal Trafficking

Under statute 21 of 2007, article 2-18 is described as penalties for criminal trafficking of persons, which some are able to decapitate as follows:⁴

- a. The employment agency (both legal and illegal), who pays people to find workers in villages, manage shelters, manage identities and various travel documents, provide training and perform medical checkups and post them in the target countries.
- b. An agent or a calo, who traveled to a village, a neighbor, a friend, even as far as the village headman, a figure People, customs, and religious leaders. Agents may be able to cooperate with the PJTK registered or unregistered, to collect payment for every employee it employs.
- c. Employers, who force workers to work in explosive conditions, give no wages, lock up workers at work, act upon them sexually or physically.
- d. Governments, involved in document forgery activities, ignore abuses that occur in job recruitment or even that facilitate illegal border crossing (including police misconduct or immigration officers).
- e. The owners or administrators of brothels, who engage in forcing women to work against their will and ability, do not pay salaries or even hire minors or those not yet 18 years of age.

The completion phase of a trafficking crime case differs from the completion process of other crimes. It appears in article 28 of the law on the elimination of the criminal trafficking of the person States that "the process of starting with investigations, prosecution, and inspection of judicial

³ Takariawan, A., & Putri. S.A. (2018). *Perlindungan Hukum Terhadap Korban Human Trafficking dalam Perspektif Hak Asasi Manusia*, Jurnal Hukum Ius Quia Iustum. Hlm 237-255

⁴ Herlien C. Kamea. 2016. *Penegakan Hukum Pidana Terhadap Kejahatan Perdagangan Orang Menurut Undang - Undang Nomor 21 Tahun 2007*. Lex Crimen, Vol. V, No. 2, Februari. Hlm. 129

proceedings, relating to law enforcement of individual trafficking crimes, the recommendation was the law of criminal events, unless otherwise determined by the laws against individual trafficking crimes.⁵

At the time of the trial, if the accused has been called legally and properly, absent the court without giving the obvious explanation, then under article 41 verses (1) the law on the elimination of criminal trafficking of the person in the case can be heard and be dismissed without the presence of the accused. If the accused was to come at the next hearing before the verdict, then the defendant would have to have a hearing, and all the witness statements and letters read at the previous trial As one of the tools of evidence provided by the presence of the accused under article 41 verses (2) the eradication law against criminal trafficking in persons.

The law of proof is a set of legal teachings governing the proof of a matter that is extremely complex in relation to the process of trial in a court. Proven efforts are obtained from information, tools Evidence and evidence of the case. The legal instrument of evidence is the testimony, expert statements, letters, clues, and statements of the accused. Evidence is a moving thing or a stationary thing, and material and material evidence relating to a matter that is being resolved.

The purpose of these actions of evidence is to point to or explain events seen by the senses, events that are acceptable by logical thought, and to give information in the case received.

Sanctions for perpetrators who commit criminal trafficking as established at uuptppo article 2 verse (1) that gives a minimum of 3 years and a maximum of 15 years, and with a criminal A minimum of a fine: 120,000,000,000.00 and a maximum of Rp 600,000,000,000.00. Whereas in the penal code the elimination of a person's trade, article 7 verse (1) explains that "everyone who commits a crime The criminal trade of persons as referred to in chapter 2 verse (1), chapter 3, chapter 4, chapter 5, and chapter 6 can result in heavy injuries, severe mental disorders, other infectious diseases that can harm the soul, the pregnancy, or even the bother or loss of reproductive function, hence the threat plus one-third of the threats in article 2 (1), chapter 3, chapter 4, chapter 5, And article 6 with a minimum of 4 years and a maximum of 20 years in jail and a fine of minimum Rp 140,000,000.00 maximum. \$800,000,000,000.00."

Under article 7 of the verse (2) it is explained that when a criminal causes the death of the victim, a minimum of 5 years and a maximum of life with a minimum fine of Rp. 200,000,000,00 and a maximum Rp 5,000,000,000,00000.

2. Legal Protection Against the Rights of Victims in Human Trafficking Cases

An explanation of human trafficking certainly led to a sale of people, one of whom was a woman and child. This is a very rare occurrence right now with an m.o. They will definitely take away the will of the perpetrator. As god's creatures, we have the same degrees where we cannot do arbitrary ACTS against another, let alone sell our fellow man. It's so dangerous to even ruin someone's future. Therefore, we should maintain a good relationship with someone rather than commit an unkind act against others.

Trafficking in people is a highly prevalent case of women and children. This is because of the economic needs of the victims, so there is no other way than to sell themselves to others in order to earn money and provide for them. Governments should be able to help the economic needs of women and children to prevent them from succumbing to human trafficking. According human rights are a right to be defended, highly valued and respected by others rather than framed by others or bullied by someone. Legal protection to the victim should be well exercised. In this case, governments can provide legal

⁵ Gunakarya, Widiada, (2017), *Hukum Hak Asasi Manusia*. Yogyakarta, Indonesia: Penerbit Andi, Hlm. 1

protection against trafficking victims, so that the future of women and children can be properly protected, not in rusikin or bad people.⁶

A person trafficking case isa kidnapping, transporting, or drug-trafficking mode, for the victim to engage in overcrowdsource trafficking, the system of human trafficking must be carefully scrutinized in order to bring justice to the trafficking victim, Traffickers have to be severely punished by their actions enforcers have to have a bearing on this case in order to have a lasting effect on the perpetrators so that they can repent and not repeat actions that could damage the future of women and children.

According to mulyadi the judge should give a verdict as much as possible to avoid further trafficking cases, law enforcement should make a ruling that could have a lasting effect on the perpetrator in order to reduce the trafficking case, Because trafficking cases are extremely dangerous for women and children, such behavior could ruin the future of women and children, trafficking of people, and it is difficult for the victims to get out of the case. it is necessary for government and law enforcement assistance so that the victims can escape the trafficking of people.⁷

A legal protection against human rights in human trafficking cases an effort made by the government was legal protection for human trafficking victims. All efforts have been made by the government. One is the law on legal protection against human trafficking victims. This is to protect women and children from current trafficking. Criminal penalties against human traffickers. The presence of law in Indonesia can lead to proper punishment for trafficking in people. In addition, penalties could reduce trafficking in women and children. This is consistent with Ali that criminal penalties should be consistent with what the perpetrators did and have a learned effect on the perpetrators.⁸

Conclusions

Based on the above information on the trafficking of women and children, it is concluded that the legal protection of women given by the government to trafficking victims isa necessary effort by the government to achieve justice for the victims. Criminal penalties, then, should be consistent with what they do, and should be given as a deterrent to trafficking, in order to reduce the incidence of human trafficking. And the victim of a trade crime person gets his rights to protection of the law from several items arranged under act number 21 in 2007, such as the right to secure identity protection, the right to health rehabilitation, social rehabilitation, rehabilitation and rehabilitation of integration, and the right to get restitution or restitution for anything that has harmed him both physically and economics

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⁶ Ali, M., & Nurhidayat, S. (2011). *Penyelesaiannya Pelanggaran HAM Berat*, Jakarta, Kencana Prenada. Hlm 23

⁷ Mulyadi, L. (2010). *Putusan Hakim dalam Hukum Acara Pidana, Teori, Praktik, Teknik Penyusunan dan Permasalahannya*. Bandung, Citra Aditya Bakti.

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