



Reconstruction of Criminal Legal Policy in an Effort to Combating the Criminal Act of Human Trafficking Based on the Values of Justice

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Abstract

Trading man is one from crime transnational which is threat to global security. This research's objectives are: 1) analyze criminal law policy on human trafficking that lacks a justice-based approach; 2) identify current policy weaknesses; and 3) propose a reconstruction of criminal law policy to combat human trafficking based on justice principles. The Research methods use paradigm constructivism, with method approach legal sociological. and type study descriptive. The type and source of data uses secondary data in the form of material primary law, material law secondary, and legal data tertiary. Data collection method using bibliography, and methods analysis qualitative. The research results are: 1) Current criminal law policy in addressing human trafficking is not yet based on justice values, particularly regarding restitution, as stated in Law No. 21 of 2007 on the Eradication of Human Trafficking. While the law provides for restitution, it lacks practical implementation aligned with constitutional justice, requiring more than just regulatory provisions; 2) Weaknesses in the criminal law approach include: a) Substantive weaknesses on Law No. 21 of 2007 contradicts the principle of victim-oriented justice by not fully supporting victims' rights; b) Structural weaknesses, lack of professionalism among law enforcement hampers effective legal enforcement; c) Cultural weaknesses, low legal awareness in Indonesian society leads some victims to feel satisfied with prison sentences alone, neglecting their right to restitution and recovery; 3) Reconstruction of criminal law policy in combating human trafficking should now be justice-based, focusing on both value and normative reconstruction. This involves aligning legal norms with justice principles and reconstructing regulations, particularly Law No. 21 of 2007 Articles 2(1) and 51(1), and Government Regulation No. 7 of 2018 Article 2(1), to ensure fair, justice-based criminal law policy in combating human trafficking.

Keywords: *Reconstruction; Legal Policy; Human Trafficking*

Introduction

The right to obtain protection law, is right basic every citizen who are guaranteed by the 1945 Constitution of the Republic of Indonesia. This is as stated in Article 28D paragraph (1) of the Amendment Constitution The 1945 Constitution of the Republic of Indonesia, which affirms that " Everyone has the right on recognition, guarantee, protection, and certainty fair law as well as equal treatment in front of law ".

Law is interpreted set What should done and or what is allowed done and what is prohibited.¹ Target the law that is intended achieved No only someone who is considered has oppose law, will but also actions possible law will happened, and to tool state equipment to act in accordance with law.²

The state's obligation to provide protection law as set in constitution said, in line with objective law or essence fundamental from enforcement law, related with matter mentioned, it is necessary highlighted moreover formerly Roscoe Pound's opinion as quoted by Mochtar Kusumaatmadja, that objective law is for order, purpose reach justice and law as tool update society (*law as a tool of social engineering*).³Criminal law specifically the subject special It means is subject or the specific perpetrator like law criminal military only for group military. And secondly law a crime whose actions are specific It means is action crimes committed special in field certain like law fiscal which is only for crimes fiscal.⁴

Trading man is one from crime transnational which is threat to global security besides smuggling weapons, piracy sea, trade dark drugs, money laundering, terrorism and crime banking international, as well as crime cyber.⁵ Human trafficking has criminalized in Indonesian law. Trade called in a way explicit in Criminal Code and Laws Number 39 of 1999 concerning Human Rights Man as following:

“trade women and trade child a man who has not adult, threatened with criminal maximum six months in prison year ”⁶

Article 65 of the Law Number 39 of 1999 concerning Human Rights Man state that : " Every child entitled for to obtain protection from activity exploitation and abuse sexual, kidnapping, trafficking children, and from various form abuse narcotics, psychotropics and substances addictive other ”⁷

Increase the rise problem human trafficking in various countries, including Indonesia and developing countries develop others, have become Indonesia's attention as nation, society international, and members of organization international, especially United Nations (UN). Based on proof empirical, women and children is the most numerous group become a victim of crime criminal human trafficking. Victims are trafficked Not only for objective prostitution or form exploitation sexual others, but also includes form exploitation others, for example Work force or service forced, slavery, or practice similar slavery that. The perpetrator act criminal human trafficking is doing recruitment, transportation, transfer, concealment, or acceptance of people for objective entrap, entrap, or take advantage of the person in practice exploitation with all its shape with threat violence, use violence, kidnapping, forgery, fraud,

¹ Abdul Manan, Threat Death Penalty Against Eradication Action Criminal Corruption, Unissula Law Journal, Volume 36 No. 1, June 2020

² AA Parimita, Gede Khrisna Putra, Edward Thomas Lamury, Authority Commission Eradication Corruption in Wiretapping for Uncovering Crime Cases Criminal Corruption, Kertha Negara: Journal Legal Science, Volume 7 Number 8 2019, p. 3

³ Mochtar Kusumaatmadja, *Relationship Between Law With Public: Foundation Thought, Pattern And Mechanism Implementation Updates Law*, BPHN-LIPI, Jakarta, 1976, p.9

⁴ Bambang Tri Bawono, SH.,MH. Anis Mashdurohatun, SH., M.Hum, Criminal Law Enforcement in the Field of Illegal Logging for Sustainability Environment and its mitigation efforts, Journal of Law Vol XXVI, No. 2, August 2011

⁵ Kadek Novi Darmayanti, Komang Febrinayanti Dantes, Ngurah Ardhya, M. Jodi Setianto, Action Criminal Human Trafficking as Transnational Crime, Ganeshalawreview, Volume4, Issue2, November2022

⁶ Moeljatno, 2003, *Criminal Code (KUHP)*, Bumi Aksara, Jakarta.

⁷ Law Number 39 of 2000 concerning Human Rights, Citra Umbara, Bandung, 2010, p. 20.

abuse power or position vulnerable, or give payment or benefit so that to obtain agreement from the person holding control on the victim.⁸ Whatever type crimes committed, it is always the victim who suffer loss consequence the crime that occurred. The victim also continues develop along with development crime.⁹

Trading women and children that occur in Indonesia usually for prostitution, pornography, begging and maids House stairs.¹⁰ If women and children most trapped in exploitation in a way sexual, then man usually enter to in exploitation economy. Form his exploitation that is in the form of Work force or Work without paid.¹¹

Expansion definition trading as quoted from Wijers and Lap-Chew namely displacement humans (especially women and children) with or without the consent of the person concerned in the a country or abroad no only prostitution and slavery under cover marriage (*servile marriage*).¹² Syndication carried out by illegal business women and children in particular child No only occurs at the level local national, but Already until level cross- border (transnational).¹³

Law No. 21 of 2007 concerning " Eradication of Action Criminal Trafficking in Persons (PTPPO)" prohibits all type action, manner, or all form possible exploitation happen in practice human trafficking. Well done between regions within the country or between countries good perpetrator individual and corporation. With Thus, human trafficking is Human Rights Violation Humans who treat victims solely as commodities bought, sold, delivered and sold back. Symptoms This happen throughout world, continue grow and change in its form and complexity, which remain just condition exploitative placed to man.¹⁴ Although Thus, we need appreciate worker field law that means eradicate activity trading human beings. For example, Invite Number 21 of 2007 Concerning Eradication Action Criminal Human Trafficking and Law Number 14 of 2009 Concerning Validation Protocol for prevent, prosecute and punish Trafficking in Persons, especially Women and Children. Constitution the complete convention United Nations (UN) benefits against act criminal organized transnational.¹⁵

Regarding with matter the on about giving restitution stated in Invite Number 21 of 2007 Concerning Eradication Action Criminal Human Trafficking has not support Spirit Constitution the Forgive victim protection, namely provision about magnitude restitution that will be obtained by victims of human trafficking are not mentioned the rules in a way clear in Constitution eradication Action Criminal Human Trafficking so that in to drop the judge's decision is not own clear reference about restitution that will be given to the victim, ultimately in decide case to convict about restitution as mandated in Article 48 of Law Number 21 of 2007 concerning Eradication Action Criminal Human Trafficking, Judge is free determine the verdict without There is reject measure firmly and clearly, with thus naturally No existence certainty law and not fair.

⁸ General Explanation, Law of the Republic of Indonesia No. 21 of 2007 concerning the Eradication of Criminal Acts of Human Trafficking.

⁹ Rully Trie Prasetyo, Umar Ma'ruf, Anis Mashdurohaturun, Action Criminal Corporations in Policy Perspective Criminal Law Formulation, *Khaira Ummah Law Journal* Vol. 12. No. 4 December 2017

¹⁰ Sonny Saptoajie Wicaksono, Action Criminal Human Trafficking in particular Against Women and Children: A Problems and their Handling in Semarang City, *Yustisia* Edition 90 September- December 2014

¹¹ Syamsuddin, Forms Trading Humans and Psychosocial Problems of Victims, *Sosio Informa* Vol. 6 No. 01, January-April 2020. Pg. 23

¹² Ruth Rosenberg, Trafficking of Women and Children in Indonesia, *International Catholic Migration Commission (ICMC) and American Center for International Labor Solidarity (ACILS)*, 2003, p. 9

¹³ Lathifah Hanim, Adityo Putro Prakoso, Legal Protection for Crime Victims Human Trafficking (Study of Implementation Law no. 21 of 2007), *Journal Legal Update* 234 Volume II No. 2 May - August 2015

¹⁴ Farhana, SH, MH, M.Pdi, Op.Cit, Page 19.

¹⁵ *Ibid.*, p. 229.

Union Laborer Indonesian Migrants (SBMI) revealed that there were 251 cases act criminal human trafficking (TPPO) throughout year 2024. This is delivered by SBMI in End of Year Notes 2024 with theme Migration Force and Economic Burden: Unraveling the Roots of Human Trafficking Laborer Migrants. In 2024, SBMI documented around 251 cases that meet the criteria element human trafficking. Problems human trafficking and exploitation Work forcing and still become big challengee, Moreover, SBMI has accept complaints and handled 456 cases based on sector work from various sector. Then, sector Domestic Workers (PRT) as many as 80 cases (17.5 percent) and the online scam/forced scam sector as many as 62 cases (13.6 percent). Furthermore, there are sector Worker Construction 34 cases (7.5 percent), sector plantation as many as 27 cases (5.9 percent) and the remaining 12.5 percent originate from 10 other sectors. Also read: 21 Indonesian Citizens Victims of Human Trafficking Repatriated from Myanmar Hariyanto stated, workers from migrants in Indonesia are significant sector. Because, millions citizens who work abroad has given contribution big to economy through remittances. On the other hand, workers of Indonesian migrants also face various challenges, including exploitation and abuse right employment until right basic Humans. End of Year Notes 2024 is form our commitment in convey description comprehensive on work-work organization, start from advocacy Handling case, advocacy policy, organizing, empowerment economy, campaign, to research related with situation laborer Indonesian migrants along 2024.

In order to further examine the emptiness of the norm and to propose a criminal law concept for the above problems, research was conducted in the context of writing a dissertation. So that researcher interested for reconstruct policy law the crime. Based on description background behind on interesting for researcher for take title: “Reconstruction Criminal Law Policy in Efforts to Overcome Action Criminal Human Trafficking *Based on Justice Values.*”

Research Methods

Writer in study This use paradigm constructivism, a paradigm that views that knowledge law That only deal with regulation legislation solely. Law as something that must be done applied, and more tend for No to question mark justice and its usefulness for society. Legal studies and their enforcement only range about what is right and what is not right, what is wrong and what is not wrong and more other forms nature prescriptive.

Methodology hermeneutical and dialectical. The variable and personal (intra mental) nature of construction social show that construction individual only can created and perfected through interaction between and among researcher with the respondents. Various construction This interpreted use techniques hermeneutics conventional and comparative as well as compared through exchange dialectical. The ultimate goal is for get A more consensus construction mature and sophisticated than all construction previously (including, of course) only, construction ethics researcher).¹⁶

Approach study Which used in study This is study law sociological or normal called study *legal sociological*. In this research study, law conceptualized as s u one symptom empiris which can he died inside life real.

¹⁶ Norman K. Denzin, Yvonna S. Lincoln, 2009, *Handbook of Qualitative Research*, translated by Dariyatno, Badrus Samsul Fata, Abi, John Rinaldi, Putaka Students, Yogyakarta, p. 137.

Types of research which is used in finish dissertation This is method study yuridis descriptive analysis, that is study Which done with method research material pu s taka (da t a s secondary) or study law library, then described in the analysis ¹⁷and discussion.

Types of data used are primary and secondary data. For to obtain primary data, researchers refer to data or facts and cases law obtained direct through field research including information from related respondents with object research and practice that can see as well as relate with object research. While secondary data done with method studies bibliography. Secondary data This useful as runway theory for underlying analysis the main points existing problems in study This.

Data collection is focused on what exists, so in study This No deviate and blur in discussion. Research This using primary data collection in the form of observation and interviews, while secondary data collection uses *Library Research* (study bibliography) namely collection of data obtained from literature sources, works scientific, regulatory legislation, sources written other related with the problem being studied as runway theory.

Data analysis methods used is analysis descriptive, namely with notice the existing facts in practice the field then compared to with description obtained from studies bibliography. From the analysis the can know effectiveness system law of a nature educational.

Discussion

1.Criminal Law Policy in Efforts to Overcome Action Criminal Human Trafficking Currently Not Based on Justice Values

Trafficking is recruitment, transportation, transfer, shelter or reception somebody with threat or use violence or forms coercion others, kidnapping, forgery, fraud, abuse power or position vulnerable, or give or accept payment or benefits, for objective exploitation sexual, slavery or practices others, removal of body organs. Based on matter this, can know that the trafficking process is recruitment, transportation, transfer, shelter (confinement), reception. Victims of human trafficking experience Lots very scary thing. Trading man cause impact very influential negative to the lives of the victims. Not infrequently, the impact negative matter This leave permanent influence for the victims. In terms of physical, victims of trafficking man often very infected disease. Apart from stress, they can be infected disease Because situation life as well as jobs that have impact big to health. Not only disease, in child victims often experience stunted growth. In terms of psychologically, the majority of victim experience stress and depression consequence what they natural. Often the victims of trafficking man to isolate self from life social. Even, if it's very serious, they also tend to for to isolate self from family.

The victims often lost chance for experience development social, moral, and spiritual. As material comparison, victims of exploitation sexual experience wound great psychic consequence other people's treatment of them, and also the consequences wound physique as well as the disease he suffered from. Policy formulation with make rule new / criminalization of the elements act criminal human trafficking, shows existence arrangement in a way Details about prohibited acts. Whereas the consequences that become condition absolute from Action criminal trading Man is a mode in Action criminal trading Humans are also described in a way more clear, from act criminal human trafficking. The result of criminalization in Constitution Number 21 of 2007 concerning Eradication Action Criminal Human Trafficking can see from existence expansion subject act criminal human trafficking, such as seen from

¹⁷ Ed iwarm an, 2010, *Monograf, Metodologi Study L aw*, Medan: P r o g ram Postgraduate Univ. Muhammadiyah N o r t h S u m a t e r a , Medan, hlm. 24.

formulation of Article 1 number 4, namely perpetrator No just a person in the form of an individual who is man (natural person), but also regulated existence the perpetrator in the form of corporation (laws person).¹⁸

Based on policy law criminal, attempt This is results formulation law / policy law oriented to front, as anticipation as form from effort prevention which is Updates law criminal in act criminal human trafficking / criminalization. In substantial /material regulation of TPPO in Constitution Number 21 of 2007 has in accordance with hope public in enforcement law criminal human trafficking. However in support implementation prevention and enforcement TPPO law in general general, no Enough with only rely on the law Invite Number 21 of 2007 concerning Eradication Action Criminal Human Trafficking alone, but need supported by regulations legislation others, considering nature and space scope act criminal Human trafficking is very complex and applicable can crossing state borders, then prevention and enforcement there is no law either only can done with only use Constitution Number 21 of 2007 concerning Eradication Action Criminal Human Trafficking, but rather need help from substance branch law others (legal substance).¹⁹ Constitution Number 21 of 2007 concerning Eradication Action Criminal Human Trafficking which is effort government in give protection law, good in a way direct and No direct to potential victims and/ or victims, also related with Constitution Number 13 of 2006 concerning Protection towards Witnesses and Victims. Therefore, that's for do prevention and enforcement law whose purpose is for protecting human rights can be done with started from identify reason occurrence of TPPO. Law Number 13 of 2006 is a step positive in effort protection witnesses and victims, who during This still being arranged in a way sectoral.²⁰Currently, the Law Number 21 of 2007 has equipped with regulation its implementation that is

Various regulation legislation criminal has determined by the authorized institution in order to realize meaning certainty law. Certainty law No only poured out in regulation legislation, but required existence form practical from one of aspect law The real law. No purpose, but rather instruments that can used For realize justice.²¹ So that in matter This required existence refinement regulation appropriate legislation with need society so that it can relevant with the problems that occur. Along with the development dynamics population, forms and motives of crime also continue to developing. One of them namely Action Criminal Human Trafficking (TPPO). The increasing number of cases crime Action Criminal Acts of Violence Against Persons (TPPO) in general started from factor increasing need economy society that requires himself for migrate go out area even to overseas. Apart from that, there are some of the motives that cause the occurrence Action Criminal people like poverty, lack of field work, until condition worsening economy.²²

Case Action Criminal Human Trafficking (TPPO) is also rampant happened in Indonesia in 3 years last. As as informed by the United States Department of State that The Indonesian government is less than optimal, this is marked with the report issued by the National Police Criminal Investigation Unit which indicates that Government has prosecuting a total of 167 cases human trafficking and convicted 178 ²³people in 2021 One of the cause namely there is Lots worker immigrants who are careless and trapped in persuade seduce person certain for get offer work abroad, ²⁴which then without realized matter the rather result action exploitation so that cause loss material and immaterial. In Article 1 paragraph (13)

¹⁸Henny Nuraeny, 2013, Action Criminal Human Trafficking (Criminal Law Policy and Prevention), Sinar Grafika, Jakarta, p. 290.

¹⁹Ibid

²⁰Ibid

²¹HM Syarifuddin. 2020. Principles Justice in Judgment Case Action Criminal Corruption. Jakarta: Kencana. p. 40

²²Lewister D Simarmata, et al. 2021. Accountability Criminal In the form of Payment Restitution By The Perpetrator Action Criminal Human Trafficking. RETENTUM JOURNAL, Vol 2, No 1.

²³<https://www.state.gov/reports/2022-trafficking-in-persons-report/indonesia/>, accessed April 27, 2024

²⁴International Labor Organization. 2006. Demand Side of Human Trafficking in Asia: Empirical Findings. Bangkok: International Labor Office, page.6

of the Law Number 21 of 2007 concerning TPPO has discussed about Restitution which is form payment change losses incurred to perpetrator based on decision a court of competent jurisdiction.

The Criminal Code (KUHP) is codification from law criminal, in general arrange about all type act criminal, but public always experience development so that often act existing criminal law in the Criminal Code no in accordance Again with the Indonesian legal reform. Therefore, that's necessary held arrangement special to act criminal new that has not been There is or Not yet set up in the Criminal Code. Written law No capable walk along with changes the Because every change must go through the procedure certain. Almost reality always found that is law written "lagging behind" compared to with dynamics society. This is no contradictory with the Criminal Code because based on provision Article 103 of the Criminal Code states : " The provisions in Chapter I to with Chapter VIII of the book this also applies for acts that are regulated by the provisions legislation other threatened with criminal except if by law otherwise specified"²⁵

According to Constitution Number 21 of 2007 concerning Eradication Action Criminal This Person 's Trafficking There are 9 (nine) chapters. Chapter I regulates about provision general set up in Article 1, which consists of out of 15 points explanation about act criminal human trafficking, Chapter II concerning sanctions act criminal human trafficking which contains 17 articles, starting from Article 2 to with Article 18, Chapter III of the rules about sanctions act other related crimes with act criminal human trafficking, which is regulated in Articles 19 to 20 with Article 27, Chapter IV of the rules about investigation, prosecution and examination in court court, regulated in Articles 28 to with Article 42, Chapter V of the rules about protection witnesses and victims, regulated in Article 43 to with Article 55, Chapter VI of the rules in prevention and handling, regulated in Articles 56 to with Article 58, Chapter VII of the rules about Work same 67. international and role as well as society, in Articles 59 to with Article 63, Chapter VIII concerning provision transition, regulated in Articles 65 to with Article 67.

Regulation policy law criminal in effort to overcome act human trafficking crime moment This Not yet based on mark justice that about giving restitution stated in Invite Invite Number 21 of 2007 Concerning Eradication Action Criminal Human Trafficking has not support Spirit Constitution the for. Certainty law No only poured out in regulation legislation, but required existence form practical from one of aspect law the real law. No purpose, but rather instruments that can be used for realize justice.

2. Weaknesses Criminal Law Policy in an Effort to Tackle Action Criminal Human Trafficking Today

a. Weaknesses of Aspects Legal Substance

Weakness aspect substance law that is Constitution Number 21 of 2007 which is contradictory with characteristic partisanship with the victims who have experience disadvantages. Weaknesses First sanctions criminal uang relatively light and next is as Article 48 Paragraph (1) explains that Every victim of the act criminal human trafficking or expert his heir entitled to obtain restitution. Based on the Law Number 21 of 2007 concerning Eradication Action Criminal Trafficking in Persons (PTPPO) in Article 50 has set up about procedures execution. After the Prosecutor receives the P-48 or order execution decision court, there is option for defendant for pay restitution or No pay restitution and replace it with confinement.

²⁵ Moeljatno, 2003, Code of Law, Criminal Law. Jakarta: Bumi Aksara p.40

b. Weaknesses of Aspects Legal Structure

Weakness aspect structure law that is lack of professionalism apparatus enforcer law in carry out his duties and authorities own great influence to effectiveness enforcement law. Apparatus enforcer law in strive for effort recovery Still rated not enough effective, thing This can seen based on the data obtained namely there is a number of the decision at the stage his prosecution Already to include application restitution will but in a number of decision level First No granted by the Panel of Judges.

c. Weaknesses of Aspects Legal Culture

Weakness aspect culture law that is low awareness law Indonesian society results in some of the people who became victims have already feel Enough with existence punishment criminal prison sentence to Defendant. Increased figures crime Action Criminal Acts of Violence Against Persons (TPPO) in general started from factor increasing need economy society that requires himself for migrate go out area even to overseas. Apart from that, there are some of the motives that cause the occurrence Action Criminal people like poverty, lack of field work, until condition worsening economy.

3. Reconstruction Regulation Criminal Law Policy in Efforts to Overcome Action Current Human Trafficking Crimes Are Not Based on Justice Values**a. Comparison with Foreign Countries Regulations Criminal Law Policy in Efforts to Overcome Action Human Trafficking Crime****1) Malaysia**

In the UUPTPO regarding prison maximum tend more firm compared to Malaysia's UUAPPO because prison maximum in UUPTPO is prison lifelong alive, as listed in Article 7 paragraph (2). Meanwhile, prison time maximum in the Malaysian UUAPPO it is 20 (twenty) years, as is listed in Article 13 and Article 14. Unlike the UUPTPO which has criminal addition besides criminal principal (prison, detention, fine), namely as listed in Article 15 paragraph 2 criminal law for corporation. In addition to criminal fine as referred to in paragraph (1), corporations can be dropped criminal addition in the form of:

- 1) Revocation permission business;
- 2) Expropriation riches results act Criminal;
- 3) Revocation of legal entity status;
- 4) Dismissal administrator; and/ or
- 5) Prohibition to administrator the for to establish corporation in field same effort

In the Malaysian UUAPPO there is no listed in a way clear about Who only those included in subject law, in every chapter threat criminal only the word " every person" is listed, only There is One article that states besides "every person" namely in Article 23 it is stated that Legal Entities (Transportation Companies) are also included as perpetrator If participate petrified perpetrator trading Man. In UUAPPO Malaysia all chapter threat criminal there is prison maximum. And the maximum is 20 (twenty) years imprisonment. (Articles 13 and 14).

2) Singapore

The PTPPO Law only give definition exploitation and exploitation sexual. The PTPPO Law also does not explain more carry on about practice similar slavery, as well as potential form exploitation others of a nature vague like marriage contract. While PHTA 2014 PHTA 2014 provides more definition detailed, because participate explain similar actions with slavery, such as debt bondage, servitude, marriage forced. Also included is an explanation exploitation sexual which also details, with covers action action obscene or No indecent by individuals or use individual in audio or visual recordings or representation from action the.

The PTPPO Law states that sanctions criminal in the form of criminal prison with criminal fine subsidiary criminal confinement. PHTA 2014 contained criminal prison, criminal fines and penalties blow whip using rattan (is cumulative). Regarding duration or amount the criminal penalties imposed, the PTPPO Law contains threat sanctions more criminal heavy compared to PHTA 2014. Penalty maximum set in the PTPPO Law for TPPO crime in the form of criminal prison during lifelong life and crime fine as much as Rp. 5,000,000,000.00 (five billion rupiah), compared to threat criminal offenses in PHTA 2014 for violation First that is criminal prison maximum 10 (ten) years, criminal fine maximum S\$100,000 (one hundred thousand Singapore dollars), as well blow whip maximum 6 strokes.

3) United States of America

Transportation Security Administration (Transportation Security Administration) Security Transportation) (TSA) DHS takes step For add " trade human " as type incident in the Emergency Operations Center database Emergency) web -based for increase TSA's understanding of crime The steps taken by DHS began develop Application Mobile Human Trafficking Toolkit for give law enforcement law and other users access easy to point contact principal, relevant legislation, and opportunities training Success in to fight trading people during government President Barack Obama said No off from mix hand institutions in the United States. They help prevent and to fight crime trading man Good domestic and international. In terms of This President Barack Obama updates Again the TVPA policy is as step or strategy in prevent the occurrence trading humans in the United States.

Policy President Barack Obama in give protection against victims of trafficking man with apply the 3P principle in the TVPA policy that has been updated will can reduce number trading human rights that occur in the United States. Protection the can in the form of give permission stay longer for trafficking victims human beings and improve service against victims of trafficking human. With give permission stay longer, victims of trafficking vulnerable human is immigrant will be placed in place comfortable living, where more Far from the perpetrator. This is done only for protect the victim from fear and their trauma after become a victim of trafficking.

b.Reconstruction of Criminal Law Policy Values in Efforts to Overcome Action Current Human Trafficking Crimes Are Not Based on Justice Values

Reconstruction desired value achieved in study This that regulation policy law criminal in effort to overcome act human trafficking crimes that used to be Not yet fair now based on mark justice.

c.Reconstruction of Criminal Law Policy Norms in an Effort to Overcome Action Current Human Trafficking Crimes Are Not Based on Justice Values

The development of the modus operandi of the crime criminal increasing human trafficking diverse and complex its nature require he did changes and updates law criminal. Also considering the space scope act criminal human trafficking that has expand with quickly, then activity human trafficking

is included as organized crime, cybercrime, and crime transnational. As form effort prevention human trafficking in Indonesia, it is very necessary done formulation act criminal human trafficking in the Criminal Code Law No. 1 of 2023 Nationally explicit, firm, clear Good in a way substantial, as well as in to list understanding, space scope and limitations act criminal insider trading Design Explanation of the Criminal Code Law No. 1 of 2023.

Based on information on so presented reconstruction table like under:

Table 5.1. Reconstruction Criminal Law Policy in Efforts to Overcome Action Current Human Trafficking Crimes Are Not Based on Justice Values

No.	Construction	Weakness	Reconstruction
1	<p>Constitution Number 21 of 2007 Concerning Eradication Action Criminal Human Trafficking</p> <p>Article 2</p> <p>Verse 1</p> <p>Everyone who does recruitment, transportation, harboring, sending, transfer, or reception somebody with threat violence, use violence, kidnapping, confinement, forgery, fraud, abuse power or position vulnerable, debt trap or give payment or benefit although to obtain agreement from the person holding control over others, to objective exploiting the person in the territory of the Republic of Indonesia, shall be punished with criminal imprisonment for a minimum of 3 (three) years and a maximum of 15 (fifteen) years and a fine a fine of at least Rp. 120,000,000.00 (one hundred and twenty million rupiah). million rupiah) and a maximum of IDR 600,000,000.00 (six hundred million rupiah).</p>	<p>Sanctions Relative crime light, so No give effect deterrent</p>	<p>Reconstruction Constitution Number 21 of 2007 Concerning Eradication Action Criminal Human Trafficking, in Article 2 Paragraph 1 with add or change the nominal fine from at least Rp. 120,000,000.00 to Rp. 300,000,000.00 and at most from Rp.600,000,000.00 to Rp.3,000,000,000.00 so that reads :</p> <p>Article 2</p> <p>Verse 1</p> <p>Everyone who does recruitment, transportation, harboring, sending, transfer, or reception somebody with threat violence, use violence, kidnapping, confinement, forgery, fraud, abuse power or position vulnerable, debt trap or give payment or benefit although to obtain agreement from the person holding control over others, to objective exploiting the person in the territory of the Republic of Indonesia, shall be punished with criminal imprisonment for a minimum of 3 (three) years and a maximum of 15 (fifteen) years and a fine a fine of at least Rp. 300,000,000.00 (three hundred million rupiah) and a maximum of Rp.</p>

			3,000,000,000.00 (three hundred million rupiah). billion rupiah).
2	<p>Constitution Number 21 of 2007 Concerning Eradication Action Criminal Human Trafficking</p> <p>Article 51</p> <p>Verse 1</p> <p>Victims have rights to obtain rehabilitation health, rehabilitation social, repatriation and reintegration social from government if the person concerned experience suffering Good physique and psychic consequence act criminal human trafficking.</p>	<p>Not yet available religious rehabilitation and supervision post rehabilitation</p>	<p>Reconstruction Constitution Number 21 of 2007 Concerning Eradication Action Criminal Human Trafficking, in Article 51 Paragraph 1 with add the word rehabilitation religious and supervision post rehabilitation, so that reads:</p> <p>Article 51</p> <p>Verse 1</p> <p>Victims have rights to obtain rehabilitation health, rehabilitation social, rehabilitation religious, repatriation, and social reintegration, and supervision post rehabilitation from government if the person concerned experience suffering Good physique and psychic consequence act criminal human trafficking.</p>
3	<p>Regulation Government Number 7 Years 2018 About Giving Compensation, Restitution and Legal Assistance to Witnesses and Victims</p> <p>Article 2</p> <p>Verse 1</p> <p>Victims of violation right basic heavy man entitled to obtain compensation</p>	<p>Not yet fair and proportional</p>	<p>Regulation Government Number 7 Years 2018 About Giving Compensation, Restitution and Legal Assistance to Witnesses and Victims, in Article 2 Paragraph 1 with add words to proportional and based on mark justice, so that reads:</p> <p>Article 2</p> <p>Verse 1</p> <p>Victims of violation right basic heavy man entitled to obtain compensation in a way proportional and based on mark justice</p>

Closing

Conclusion

Policy law criminal in effort to overcome act human trafficking crime at the moment This Not yet based on mark justice that about giving restitution stated in Invite Number 21 of 2007 Concerning Eradication Action Criminal Human Trafficking has not support Spirit Constitution the for certainty law No only poured out in regulation legislation, but required existence form practical from one of aspect law mentioned; 2). The weaknesses that occur in law criminal in effort to overcome act criminal human trafficking (human trafficking) This consists of from weakness aspect substance law, structure law and weaknesses aspect culture law. Weaknesses aspect substance law that is Constitution Number 21 of 2007 which is contradictory with characteristic partisanship with the victims who have experience disadvantages. Weaknesses aspect structure law that is lack of professionalism apparatus enforcer law in carry out his duties and authorities own great influence to effectiveness enforcement law. Weaknesses aspect culture law that is low awareness law Indonesian society results in some of the people who became victims have already feel Enough with existence punishment criminal prison sentence to Defendant; 3). Reconstruction policy law criminal in effort to overcome act criminal human trafficking (Human Trafficking) This Not yet based on mark justice. Reconstruction mark policy law criminal in effort to overcome act human trafficking crimes that used to be Not yet fair now based on mark justice consists of from reconstruction values and norm reconstruction. Regulatory norm reconstruction policy law criminal in effort to overcome act human trafficking crimes that used to be Not yet fair now based on mark justice in law Number 21 of 2007 Article 2 Paragraph (1), Article 51 Paragraph (1) and Regulations Government Number 7 Years 2018 Article 2 Paragraph (1).

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