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## **Negative Implications of Criminal Action for Female Child Trafficking Victims in Indonesia**

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### **ABSTRACT**

*Girls are a group that is highly susceptible to the human trafficking crime. Even so, there were still very few researches on this crime from the victim's perspective. This research aims to identify various negative implications caused by human trafficking crime based on the victim's perspective through a victimological approach. The method used in this research is a qualitative method with a normative juridical approach. The data used in this research is primary data obtained from several informants, these are Health Extension Officer Kusuma Bongas and several victims who were survivors of human trafficking, through in-depth interviews and observations. According to the research findings, human trafficking is a serious crime that has a wide-ranging take effect across multiple sectors. In addition to social effects, human trafficking has negative legal consequences as well as it leads to various criminal offenses such as prostitution, the physical, sexual, and psychological exploitation of children, violations of labor laws, and other crimes. For the victims of this crime, there is still potential for unfairness and legal ambiguity due to the law's imperfect implementation in this subject. Therefore, it is important to improve the judiciary system, specifically the fair and strict laws against the human trafficking crime, in order to provide victims safeguards and have a deterrent impact on offenders.*

**Keywords:** *Children, Human Trafficking, Trafficking of Girls*

## INTRODUCTION

The human trafficking crime is a serious crime that has a wide-ranging take effect across multiple sectors. Over a very significant period of time, not just in Indonesia but also in other nations around the world, there has been human trafficking, which is a violation of human rights. One of the most common types of human trafficking is the trafficking case of girls. The issue of girls being trafficked is one of the most prevalent types of human trafficking. The systematic criminal activity of trafficking in young women is well-organized and carried out through a variety of traditional and contemporary techniques. International networks as well as domestic networks participate up the human trafficking network.<sup>1</sup> Trafficking of girls is a crime that violates human rights, which develops in communities with low economic levels, understanding of religion, education, or morality with high dependence on communities with stronger economic levels.<sup>2</sup>

In the annual report published by State Department of United States of America entitled 2022 Human trafficking Report, there are at least 90,354 victims of human trafficking identified globally in 2021, and it is stated that every province in Indonesia is a source of and the destination of human trafficking case. Even though this number has decreased by 17.27% compared to 2020 with a total of 109,216 people. The report also states that the highest number of victims of human trafficking in 2021 came from the South and Central Asia region with a total of 38,426 people, followed by America and Western countries with 12,343 people, and Africa with 11,450 people.<sup>3</sup> The recorded victims include adults and children who were forced to do a job or become commercial sex workers. This report also states that Indonesia is categorized in the Tier 2 group and is one of the countries that contributes the most cases of human trafficking in the world.<sup>4</sup>

Human trafficking cases, most notably those involving women, are a serious issue in practically every country in the world. In a research published by Okunade and Shulika, the victims of trafficking of women in Africa generally come from poor social systems, and groups that are less educated because they are trapped in poverty, therefore they rely on quick and easy solutions to change their situation.<sup>5</sup>

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<sup>1</sup> Abdul Rahman Prakoso and Putri Ayu Nurmalinda, "Legal Policy on Human Trafficking Crimes," *IJCLS (Indonesian Journal of Criminal Law Studies)* 3, no. 2 (November 30, 2018): 133–146, <https://journal.unnes.ac.id/nju/index.php/ijcls/article/view/17172>.

<sup>2</sup> Rizka Ari Satriani and Tamsil Muis, "Studi Tentang Perdagangan Manusia (Human Trafficking) Pada Remaja Putri Jenjang Sekolah Menengah Di Kota Surabaya," *Jurnal BK Unesa* 4, no. 1 (2013): 67–78, <https://ejournal.unesa.ac.id/index.php/jurnal-bk-unesa/article/view/6121/7019>.

<sup>3</sup> Department of State United States of America, *Human trafficking Report* (United States of America, 2022), <https://www.state.gov/wp-content/uploads/2022/04/337308-2022-TIP-REPORT-inaccessible.pdf>.

<sup>4</sup> Hana Renata Tan Peiru and Abdurrahman Alhakim, "Perlindungan Hak Anak Dibawah Umur Korban Human Trafficking Di Kota Batam: Perspektif Hukum Pidana," *Journal Komunitas Yustisia Universitas Pendidikan Ganesha* 4, no. 3 (2021): 1029.

<sup>5</sup> Samuel Kehinde Okunade and Lukong Stella Shulika, "The Dynamics of Child Trafficking in West Africa," *AHMR African Human Mobilty Review* 7, no. 23 (2021): 116–140.

The same statement was also stated by Ukwayi research that poverty and high unemployment have encouraged human trafficking, especially women and children in Nigeria.<sup>6</sup> Although there are five types of human trafficking that are frequently observed worldwide, such as prostitution, forced marriages overseas, forced labor, private servants, and even as a form of payment in some criminal transactions, and then the complexity of human trafficking fluctuate (for example, narcotics and drug trafficking).<sup>7</sup> Even so, there were still few research has focused on handling and recovering victims because generally the main focus is the process of human trafficking existed and its relation to sexual crimes.

The lack of information from the victim's perspective was also conveyed by Sweileh in a literature review compiled based on data obtained from two thousand and forty-four documents on human trafficking published worldwide from 2000 to 2017. According to the results of his research, the majority of research on trafficking human beings, especially women focused on its relation to health and sexual trafficking. Meanwhile, studies on victims of human trafficking or discussing the perspective of victims are still very few.<sup>8</sup> Therefore, there is a potential for a significant scientific contribution to the implementation of this research. The research of human trafficking based on the victim's perspective is considered to be able to open up opportunities to produce a number of important efforts that can be conducted in order to improve the conditions of human trafficking victims.<sup>9</sup>

Women, especially children, have a greater possibility of being involved as victims of human trafficking than men, especially if the placement of victims of human trafficking is conducted in the commercial sex work sector or is intended for sexual and domestic exploitation activities. This is then exacerbated by the low empowerment of women in various sectors.<sup>10</sup> The findings published in the annual report of the United States Department of Home Affairs are also supported by indications that countries that are vulnerable to exploitation or human trafficking are generally characterized by low levels of women's empowerment.<sup>11</sup>

In a research, it was found that human trafficking and acts of violence are two crimes that are related to each other and have disruptive properties and are very

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<sup>6</sup> J. K. Ukwayi, P. U. Angioha, and E. A. Aniah, "Associate Factor of Trafficking in Women and Children in Calabar, Cross River State, Nigeria," *European Journal of Political Science Studies* 0, no. 0 (2019): 1–15.

<sup>7</sup> Sutinah and Karen Mwendu Kinuthia, "Trafficking of Women and Children in East Java, Indonesia," *Journal of International Women's Studies* 20, no. 9 (2019): 94–106.

<sup>8</sup> Waleed M. Sweileh, "Research Trends on Human Trafficking: A Bibliometric Analysis Using Scopus Database," *Globalization and Health* 14, no. 1 (2018): 1–12.

<sup>9</sup> Sulistya Eviningrum, Hartiwiningsih, and Moh Jamin, "Strengthening Human Rights-Based Legal Protection on Victims of Child Trafficking in Indonesia," *International Journal of Advanced Science and Technology* 28, no. 20 (2019): 296–300.

<sup>10</sup> Department of State United States of America, *Human trafficking Report, Trends in Organized Crime*, vol. 10, 2006.

<sup>11</sup> UNDP Regional HIV and Development Programme Team, *You and AIDS: The HIV and Development Magazine for Asia Pacific*, 2003.

dangerous for the continuation of humanity. Ironically, the beginning of the occurrence of these two crimes generally occurred from the family environment.<sup>12</sup> In other publications, it was also stated that the high number of human trafficking in Indonesia, especially involving girls as victims, is an organized crime with a network that reaches an international scope.<sup>13</sup> In addition, the laws and regulations in Indonesia are still unable to accommodate the interests of restitution for victims of human trafficking so that the losses felt, both material and non-material, cannot be replaced optimally which ultimately minimizes the sense of justice felt by victims of human trafficking.<sup>14</sup>

To overcome the crime of human trafficking (TPPO), including trafficking of girls, the Indonesian government then issued Law No. 21/2007 concerning the Eradication of the Crime of Human Trafficking. The enactment of this law gives the Indonesian people tremendous hope that the country's current condition with the large amount of victims of this crime would change. However, it appears that a dualistic issue occurs in the restitution settlement for victims of the crime of human trafficking, which is governed by two separate regulations, such as the Criminal Procedure Code and the Law on the Crime of Human Trafficking. As a result, it becomes more challenging to resolve the issue of reparations for victims of human trafficking. In addition to drafting laws, the government is also taking various preventive measures by forming groups for the prevention and handling of victims of human trafficking, especially women and children.<sup>15,16</sup>

One of the areas in Indonesia that is facing the problem of the crime of human trafficking is Bongas Village, Indramayu, West Java. Bongas Village is a village with a high level of human trafficking cases.<sup>17</sup> The victims of crimes in this area are generally involved in cases of sexual exploitation, prostitution, and pedophilia. Ironically, several victims stated that the income they earned from their work was used as the main source of livelihood for their family members. Not even a few of the victims admit that their involvement in the criminal act of human trafficking was driven by their internal motivation to earn income.<sup>18</sup>

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<sup>12</sup> Iin Ratna Sumirat, "Perlindungan Hukum Terhadap Perempuan Dan Anak Korban Kejahatan Perdagangan Manusia," *Jurnal Studi Gender dan Anak* 7, no. 01 (2017): 19.

<sup>13</sup> Wido Bayu Syaputra and M. Faiz Setiawan, "Perdagangan Manusia Lintas Negara Di Indonesia," *Jurnal Ilmiah Dunia Hukum* 3, no. 2 (2019): 87–99.

<sup>14</sup> Jessica C. Boles and Cheryl Murray Miyamasu, "Human Trafficking," 2022, 300–325, <https://services.igi-global.com/resolvedoi/resolve.aspx?doi=10.4018/978-1-6684-5097-0.ch013>.

<sup>15</sup> Kamudin Kamudin, "Implementasi Kebijakan Pemerintah Daerah Terhadap Upaya Pencegahan Trafficking," *HERMENEUTIKA : Jurnal Ilmu Hukum* 1, no. 1 (2015).

<sup>16</sup> Rahmat Hidayat and Syamsuddin Syamsuddin, "Penetrasi Konteks Sosial Budaya Dalam Membangun Collaborative Governance Pada Gugus Tugas Pencegahan Dan Penanganan Korban Perdagangan Orang Kekerasan Terhadap Perempuan Dan Anak Di Provinsi Jawa Barat," *Jurnal Politikom Indonesiana* 4, no. 1 (2019): 240–270.

<sup>17</sup> Ibid.

<sup>18</sup> Hamja Hamja and Faizin Sulistio, "Modus of Girls Trafficking in Bongas Indramayu: Victimology Perspective," *Brawijaya Law Journal* 8, no. 1 (2021): 132–146; Nurmaya, "Desain Iklan Layanan Masyarakat Penanggulangan Eksploitasi Seks Komersial Anak Di Indramayu, Jawa

As a crime, human trafficking certainly has a number of negative impacts. One of the biggest impacts of human trafficking is the transmission of disease, including the sexually transmitted disease HIV-AIDS.<sup>19,20</sup> Trafficked women and children may be exposed to higher risks of HIV-AIDS transmission as well as reproductive health problems and sexual crimes such as rape. Besides that, girls who are victims of human trafficking generally do not have access to various health services because of their limited space for movement and freedom.

Based on the previous description, the research will examine various initiatives and policies put forth by various parties in relation to the crime of human trafficking in Bongas Village, Indramayu, West Java; evaluate the success of their implementation from the perspective of those who have been victimized by or have survived the crime of human trafficking; and generate recommendations needed to enhance the quality of prevention and treatment of the victims of human trafficking crime.

## RESEARCH METHODOLOGY

To obtain data and provide a comprehensive picture, this research was conducted by applying qualitative methods through a juridical normative approach. The juridical normative approach is one type of legal research methodology that bases its analysis on applicable laws and regulations and is relevant to the legal issues that are the focus of research.<sup>21</sup> In addition, according to Shofi Nurul and Djoko Sumaryanto stated that juridical normative method is a research by raising an issue and describing it into a research by focusing on the application of existing rules as well as some existing norms in positive law.<sup>22</sup> Data collection was carried

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Barat,” *Journal Studen UNY* 1, no. 1 (2017): 415–426; Windia Sari Sunardiyana and Agus Joko Pitoyo, “Studi Perdagangan Anak Perempuan Di Kecamatan Bongas Kabupaten Indramayu,” *Jurnal Bumi Indonesia* 3, no. 1 (2014): 1–10.

<sup>19</sup> Melok Roro Kinanthi, Adriana Ginanjar, and Winarini Wilman, “Faktor-Faktor Bioekologi Pada Komitmen Pernikahan Tenaga Kerja Wanita Asal Indramayu,” *Jurnal Psikologi Islam dan Budaya* 1, no. 2 (2018): 113–130.

<sup>20</sup> Dian Fitriani Afifah and Neneng Yani Yuningsih, “Analisis Kebijakan Pemerintah Tentang Pencegahan Dan Penanganan Korban Perdagangan (Trafficking) Perempuan Dan Anak Di Kabupaten Cianjur,” *Jurnal Ilmu Pemerintahan* 2, no. 2 (2015): 330–360; Cahya Wulandari et al., “Tindak Pidana Perdagangan Orang ( Human Trafficking ) Khususnya Terhadap Perempuan Dan Anak : Suatu Permasalahan Dan Penanganannya Di Kota Semarang,” *Yustisia Edisi 90* (2014): 15–26; Ayu Kusuma, Amalia, “Efektivitas Undang-Undang Perlindungan Anak Dalam Hubungan Dengan Perlindungan Hukum Terhadap Anak Korban Perdagangan Orang Di Indonesia,” *Ilmu Sosial* 3, no. 1 (2015): 64–71; Kinanthi, Ginanjar, and Wilman, “Faktor-Faktor Bioekologi Pada Komitmen Pernikahan Tenaga Kerja Wanita Asal Indramayu”; Sunardiyana and Pitoyo, “Studi Perdagangan Anak Perempuan Di Kecamatan Bongas Kabupaten Indramayu”; Nurmaya, “Desain Iklan Layanan Masyarakat Penanggulangan Eksploitasi Seks Komersial Anak Di Indramayu, Jawa Barat.”

<sup>21</sup> Sanne Taekema, “Theoretical and Normative Frameworks for Legal Research: Putting Theory into Practice,” *Law and Method* (2018), <http://www.bjutijdschriften.nl/doi/10.5553/REM/000031>.

<sup>22</sup> Shofi Nurul Rahmawati and Djoko Sumaryanto, “Legal Protection for Human Trafficking,” *YURIS (Journal of Court and Justice)* 1, no. 4 (2022): 34–40, <https://journal.jfpublisher.com/index.php/jcj/article/view/209>.

out by applying depth interview and observation techniques. The respondents involved in this research were Health Extension Officers Kusuma Bongas who are experienced in dealing with victims of human trafficking, especially girls in the Bongas Village. In addition, to produce data from the victim's perspective, several of survivors of trafficking cases were also the main respondents in this research. All personal data of the respondents will be kept confidential in order to provide flexibility in providing information.

The data needed in this research are categorized into primary data and secondary data. Primary data or main data obtained from interviews and observations conducted by researchers directly to the respondents. Meanwhile, secondary data was obtained from a review of a number of literature which were considered to be related to research activities and data obtained from institutions which were considered to be related to this research. After the data needed in the research has been collected, the available data will be analyzed qualitatively.

## RESULT AND DISCUSSION

### The Theory of Victimology in the Human Trafficking Crime

The term victimology is formed from the two words victim and logos, which can be defined as a research, scientific discipline, or research of victims of crime.<sup>23</sup> The victims of human trafficking, particularly girls, are individuals who have been the topic of this research. Understanding human rights breaches that result from incidents of human trafficking is strongly supported by the relationship between victims and those offenses.<sup>24</sup> The concept of victimology itself is a concept introduced by a number of criminologists around 1930 with a focus on victims of crime or criminal acts.<sup>25</sup> In general, victimology itself is the research of victims, as well as its relation to how a justice system and institutions that play a role in the justice system are run. Victimology is a concept that is closely related to criminology because of its focus on crime and an important part of criminology. This led a number of interested parties to concentrate on victimology as a crucial aspect of criminology.<sup>26</sup> Many experts in victimology studies, including medical professionals, nurses, psychiatrists, and others. The crime of human trafficking in this instance relates to the treatment of victims of criminal acts.<sup>27</sup>

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<sup>23</sup> Joseph Agbeko Yadoglah, "Factors Influencing Child Trafficking: An Analysis of Cases Reported in Ghana" (University of Roehampton, 2018), [https://gupea.ub.gu.se/bitstream/handle/2077/57761/gupea\\_2077\\_57761\\_1.pdf?sequence=1&isAllowed=y](https://gupea.ub.gu.se/bitstream/handle/2077/57761/gupea_2077_57761_1.pdf?sequence=1&isAllowed=y).

<sup>24</sup> Brent E Turvey, *Forensic Victimology: Examining Violent Crime Victims in Investigative and Legal Contexts*, Second Edi. (Oxford: Academic Press, 2014).

<sup>25</sup> Yadoglah, "Factors Influencing Child Trafficking: An Analysis of Cases Reported in Ghana."

<sup>26</sup> Stuti Subbaiah Kokkalera, Cassandra Mary Frances Gonzalez, and Jason M. Williams, "Introduction to the Special Issue on Qualitative Criminology and Victimology," *Crime & Delinquency* (November 12, 2022): 001112872211349, <http://journals.sagepub.com/doi/10.1177/00111287221134912>.

<sup>27</sup> Yadoglah, "Factors Influencing Child Trafficking: An Analysis of Cases Reported in Ghana."

There are a number of aspects that underlie the reason for the high tendency of women and children to be exposed to the crime of human trafficking compared to other age groups.<sup>28</sup> Based on victimological perspective, there is a significant risk of victimization in groups of children, especially girls to become victims of sexual harassment, labor trafficking, slavery, sexual exploitation, narcotics trafficking, and other exploitative industries.<sup>29</sup> This urge results from children's limited access to high-quality education, economic difficulties, and insufficient parental or other caregiver control.<sup>30</sup> The same statement was also stated by UNICEF in 2003 in which the factors that can attract girls into situations of vulnerability to the crime of human trafficking in a number of countries are economic, cultural, and social factors in their internal and external environment.

In the theory by Usman (2014) there is too much access and opportunity for traffickers to exploit children, especially girls, as their main victims. Children are also very easy to manipulate because their maturity level is still in the developmental stage, especially if this exploitation is carried out by those closest to them.<sup>31</sup>

### **Research of The Human Trafficking Phenomenon**

In his dissertation, Dung Van Nguyen examines that the crime of human trafficking can encourage a number of derivative crimes, especially in cases where the victims involved are girls such as slavery (forced labour), exploitation of children as private servants, forced marriages, and domestic violence.<sup>32</sup> As we know, the placement of children as laborers is a violation of children's human rights globally. In a convention held by the International Labor Organization (ILO), the lowest age for a child to be absorbed into the workforce is 15 years.

There are at least 64 million girls who become underage workers with deplorable conditions and abusive treatment such as being victims of physical and sexual harassment, where Asia is the area with the highest cases (62 million children involved) in this case.<sup>33</sup> The results of this report are supported by data published

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<sup>28</sup> Danièle Bélanger, "Labor Migration and Trafficking among Vietnamese Migrants in Asia," *The ANNALS of the American Academy of Political and Social Science* 653, no. 1 (May 28, 2014): 87–106, <http://journals.sagepub.com/doi/10.1177/0002716213517066>.

<sup>29</sup> Job Elom Ngwe and O. Oko Elechi, "Human Trafficking: The Modern Day Slavery of The 21st Century," *African Journal of Criminology and Justice Studies: AJCJS* 6, no. 1 (2012): 103–119, [https://www.umes.edu/uploadedFiles/\\_WEBSITES/AJCJS/Content/6\\_1\\_2\\_ngwe\\_and\\_elechi\\_proof.pdf](https://www.umes.edu/uploadedFiles/_WEBSITES/AJCJS/Content/6_1_2_ngwe_and_elechi_proof.pdf).

<sup>30</sup> Anah Hewetson Gouty, "The Best Interests of a Trafficked Adolescent," *Indiana Journal of Global Legal Studies* 22, no. 2 (2015): 737–767.

<sup>31</sup> Michael J. Palmiotto, *Combating Human Trafficking: A Multidisciplinary Approach*, 1st Editio. (New York: Routledge, 2014).

<sup>32</sup> Dung Van Nguyen et al., "Human Trafficking in Vietnam: The Issues and Responses of The Vietnamese Government," *International Journal of Innovation, Creativity and Change* 13, no. 7 (2020): 135–152, [https://www.ijicc.net/images/vol\\_13/Iss\\_7/13722\\_Nguyen\\_2020\\_E\\_R1.pdf](https://www.ijicc.net/images/vol_13/Iss_7/13722_Nguyen_2020_E_R1.pdf).

<sup>33</sup> Oanh Nguyen and Toi Le, "Perceptions of Governmental and Nongovernmental Actors of Human Trafficking Victims: The Case of Vietnam," *International Journal for Crime, Justice and Social*

by Kelly and McNamara where at least three thousand children from Vietnam became victims of cases of forced labor in the UK, where they were employed in cannabis processing factories, illegal convection, and as servants at home.<sup>34</sup> Many of them also experienced sexual exploitation.<sup>35</sup>

Around two-thirds of children in the age range of 5 to 14 years are reported to be personal servants in private homes in a number of countries, with different working hours and environments. exploitative.<sup>36</sup> This is exacerbated by the many findings of cases of rape, physical abuse, and emotional pressure on these children.<sup>37</sup> In an ILO report published in 2017, there were at least 29 million girls who were employed illegally as maids or personal maids with working hours between 21 and 43 hours per week. The number of placements of female children is in line with the transformation of modern household life where men are no longer the main source of income.

Forced marriage of girls has also become a complex problem that follows the crime of human trafficking. It was reported that at least 15.4 million girls became victims of forced marriage after being involved in cases of criminal acts of human trafficking. The mode used by the perpetrators of the crime of human trafficking is to offer jobs to poor households abroad, while in reality when these underage women have arrived in the destination country, their identities are falsified and then sold to be wives by buyers.<sup>38</sup>

The bad situation is described by the ILO which states that the ratio of forced marriages to children is 2.5:1000 children, higher than the ratio of forced marriages to adult women (1.9:1000). The majority of crimes of human trafficking that lead to forced marriage or sexual exploitation on the Asian continent occur in Vietnam, Malaysia, Cambodia, China, Indonesia and South Korea. In a report submitted by The Child Exploitation and Online Protection Center (CEOP) there were at least 6,000 people who became victims of human trafficking in China and were then forced into marriage or involved in prostitution cases between 2005 and 2009.

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*Democracy* 10, no. 2 (June 1, 2021): 127–139, <https://www.crimejusticejournal.com/article/view/1559>.

<sup>34</sup> Annie Kelly and Mei-Ling McNamara, “3,000 Children Enslaved in Britain after Being Trafficked from Vietnam,” *The Guardian*, last modified 2015, accessed December 27, 2022, <https://www.theguardian.com/global-development/2015/may/23/vietnam-children-trafficking-nail-bar-cannabis>.

<sup>35</sup> Department of Children & Family Services, *Human Trafficking, Trafficking of Children for Sexual Purposes, and Commercial Sexual Exploitation* (Louisiana, 2018), [https://www.dcss.louisiana.gov/assets/docs/searchable/Child Welfare/PlansReports/Human Trafficking Report 2018.pdf](https://www.dcss.louisiana.gov/assets/docs/searchable/Child_Welfare/PlansReports/Human_Trafficking_Report_2018.pdf).

<sup>36</sup> Nguyen et al., “Human Trafficking in Vietnam: The Issues and Responses of The Vietnamese Government.”

<sup>37</sup> Pragya Gautam Poudel and Cristina S. Barroso, “Social Determinants of Child Trafficking Addressed by Government and Non-Government Strategies in South and Southeast Asia: An Integrative Review,” *Scandinavian Journal of Public Health* 47, no. 8 (December 1, 2019): 808–819, <http://journals.sagepub.com/doi/10.1177/1403494818807816>.

<sup>38</sup> Bélanger, “Labor Migration and Trafficking among Vietnamese Migrants in Asia.”

The worst crime as a result of the criminal act of human trafficking is organ smuggling, as well as transplantation and illegal organ trafficking. The high demand for human organs has encouraged this crime to flourish and become one of the driving factors for the crime of human trafficking in a number of countries, particularly on the Asian continent.<sup>39</sup> As for those included in the crime of organ smuggling, it is generally carried out by the method of forced organ harvesting from victims of the crime of human trafficking, by violating various medical and ethical regulations in the world of health which violates various basic human rights, one of which is the right to life.<sup>40</sup>

China is a country with the highest rate of organ transplant practice in the world, where until the end of 2009, at least 120,000 legal organ transplants were recorded in this country. The need for these organs turned out to be supplied unethically from a number of institutions such as prisons (convicts who were executed, even living prisoners), and in a number of cases it was found that the source of the transplanted organs was obtained from the crime of human trafficking. The driving factor for organ trafficking is also the high poverty rate, where despair is often used as the scapegoat in cases of organ sales. Illegal organ trading is the most dangerous crime in the world, but with a low number of prosecutions, this case continues to increase. Therefore, the crime of human trafficking needs serious attention and action, both locally and internationally.

### **Human Trafficking Crime in Indonesia**

There are a number of problems that underlie the occurrence of trafficking in girls, especially in the area of Bongas Village, Indramayu Regency. One of them is the low social protection and control that society and parents exercise over their children. In some cases, parents even act as facilitators or facilitators for the crime of human trafficking for the classic reason, namely the need to fulfill the family's economy. Ironically, social conditions encourage the crime of human trafficking to become part of the social construction that the people in this village live by. Not a few community members depend on income from these illegal sectors in various roles, whether as victims, facilitators, brokers, or pimps. In addition, not a few people enjoy their situation as part of the practice of prostitution which is one of the products of the criminal act of human trafficking and considers it a promising job financially.<sup>41</sup>

As identified from the data collection activities, girls who are victims of the criminal act of human trafficking generally have a low level of education or are

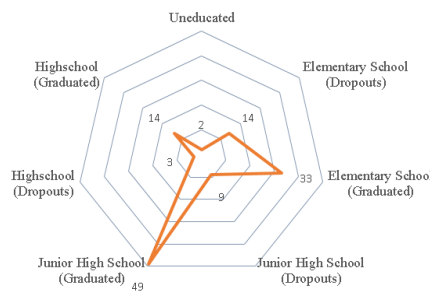
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<sup>39</sup> Seán Columb, "Beneath the Organ Trade: A Critical Analysis of the Organ Trafficking Discourse," *Crime, Law and Social Change* 63, no. 1–2 (March 4, 2015): 21–47, <http://link.springer.com/10.1007/s10611-014-9548-0>.

<sup>40</sup> Maria Beatriz Alvarez and Edward J. Alessi, "Human Trafficking Is More Than Sex Trafficking and Prostitution," *Affilia* 27, no. 2 (May 22, 2012): 142–152, <http://journals.sagepub.com/doi/10.1177/0886109912443763>.

<sup>41</sup> Hamja and Sulistio, "Modus of Girls Trafficking in Bongas Indramayu: Victimology Perspective."

under the care of parents with a low level of education, and poor economic conditions. The majority of those who are victims of the crime of human trafficking have a junior high school education, as demonstrated in Figure 1. This village has the highest dropout rate in 2012, and they are a vulnerable group to become victims of criminal acts of human trafficking. Their low level of education also forms a simple mindset with consumptive, instant, and easy-going characteristics. It is then easier for them to get caught up in the promises made by illegal labor recruiters only by being promised a large income without knowing the type of work that will be carried out in detail.



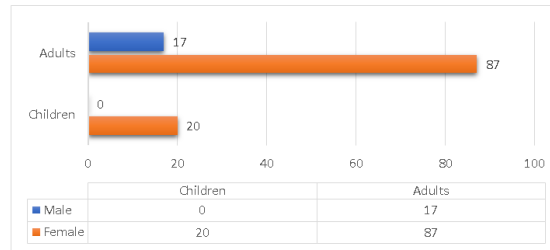
**Figure 1.** Average Education Level of TIP Victims

The majority of trafficking victims are women, with a ratio of 5:1 with male victims. As for a total of 124 people who were victims of the crime of human trafficking over the past three years, it is known that 87 of them were women, 17 were girls, and the remaining 20 were men. From the data obtained, it is known that girls who are victims of human trafficking are generally in the age range of 14 to 18 years. The majority of these underage children were married before becoming victims of the criminal act of human trafficking. Their marriage was intended so that society would think that they were adults and their parents were no longer allowed to supervise them.

The internal social condition of the victims' families is also a key factor in the high rate of human trafficking in Bongas Village. As stated by a member of the community who works as a labor distributor, the community groups that are targeted for recruitment are those with low levels of economic ability, and generally face household disharmony such as children from divorced parents, polygamy, or from family with father or stepmother. The people in this village also do not view education as a priority due to their low level of economic capacity. The other encouragement is also due to the influence of those who are considered to have achieved success so that other people feel affected by the hope of achieving the same success. The female children who are the target of recruitment from these labor distributors are in the age range of 15 to 20 years.

The recruitment process for human trafficking that occurs in rural areas is generally relatively easy to carry out, because the role of labor distributors is played by people around the victim or potential victim such as relatives, neighbors or

friends. The mode used is also quite simple, such as through debt bondage, high fees, or just trying to make parents happy. However, it cannot be denied that significant economic changes occurred after one of the family members was involved in a criminal case of human trafficking. Therefore, it is highly challenging to persuade individuals already involved to escape this "business" trap.



**Figure 2.** Data on TIP Cases as Objects of Research in the 2016-2018 Period  
Source: Processed Research Data, 2022

Another impact of the occurrence of the crime of human trafficking is a violation of the law due to indications of a number of falsification of documents to facilitate the "placement" of these girls in a number of places where they work. The elements that are commonly falsified are the ages of the victims through manipulating travel requirements such as passports or identity cards (KTP). To overcome the falsification of documents committed by the perpetrators of the crime of human trafficking, the village government has operationalized the Population Administration Information System (SIAK) which is supported by the issuance of Regional Regulations (Perda) concerning the Crime of Human trafficking. In this regional regulation, falsification of documents will be handled as a crime of human trafficking and not a crime of falsification of documents. The falsification of these documents was not only carried out by unscrupulous labor distributors, but also assisted by village officials and their staff. Therefore, in the Regional Regulation on the Crime of Human trafficking, forgers of documents who are members of the village apparatus will be threatened with a maximum of 5 years in prison.

In order to transfer potential victims, labor recruiters generally use the land route because the departure procedures that must be complied with are more lenient than other routes. The air route is considered very risky so it is highly avoided. The land route in question is using official transportation such as buses or private vehicles rented by users of potential victims. In some cases where these potential victims will be used as commercial sex workers or involved in sexual exploitation, girls who are victims of the crime of human trafficking will be dressed to enhance their sexual attractiveness when they reach the users. The employment providers will keep all of the victims' travel documents in order to limit their movement.

Girls who are victims of the crime of human trafficking are typically employed or directed into a variety of locations, including the City of Jakarta, Bali Island, Batam Island, and even a variety of neighboring nations, including Malaysia, Syria, Hong Kong, Iraq, Singapore, China, Taiwan, Kuwait, and other

neighboring nations. Regarding domestic locations, the island of Bali is thought to be a potential spot for traffickers to operate because commercial sex workers there are permitted to do so without parental protection. Ironically, some of these girls' parents do not consider their children's employment as terrible as long as they can earn money, despite knowing about their children's professions.

The working conditions of the victims were also very apprehensive where in one day they generally worked more than 12 hours without being given a break. In cases where victims are employed as commercial sex workers, they must serve their guests from 9 pm to 4 am for a fee of IDR 200.000 for one guest, with a 10% to 20% discount for the pimps who host them. These women are forbidden from using any kind of contact, from leaving their jobs or their homes without the owner's permission, and from taking vacation days other than for illness. Violence by male visitors is another frequent occurrence for girls who are made to serve male guests. In fact, this certainly made worse for them.

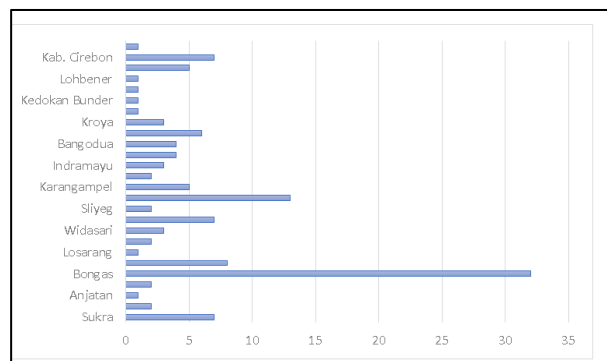


Figure 3. Origin of TIP victims in West Java

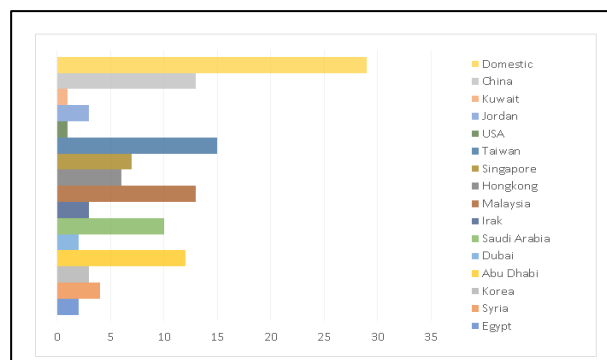


Figure 4. Destination Areas of TIP Victims in Bongas Village, Indramayu

The victims were subjected to psychological, physical, economic, and/or a combination of these forms of abuse in addition to sexual violence. In addition, views on girls who are victims of the criminal act of human trafficking, especially those who work as commercial sex workers are generally viewed negatively socially. Their inability to leave their profession, the control of pimps, and their low ability to defend themselves against pressures makes them unable to escape being

forced to become commercial sex workers. In addition, their involvement in a negative environment for a long time encourages them to begin to make peace and adapt to the circumstances they face.

According to this description, even though the implementation of various laws and regulations, such as the Law on the Crime of Human Trafficking (UU-TPPO), the local law of Indramayu Regency concerning the Crime of Human Trafficking, or various provisions on the distribution of employees, was able to stop the distribution of unauthorized immigrants to numerous places both domestically and abroad, but actuality this law has not been capable of providing the best protection for victims, especially female victims. In addition, there were a number of discriminatory practices, such as the requirement for female victims of the criminal act of human trafficking to submit to an HIV-AIDS test upon their return as opposed to male victims. In fact, this helps to lessen the degree of legal assurance that victims receive and promotes the future occurrence or re-involvement of these victims as victims of the criminal act of human trafficking.

## **CONCLUSION**

The human trafficking crime is a serious crime that has a wide-ranging take effect across multiple sectors. Not only the social impact, but also the legal impact due to the numerous other crimes like prostitution, the sexual, physical, and psychological exploitation of children, and violations of working conditions that should be complied to in order to create a new generation that are originating from the criminal act of human trafficking. Future Indonesia should be one that is both physically and emotionally balanced. To prevent those participating in the criminal activity of human trafficking, stronger and more aggressive law enforcement is required. The law enforcement currently existing still has a number of legal inconsistencies, such as the distinction between the obligations of female and male victims, in which female victims must get an HIV-AIDS test while male victims do not. Girls in particular feel like the victims are being treated unfairly as a result. Because of these findings, it is hoped that all parties, particularly the government and law enforcement, will be required to carry out their responsibilities and functions in accordance with the relevant laws, allowing law enforcement to provide legal certainty for both offenders and victims, particularly children.

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