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Law Enforcement Against Perpetrator Trading Humans in Cyberspace: Perspectives Protection Right Asasi Man

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Abstract. *Research on law enforcement against human traffickers in cyberspace from a Human Rights Protection Perspective describes in detail the methodology, findings and implications of research regarding law enforcement against perpetrators of human trafficking in cyberspace with a focus on protecting human rights. The aim of this research is to investigate and analyze the effectiveness of law enforcement against human traffickers in cyberspace from the perspective of human rights protection. The normative juridical legal research methodology is a method approach used for know the legal norms contained in the regulations legislation with includes the approach used studies bibliography The results of this research include analysis of the effectiveness of law enforcement, the challenges faced, and successful strategies in protecting human rights in the context of human trafficking in cyberspace. According to Republic of Indonesia Law Number 21 of 2007 concerning the eradication of criminal acts of human trafficking, criminal acts of human trafficking are defined as actions involving the recruitment, transportation, harboring, and/or abuse of a person through threats or coercion, including the provision of payments or benefits, for the purpose of exploitation. which includes sexual exploitation, labor exploitation, extortion, organ trafficking, or slavery.*

Keywords: *Commerce; Enforcement; Human; Law.*

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1. Introduction

Dynamics progress technology information and communication in public moment This besides give impact positive also giving impact negative from consequence nonconformity its use results emergence something known crimes with term crime cyber Understanding from cybercrime or cybercrime is form phenomenon new in follow crime as impact direct from development technology information with use the internet as a medium for do follow crime.

Human trafficking is problem national and international already happen since a long time ago. Unfortunately follow crime This seldom the victim is aware of The mode often hiding behind condition difficulty economics and finance with offer the work required and making the victim not opportunity behave critical to job offered Because desperate For only think about How continue life The situation in Indonesia is not yet Good in a way economy make public own high orientation to life financial Situation This push public especially circles lower For do various how to get it fulfil needs his life They very risky mired in condition social form human trafficking Encouragement For life worthy with method whatever weaken they in a way psychic Especially If experienced by teenagers and children shadows about settled life make they not enough capable realize danger behind case human trafficking the The majority of victims of human trafficking are women and children. The victim in question in case human trafficking is someone who experiences suffering psychological mental, physical sexual economic and/ or social consequence follow criminal human trafficking Meanwhile in question with child is someone who hasn't aged 18 (eight twelve) years old incl still child in content Although so man Adults also have potential become a victim, however in fact women and children own more potential and risks tall For become victims of human trafficking.

Real human trafficking in Indonesia has existed at the time kingdom through slavery During slavery considered as normal circumstances, because increasing request will power Work so increase request will slavery for produce something valuable items No many people looked at it slavery as practice wicked or No fair. Violation trading man is one of the form violation right basic human beings (HAM) first acknowledged is crime international, though crime This new is subject and agreement comprehensive international when convention 1926 slavery adopted. Mature This Human trafficking is also one of them from Lim crime the biggest in the world that has to be dealt with Because impact No just in aspect economics but also aspects politics, culture and humanity.

Use networking social like Facebook, Instagram or social media other motivated by two primary needs viz need for together and needs for presentation self teenager own need for have and

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be with daarn network social as well as increase interpersonal relationships for actualize self through interpersonal skills. Disclosure self is important interpersonal skills in development teenager. However part big from teenager own skills low social. Whereas things that contribute in a way positive to need presentation self is neuroticism, narcissism, shyness, and worth self.

According to Republic of Indonesia Law Number 21 of 2007 concerning eradication follow criminal human trafficking (PTPPPO). Case trafficking in persons in Indonesia is consequence from low source Power human economic and also consequences exists crisis law Problem human trafficking is actual modern terms Already There is since Long ago, Indonesia didn't escape become a continuous state endeavor cope crime this, fine in scope domestic or those who have nature cross national borders. Prominent human trafficking is trading children and women are linked with exploitation sexual, which is always decorate various media in society.⁷

Act criminal human trafficking about Eradication Act Criminal Trafficking in Persons Article 1 paragraphs (1), (7), and (8) are referred to with: (1)

Human trafficking is action recruitment transportation shelter delivery transfer, or reception somebody with threat violence use violence kidnapping, confinement forgery fraud abuse power or position vulnerable debt bondage or give payment or benefits so obtain agreement from the person holding it control over other people whether carried out within the country or between countries, for objective exploitation or resulting in people being exploited (7) Exploitation is action with or without the victim's consent includes but No limited to prostitution work or service force slavery or practice similar with slavery or practice similar with slavery, oppression blackmail exploitation physical sexual reproductive organs, or in a way oppose law move or transplanting organs and/ or network body or utilise power or ability someone by another party to get profit Good material nor immaterial (8) Exploitation sexual is all form use of body organs sexual or other body organs of the victim to get profits incl but No limited to all activity prostitution and molestation.

Human trafficking increases damage social, decline relation social in family and care public make victims of trafficking very prone to to threats and control individuals actors and networks human trafficking, and in several modes have implications the damage structure social Trading snatch child in a way forced from parents and family them get in the way their upbringing and moral development Crime like This classified Factor outside in modern sociology such as case prosperity and luxury deep meaning modern sociology is called damage social In short This is Excessive materialism has a negative effect on civilization and society as well personality man in a way individual.⁹

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Problem in study This because enforcement law to perpetrator trading humans in cyberspace is phenomenon increasing case trading humans happen online or via online platforms. Trading man is crime serious violation right basic human where individual confined forced work or traded for objective exploitation sexual or trading man other in cyberspace perpetrators trading man can with easy utilise various online platforms for recruiting victims, facilitating transactions and commits exploitation Existence technology and the anonymity of the internet also provide challenge separately in identify and enforce law to perpetrator crime This. Based on top then identified a number of problems that will studied in study This is description background back: how protection right basic man towards trafficking victims humans in Indonesia (Human Trafficking)? and how enforcement law to perpetrator trading humans in cyberspace?

2. Research Methods

Normative research is the type of research used in writing this article because this research examines and examines written regulations. Study Normative juridical law is a method approach used for know the legal norms contained in the regulations legislation.¹⁰ This normative legal research was chosen as a writing method because it moved from the absence of legal norms, namely the absence of clear regulations or empty norms regarding criminal sanctions for perpetrators of human trafficking in cyberspace.¹¹ Data collection on This research requires data based on studies literature among them from books, literature, and journal related laws this research, or other sources to support success and research effectiveness

3. Results and Discussion

3.1. Protection Right Asasi Man Against Trafficking Victims Man in Indonesia (Human Trafficking)

Human trafficking is a crime that violates human rights. Right The basis of human life is to live freely, without any form of exploitation, free from everything form of slavery activity. Examining human trafficking involving women and children who became the victim. Women are exploited, deprived of their rights, enslaved for the benefit of irresponsible people. This is not consistent and contrary to the 1945 Constitution as regulated in articles 28A, 28B Paragraph (2), 28G Paragraph (1), and Article 28I Paragraph (1). Not only that, crime Human trafficking is also contrary to the law previously explained in the introduction above. Even if pulled further up, evil Human trafficking is essentially contrary to the second principle of

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Pancasila, "Just and civilized humanity". The noble values contained in the second principle namely Recognizing and treating humans according to their dignity and worth as a creature of God Almighty. Recognizing equality, equal rights, and basic obligations of every human being, without distinction of race, descent, religion, beliefs, gender, social position, skin color and so on. Uphold high human values. The Indonesian nation feels itself as part of all of humanity. Develop an attitude of respect and cooperation with other nations.¹²

Regarding the juridical aspect of possible legal protection carried out by the government is that the most important and main thing is through use of the Code of Laws Criminal law. Even though it's deep this legal product yet pay attention to the interests of the victim rather than the perpetrator, but at least there is one article that provides a clause regarding the protection of victims namely in Article 14c paragraph (1) of the Criminal Code regarding compensation for damages civil. The article reads are as follows:

"on the command called in Article 14c except in case a fine is imposed, then together with the general conditions, that the person convicted is not will commit a crime, the judge may set conditions specifically that the person who was convicted it will compensate for that loss occurred because of the criminal act, all or only part of it, which will be specified in the command specified in the command also, that is less than the probationary period That."¹³

According to the article above gives rise to interpretation, that the material The charges in the Criminal Code are already few pay special attention to victim. According to Barda Nawawi that in positive criminal law more victim protection is an abstract protection or indirect protection, meaning with a lot of variety formulation of criminal acts in laws and regulations during This, in essence, already exists protection of human rights victim.

There's no denying that trading humans in cyberspace that currently exist in Indonesia indeed leads to an accentuation of protection towards victims as a result of the ratification of the Palermo Protocol. If we pay attention to the current existing law, the definitional norms regulated in the law are very important attention to the strategic position of women who do have vulnerabilities victims of human trafficking. For example, we can look at a number The articles regulated in the law include;

- 1) Article 1 number 3: Victims are someone who experiences suffering psychological mental, physical sexual economic and/ or social resulting follow criminal human trafficking
- 2) Article 1 number 7: Exploitation is action with or without the victim's consent includes but No limited to prostitution work or service force slavery or practice similar slavery oppression

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blackmail exploitation physical sexual reproductive organs or in a way oppose law move or transplant organs and/ or network body or utilise power or ability someone by another party to get profit good material nor immaterial

3) Article 1 number 8: Exploitation Sexual is all form use of body organs sexual or other body organs of the victim to get profits incl but no limited to all activity prostitution and fornication.

Draft Right Asasi Man own two understanding base First that rights that are not can separated or revoked is right basic man Rights This is derived moral rights from fate every human Objective from right the is For ensure dignity every man Second is rights according to laws made in accordance with the formation process laws made in accordance with the formation process law from public That myself fine in a way national nor international In framework protection right basic human beings are in essence protection to women and children is one of embodiment right For life right For free from slavery (servitude) or slavery (slavery). Right basic This nature lasting and universal, meaning applies For everyone without differentiate origin type gender religion, as well age So every country is obliged For uphold it without except Effort protection law towards the victim, one of them through prevention and eradication trading human necessary in a way Keep going continuously done for the sake of staying maintained source Power quality human being Quality protection towards the victim should own the same degree / level with protection towards adults nor man because everyone has the same position at the front law (equality before law). Protection crime victim law as part from protection society yes realized in various shape like through giving restitution and compensation services medical and assistance law.

Change make a loss is something given to the suffering party loss worth it with take into account the damage he suffered Difference between compensation and restitution is " compensation arise from the victim's request and paid by the community or is form accountability public or the state (The responsible of the society), whereas restitution more nature criminal which arises from decision court criminal and paid by the convict or is form accountability convict" A efforts provided by the government is protection law for victims of human trafficking. All effort has been issued by the government. One of them is Constitution about protection law towards victims of human trafficking This is to protect victims from case human trafficking occurs moment This Penalty Criminal to perpetrator Trading Man With exists Indonesian law yes make the perpetrators human trafficking gets appropriate punishment with deed they Besides that with exists punishment can reduce case human trafficking against women and children. This matter in line with Ali (1999) that with exists penalty criminal must

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be give commensurate sanctions with the actions of the perpetrators and giving effect deterrent for perpetrator

3.2. Law Enforcement Against Perpetrator Trading Humans in Cyberspace

The definition of human trafficking (trafficking) has a different meaning for each person person. Human trafficking encompasses a complex array of sensitive issues and problems each person interprets it differently, depending on their personal or organizational point of view. According to the provisions contained in Law no. 21 of 2007 concerning Eradication the Crime of Human Trafficking states:

"Trafficking in Persons is the act of recruiting, transporting, harboring, sending, transfer, or admission of a person by threat of force, use of force, kidnapping, confinement, forgery, fraud, abuse of power or a position of vulnerability, debt bondage or providing payments or benefits, so as to obtain approval from a person who has control over another person, whether carried out within the country or between countries, for the purpose of exploitation or to cause people to be exploited."

In the PTPPO Law Article 1 number 1 states "Trafficking in Persons is the act of recruiting, transporting, harboring, sending, transferring or receiving someone by threat of violence, use of violence, kidnapping, confinement, forgery, fraud and abuse of power or vulnerable position, ensnarement of money or providing payments or benefits, so as to obtain the consent of the person who has control over another person, whether carried out within countries or between countries, for the purpose of exploiting or causing people to be exploited." In Article 1 number 2 it is stated "The Crime of Human Trafficking is any action or series of actions that fulfill the elements of a criminal offense specified in this Law." As technology develops, the modes of human trafficking crimes are now increasingly varied, thereby increasing anxiety in society. The mode of human trafficking that is currently widespread is human trafficking in cyberspace. Trade transactions in cyberspace in the ITE Law are known as Electronic Transactions, namely legal actions carried out using computers, computer networks, and/or other electronic media (Article 1 point 2 of the ITE Law). One example is that in December 2012 the Ditreskrim Polda Metro Jaya succeeded in uncovering the sale of women through cyberspace. The sale of this person, to be employed as a commercial sex worker. The three perpetrators who were successfully arrested were RW who worked as a website operator, NA as a pimp and HD who served as field operations. enforcement of Criminal Code towards the victim can also be found in Law Number 13 of 2006 About Witness Protection and Victim. Especially in Article 5 paragraph (1) which provides legitimacy to security protection personal,

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family and property, and free from threats regarding future testimony is being or has been given. Follow as well as in the process of selecting and determine the form of protection and security support, providing unstressed adverb, got translator, free from questions who ensnares, obtains information regarding the progress of the case and court decision, obtain identity new and new residence, acquire reimbursement of transportation costs accordingly with need, get legal advice, getting help temporary living expenses up to the limit protection time expires.

Specifics regarding enforcement law against human trafficking crimes stated in Law Number 21 of 2007 concerning Eradication Human Trafficking Crime. Especially in Article 43 paragraph (1) Compensation and rehabilitation medical and social as well as reintegration must be carried out by the state in particular for victims who experience it physical, psychological and social suffering as a result of trafficking crimes person. Then the next chapter of Article 44, Article 47, Article 48, and Article 51 to Article 54 of the Law Number 21 of 2007 consecutively also regulates confidentiality victim's identity, rights to obtain restitution or compensation, both related to rights property, costs during carrying out the process law, both domestically and internationally abroad, and such restitution must included at once in the order court ruling.

Because more and more big and massive crime trading humans in Indonesia after he took it out Constitution that then government and Parliament We publish Again Constitution Number 14 of 2009 concerning validation Protocol For Prevent Act and Punish, esp women, and children, supplements UN convention against crime Organized transnational (protocol to prevent, suppress, punish, trafficking in persons, especially women and children, Supplementing the United Nations Convention Against Transnational Organized Crime). Besides that government together with the dpr have also publish constitution number 15 of 2009 concerning validation protocol eradication smuggling, migrants good through land, sea or air supplement un convention against crime organized transnational (protocol against smuggling of migrants by Land, Sea, And Air).

Need is known existing regulations and legislation in Indonesia which contain problem follow criminal human trafficking is as following:

- a. UU no. 21 of 2007 concerning Eradication Act Criminal Human Trafficking
- b. Criminal Code (articles 289, 296, 297,333 paragraphs 1, 2 and 3). c. UU no. 39 of 1999 concerning Human Rights.
- c. UU no. 23 of 2002 concerning Protection child

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- d. Presidential Decree No.87 of 2002 concerning Plan National Action for Abolition Exploitation Sexual Children's Commercial
- e. Presidential Decree No.88 of 2002 concerning Plan National Action for Abolition trafficking in women and children
- f. Presidential Decree No.77 of 2003 concerning Commission Protection Indonesian children.

Trading has criminalized in the Criminal Code and Law no. 39/1999 concerning Human Rights as following: Criminal Code article 297 states that "Trade woman (age No mentioned) and trade child men who haven't adults threatened with criminal a maximum of six years in prison year.

- a. Law article 65 no. 39/1999 concerning Human Rights article 65 states that "Every child entitled for obtain protection from activities and harassment sexual kidnapping trafficking children as well from various form wrongdoer use narcotics psychotropics and substances addictive other". However No There is listed sanctions for violators chapter This
- b. Law article 20 No. 39/1999 on human rights, article 20 (2) states that " Slavery or slavery trade slaves trade women and everything act in the form of whatever the purpose similar prohibited ".

4. Conclusion

Enforcement law to perpetrator trading humans in cyberspace show that protection right basic man is aspect important thing to do noticed in a way Serious in face phenomenon trading human online, protection right basic man become base main in effort prevention enforcement law and recovery of victims. Required cooperation cross sectoral and framework Work solid law for cope complex challenges This Besides that is a holistic and based approach right basic man must applied in every step enforcement law for ensure comprehensive justice and protection for all individual fine as a victim or perpetrator.

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