

LAW ENFORCEMENT AGAINST THE CRIMINAL ACTION OF TRAFFICKING CHILDREN IN THE RIAU POLDA

Rio Satya Zulfahmi¹, Heni Susanti²
riosatyazf@student.uir.ac.id¹, heni@law.uir.ac.id²

^{1,2}Faculty of Law, Universitas Islam Riau

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Abstract

Child trafficking is a form of crime that can be committed by a person or group of people or an institution against a person who is not yet 18 years old, including those who are still in the womb. A crime consists of a series of certain processes and for certain purposes. The purpose of this study was to determine the development of criminal acts of child trafficking in the Riau province from 2019 to 2021. To find out the efforts of the Riau regional police in dealing with child trafficking crimes in the Riau province. This study uses a sociological legal research method and the nature of this research is descriptive analysis and the approach method applied in this research is sociological juridical. This paper was developed through primary data collection techniques in the form of a number of information or facts directly obtained from the relevant agencies, namely the Riau Regional Police. Primary legal resources, secondary legal materials, and tertiary legal materials are among the two secondary data sources. In this research, the author employs the interview technique and the method of analysis for data collecting.

I. Introduction

God Almighty, who has the dignity and value that are inherent in him as a whole, gives children as a gift. Each kid has values that need to be upheld. From conception to birth, there must be child protection, and all newborns must be granted their rights without having to ask for it. A kid must be cared for and treated like a person till they reach maturity since it is evident that a child's existence is highly dependant on who provides for and nourishes him and where he is reared. The state believes that children are the future of the country and that they must be raised to be productive members of society and the state when the time comes to replace the elder generation. As a result, the state is required to provide for the safety of children.

The growth and development of children must be given considerable consideration by the whole country as well as by the non-governmental sector. The state has a responsibility to safeguard children. Every child has the right to live, grow, and develop as well as the right to protection from violence and discrimination, according to Article 28 B, Paragraph 2 of the 1945 Constitution. As a result of their vulnerability to criminal activity by child traffickers, children are the target of the protection. The most prevalent and basic problem, which affects children not only in Indonesia but all throughout the globe, is child trafficking. One of the top five crimes in the world, trafficking in persons – which often targets women and children as victims – must be stopped due to the negative effects it has on both economic and social elements of society, including rising unemployment and poverty rates in Indonesia. government, society, and culture

The crime of trafficking in children has its own specificity, in that this crime ignores their rights as children. Trafficking in children is also a violation of human rights because it treats victims as mere commodities that are bought, sold, shipped, and resold. Another form of child trafficking is the sale of children under the guise of adoption, which is intended for the purpose and interest of getting big profits for traffickers (Farhana, 2012, p. 6).

In other words, the public's understanding of the problem of child trafficking is still lacking. Child trafficking is a difficult problem. One of them is that the prevention of child trafficking must be carried out with a comprehensive approach, namely, law enforcement and strengthening community capacity. To solve the problem of child trafficking itself, there must be intervention between the community and the government, because the two parties themselves play an important role. Aspects of powerlessness, poverty, disability, and unemployment become a pressing problem so that they feel they have no other choice but to join the flow of child trafficking and neglect the principles of human rights, where every human being has the right not to be enslaved, not to be tortured, and to determine personal freedom, mind, and conscience.

The problem of human trafficking is no longer new,, but has become a protracted national and international problem that, until now, has not been able to be handled carefully, both within the government of each country as well as in international organizations authorized to deal with human trafficking. dealing with the human trafficking problem.

A person is "trafficked" or "trafficked in persons" if they are recruited, transported, harbored, sent, transferred, or received with threats of violence, use of force, kidnapping, confinement, forgery, fraud, or abuse of power or position, according to Law Number 21 of 2007 concerning the eradication of criminal acts of trafficking in persons. whether it is done inside a nation or between nations, vulnerable, via debt bondage or offering money or advantages in order to get the approval of the person in charge of the other person, with the intention of exploitation or causing people to be exploited.

There are three elements to trafficking in persons: process, method, and exploitation. If all three are met, then it can be categorized as human trafficking. This is described as follows (Heni, 2022) :

- a. Stages or procedures, such as the hiring process, the transportation process, the storage process, the delivery process, the transfer process, or the process of receiving someone under duress or using force, the crime of kidnapping, the crime of confinement, the crime of forgery, the crime of fraud, the crime of abusing one's position of authority or vulnerability, the debt bondage process, or the process of disbursing payments or benefits, ultimately resulting in the acquisition of.
- b. Through abusing authority or a position of vulnerability, employing debt bondage, the threat of violence, the use of violent crime, abduction, imprisonment, forgery, or fraud, as well as by making payments or providing advantages in order to win the approval of the one who has control over the other.
- c. Exploitation: a behavior, with or without the victim's consent, that may involve prostitution, forced labor or services, slavery, oppression, extortion, the use of a person's physical, sexual, or reproductive organs, illegally harvesting or transplanting organs and/or body tissues, or the exploitation of a person's strength or ability by another party for material or immaterial gain.

According to Rebecca Surtees and Martha Wijaya, human trafficking is a "criminal syndicate," namely an association and a number of people formed to carry out criminal activities. From the above understanding, the crime syndicate must be carried out by more than one person and has committed a criminal act in its implementation. The activities of these women and child trafficking syndicates are organized.

In a case that occurred under the jurisdiction of the Riau Police, an individual midwife (DN) was suspected of being involved in a human trafficking crime case involving the sale of babies in Pekanbaru. At that time, KR (initials), who was 6 months pregnant, asked for help from one of the midwives at the clinic located at Simpang Tiga Pekanbaru to find connecting parents for her baby after birth. The midwife agreed to the request from KR on the pretext that there would be a married couple who would adopt their biological child later. ' When KR gave birth to a son from his girlfriend's illicit relationship, he asked DN to find foster parents for his biological child because he was embarrassed to bring it home. However, there was a wrong response; after the child was entrusted and he planned to see the condition of the child, he found that his son was no longer there (Midwife Clinic). KR finally insisted on asking DN who the foster parents were. DN, who felt pressured, asked for the money that had been given to KR. DN also threatened that if his son returned, he would have to return the money that had been given to KR. (Candra, 2021)

Next, a husband and wife with the initials WA and YL were named suspects in the crime of trafficking in persons where two brothers, AR (15) and SG (20), were promised to work in a restaurant, but both were employed at the perpetrator's cafe. At the cafe, the two victims were forced to serve customers who bought liquor. They are even urged to serve customers if there is a request to have sex. Previously, they were lured into giving HP. The fact of working in a dimly lit cafe selling liquor Even the perpetrators did not forbid that the victims be used to serve masher men. (Siregar, 2022).

In this case, on the basis of these thoughts and descriptions, the authors are interested in conducting research with the title "Law Enforcement Against the Criminal Acts of Trafficking Children in Plada Riau". Based on the background described above, the formulation of the problem to be discussed is: How is the development of the crime of child trafficking in the Riau Province region from 2019 to 2021, and how are the efforts of the Riau regional police in dealing with the crime of child trafficking in the Riau Province region.

2. Research Method

Soerjono and Sri Mamudji assert that research is the primary method for advancing science and technology. This is so that the truth may be revealed in a methodical, systematic, and consistent way. The collection, processing, and analysis of data are carried out in this study's analysis and construction (Mamudji, 2006, p. 1).

A sociological-legal research methodology was used for this investigation. The kind of study being done is descriptive analysis, and a sociological-juridical approach is being used. Additionally, the Riau Regional Police was contacted personally for a number of the facts included in this study, which was generated using primary data collecting procedures. Primary legal resources, secondary legal materials, and tertiary legal materials are among the two secondary data sources. In this research, the author employs the interview technique and the method of analysis for data collecting.

3. Results and Discussion

Development of the Crime of Child Trafficking in the Riau Province Region from 2019 to 2021

Child trafficking is a form of crime that can be committed by a person, a group of people, or an institution against a person who is not yet 18 years old, including those who are still in the womb. A crime consists of a series of certain processes and purposes. Trafficking in children is a problem that must be addressed immediately, not only on the surface but also at the root. Public knowledge about child trafficking in Indonesia is still limited to certain circles. However, there are strong indications that it is becoming increasingly widespread and does not only involve trade within national borders but also

trade between countries, attracting the attention of the general public (Anis Soraya).

The recruitment, delivery, harboring, or receipt of a child for the purpose of exploitation shall be deemed "trafficking," according to Article 3 letter (c) of the United Nations Protocol to Prevent, React, and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (ratified by the Government of the Republic of Indonesia through Law Number 14 of 2009). (Units, 2019).

In Indonesia, the problem of trafficking in persons is very complex because sometimes it is present in a less prominent form, as in the case of labor. In general, people only understand human trafficking in the form of recruiting and sending migrant workers, especially those who experience physical, sexual, and slavery abuse. Law Number 17 of 2016 on Child Protection in Indonesia has been modified to reflect Perpu 1 of 2016's provision about Law 23 of 2002's Second Amendment. The government also approved Law No. 21 of 2007 about the eradication of TIP, which was bolstered by Presidential Regulation No. 69 of 2008 regarding the Task Force for the Prevention and Handling of the Crime of Trafficking in Persons (PP TIP). There are now 25 regional or local task forces and 32 provincial task forces in existence.

The case of child trafficking in Indonesia is estimated to be very high, and there are many more cases that are not revealed. Human trafficking cases generally affect groups of children and adolescents under the age of 18. The modus operandi is that they are recruited with promises of work but are then employed as commercial sex workers. Some cases that occur involve infant trafficking through adoption, but the adoption is illegal. This can happen due to several factors, with the most dominant economic factor being the cause of someone becoming a victim of the crime of trafficking in persons (TPPO). This factor is inseparable from the education factor – dropping out of school – which puts the victim into the circle of human trafficking. The perpetrators take advantage of these factors in various ways, such as by luring large incomes, providing loans to their families so that they are in debt, and promising decent jobs. (Prasetia, 2021).

In 2019, there were 244 cases of child trafficking in various forms, such as prostitution, child labor, and illegal adoptions. There were even children who acted as intermediaries with pimps. The data on child trafficking will be much greater if prostitution or child commercial sex workers are seen as TIP. During the COVID-19 pandemic, it has weakened all joints of community strength, especially in the lower class, including the protection of children. Child trafficking increased during the COVID-19 pandemic; the Indonesian Child Protection Commission (KPAI) has handled 35 reports of cases of Trafficking in Persons (TPPO) with 234 child victims. Of these, the majority accounted for 83% of cases of sexual violence or child prostitution. In 2020, it was identified that TIP cases in women and children actually increased by 62.5% (percent). Throughout 2020, there were 149 case reports with details of child victims of trafficking (28 cases), child victims of prostitution (29 cases), child victims of ESKA (23 people),

child victims of child labor (54 cases), child victims of illegal adoption (11 cases), and children becoming pimps (involved in the perpetrators of the TIP network) (four cases). The pandemic situation causes families to become more fragile, resulting in reduced supervision of family members, and even parents demand that their children share the economic burden in the family. (Kulsum, 2021)

In the period 2015-2019, there were 2,648 victims of trafficking in persons, consisting of 2,319 women and 329 men. The data released by the Task Force for the Prevention and Handling of the Crime of Trafficking in Persons (GTPP-TPPO) shows that the number of TIP cases is increasing, especially among women. In fact, what is more noteworthy is the latest data from the United States Embassy in 2020, which estimates that in Indonesia there are 70,000-80,000 child and adult sex workers who are mostly in the mining industry in Maluku, Jambi, and Papua.

The development of child trafficking that occurred in Riau province has been recorded by the Riau Regional Police, where the data is reported in more cases in the Ditreskrim section. This data collection shows the development of child trafficking from 2019 to 2021.

Table 1: Reports and completed cases of trafficking in infants and women

Year	Riau Police Ditreskrim		Bengkalis Police	
	L	S	L	S
2019	1	0	1	1

(Riau Police Data, 2019)

In the province of Riau in 2019, there were cases of trafficking in infants and women, of which 1 report was submitted to the Ditreskrim of the Riau Police, and for completion reports, 0 reports were completed. At the Bengkalis Police Station, there is one report coming in, and for the completion report, one report is complete. The rise of child trafficking in Indonesia in 2019 and in the Riau Province region also includes child trafficking.

Table 2: Reports and completed cases of trafficking in infants and women

Year	Riau Police Ditreskrim		Bengkalis Police	
	L	S	L	S
2020	1	8	3	3

(Riau Police Data, 2019)

In 2020, cases increased and were reported to the Riau Police. Reports were submitted to the Riau Police Directorate. 1 case report completed 8 cases, of which only a few reports were submitted to the Ditreskrim, and the

Ditreskrim was able to resolve 8 cases of trafficking in infants and women in 2020. In 2020, Bengkalis Police increased from 1 report in 2019 to 3 incoming reports and 3 completed reports.

Table 3: Reports and completed cases of trafficking in infants and women

Year	Riau Police		Rohul Police		Meranti Islands	
	Ditreskrim		Station		Police	
2021	L	S	L	S	L	S
	4	5	1	0	1	0

(Riau Police Data, 2019)

Riau Regional Police Efforts in Handling the Crime of Child Trafficking in the Riau Province Region

The Republic of Indonesian Police is a law enforcement agency that upholds and strengthens the rule of law and, together with all other state defense and security services, promotes public peace on state property in order to establish security and good government. It is one of the entities or agencies that looks into and handles any legal issues that often arise in society as a whole. The Republic of Indonesia Law No. 2 of 2002 governing the State Police must serve as the foundation for how the police carry out their responsibilities as law enforcement agents. Article 2 of Law No. 2 of 2002, which states that "The function of the police is one of the functions of the state government in the field of maintaining security and public order, law enforcement, protection, shelter, and service to the community," clearly defines the role of the police in law enforcement. According to Law No. 2 of 2002's Article 13, the police's primary duties are to uphold public safety and order, uphold the law, and provide protection and services to the community.

Based on the aforementioned rules, it is evident that one of the declared roles of the State Police of the Republic of Indonesia is law enforcement. One of the primary responsibilities of police officers is to enforce the law. Law No. 2 of 2002 mentions an essential duty: conducting an inquiry. The core of law enforcement is this duty. The investigator is a member of the Indonesian National Police who is legally permitted to conduct an inquiry, according to article 1 paragraph 8 of the regulation. Additionally, it is stated in Article 1 Paragraph 9 that an investigation is a sequence of steps used by investigators to look for and locate an occurrence that is believed to be a criminal act in order to assess whether or not an investigation may be conducted using the legal procedure. And according to Article 1 Paragraph 13, an investigation is a series of steps taken by an investigator in accordance with and in accordance with the method prescribed by law to seek out and gather evidence, which, with the help of that evidence, clarifies the criminal act that occurred and helps locate the suspect.

In this case, investigators have a big role in disclosing criminal acts that often occur in the community, one of which is uncovering criminal acts of child trafficking. In addition, the Indonesian National Police uses preventive measures, namely by conducting socialization in the community, such as inviting the community to work together to protect each other around the environment, inviting the community to coordinate if they see a crime of child trafficking and to immediately report it to the authorities, and issuing brochures (appeals) to all levels. the community whose content is to invite the public not to be easily tempted by people acting on behalf of certain agencies to offer jobs, and in the Indonesian National Police brochure, it describes the impacts of child trafficking. In this case, it can reduce the high number of child trafficking crimes that occur every time. With the pre-Emtif and preventive efforts, the efforts of the Indonesian National Police are complemented by repressive efforts, namely through investigations, arrests, and investigations, to arrive at a trial, which is then decided by a judge.

The purpose of the investigation is to collect various pieces of evidence so that criminal acts can become clear and so that prosecutions can be carried out in court. Investigative efforts carried out by investigators to find and collect evidence related to criminal acts committed by suspects are aimed at providing such evidence so that suspects can be processed and punished according to the crime committed by the suspect. The investigator is obliged to immediately carry out the necessary investigative actions if he knows or has received a report from the investigator, with or without an official report. In addition, from reports or complaints of someone who has experienced, seen, witnessed, and/or is a victim of events that constitute the crime, In the activities of investigators to collect all evidence, they are given the authority to take actions that deal with settlements so that they can be immediately submitted to the public prosecutor.

As for the efforts of the Riau Police in dealing with the crime of child trafficking so that it does not happen again, by cooperating with both the government and the community in an effort to prevent the crime of child trafficking. In this case, there are three (three) efforts in dealing with the crime of child trafficking, namely pre-emptif, preventive, and repressive efforts: (Widodo, 2015, p. 121).

1. Pre-Emtif Effort

Pre-Emtif efforts are the initial efforts made by the police to prevent the occurrence of a crime. The efforts made in dealing with crime preemptively are to instill good values or norms so that these norms are internalized in a person. This is to prevent the occurrence of the crime of child trafficking. The Riau Regional Police conduct surveillance at several points suspected of a child trafficking crime; this can minimize victims of child trafficking. Then the Riau Regional Police also cooperated with the National Commission for Child Protection (Komnas PA) and the Social Service. Based on the description

above, the police have collaborated with various government agencies to carry out supervision so that the crime of child trafficking does not occur.

2. Preventive Efforts

Preventive efforts are a follow-up to pre-event efforts, which are still at the level of prevention before the occurrence of a crime, as for the prevention of the crime of child trafficking, namely:

- a. Conducting socialization in the community and providing understanding so that people are not easily influenced or believe in job offers given by someone, which means that people must be careful and find out where the jobs are offered so that people are not easy to influence and believe in the modes of work that result in child trafficking.
- b. The Riau Regional Police Police conduct legal counseling to the community both at school and in places of worship about the punishment for perpetrators who want to commit a crime of trafficking in children, thereby reducing the rate of development of the crime of trafficking in children.

3. Repressive Efforts

This effort is carried out when a crime or crimes have occurred whose actions are in the form of law enforcement by imposing penalties according to the applicable legal provisions according to the laws used.

- a. Receiving reports from residents or the Riau Police Department Intelligence Unit for cases of criminal acts of child trafficking
- b. Conducting the crime scene (TKP) to a place suspected by residents, then the special team conducting an investigation into the trafficking of children, then an examination of the case.
- c. After that, through the command, arrests were made for the perpetrators or victims of the crime of child trafficking so that investigators could investigate victims and suspects according to applicable regulations.

The protective measures offered by the Indonesian government are insufficient. The number of victims who were identified was not the subject of extensive official data collection. There is a chance of duplicate counting the number of victims since they have interactions with numerous government offices, which makes the aggregate figure incompatible with data published in earlier periods. Different government departments sometimes provide their own numbers. The Integrated Service Center for the Empowerment of Women and Children, a government agency, oversees top rehabilitative programs for victims of abuse, especially TIP victims (P2TP2A).

Law No. 21 of 2007 about the elimination of criminal crimes of trafficking in people, which controls the practice, is protected by the law. The Child Protection Law contains particular provisions for children by offering exceptional protection to victims of child trafficking and also satisfying the

victims' rights to restitution. Then came Law No. 35 of 2014 on the amending of Law No. 23 of 2002 on Child Protection. In theory, the form of protection for victims of crime can be provided in various ways, depending on the suffering suffered by the victim. For example, for losses of a mental or psychological nature, where a child as a victim of a child trafficking crime requires or receives counseling services in order to improve the child's mental and psychological well-being, (Zulkarnain, 2020, p. 54)

4. Conclusion

Child trafficking is a form of crime that can be committed by a person, a group of people, or an institution against a person who is not yet 18 years old, including those who are still in the womb. A crime consists of a series of certain processes and purposes. Trafficking in children is a problem that must be addressed immediately, not only on the surface but also at the root. Public knowledge about child trafficking in Indonesia is still limited to certain circles. However, there are strong indications that it is becoming increasingly widespread and does not only involve trade within national borders but also trade between countries, attracting the attention of the general public. Some cases that occur involve infant trafficking through adoption, but the adoption is illegal. This can happen due to several factors, with the most dominant economic factor being the cause of someone becoming a victim of the crime of trafficking in persons (TPPO). This factor is inseparable from the education factor – dropping out of school – which puts the victim into the circle of human trafficking. The perpetrators take advantage of these factors in various ways, such as by luring large incomes, providing loans to their families so that they are in debt, and promising decent jobs. In 2019, there were 244 cases of child trafficking in various forms, such as prostitution, child labor, and illegal adoptions. There were even children who acted as intermediaries with pimps. The data on child trafficking will be much greater if prostitution or child commercial sex workers are seen as TIP. During the COVID-19 pandemic, it has weakened all joints of community strength, especially the lower class, including the protection of children. Throughout 2020, there were 149 case reports with details of child victims of trafficking (28 cases), child victims of prostitution (29 cases), child victims of ESKA (23 people), child victims of child labor (54 cases), child victims of illegal adoption (11 cases), and children becoming pimps (involved in the perpetrators of the TIP network) (4 cases). The pandemic situation causes families to become more fragile, resulting in reduced supervision of family members, and even parents demand that their children share the economic burden in the family.

As for the efforts of the Riau Police in dealing with the crime of child trafficking so that it does not happen again, by cooperating with both the government and the community in an effort to prevent the crime of child

trafficking. In this case, there are three (three) efforts in dealing with the crime of child trafficking, namely pre-emptive, preventive, and repressive efforts.

1. It is hoped that the government and law enforcement officers can be more serious and firm in carrying out their respective duties, so that law enforcement officers such as the police will further improve their performance in the form of conducting patrols to places such as dimly lit cafes or places suspected of trafficking children in the province. Riau.
2. The public must understand and be aware of cases of criminal acts of child trafficking so that they are not easily lured by any party, so as to minimize the occurrence of this crime.
3. The government must be able to open decent job vacancies so that people can get work, do not become an obstacle to problems in the economy legally, and do not do anything that can violate the law because the low economic factor is a factor in the occurrence of this crime of child trafficking.

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