

LEGAL PROTECTION OF CHILD VICTIMS OF HUMAN TRAFFICKING (HUMAN TRAFFICKING) DISTRICT IN SOUTH CENTRAL TIMOR REVIEW OF LAW NUMBER 35 YEAR 2014 REGARDING CHILD PROTECTION

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ABSTRACT

The increase in cases of human trafficking is a problem that has an impact on post-modern civilization. The uneven distribution of opportunities for education for the lower middle class has resulted in many cases of children dropping out of school due to higher education costs, uneven health services in various regions, and the influence of negative issues in the spotlight at home and abroad..

In the eastern part of Indonesia, cases of human trafficking generally occur in rural communities with hidden recruitment by the perpetrators coming from the family environment and closest relatives as happened in South Central Timor, among others: Adoption of children who are not appropriate procedural and illegal; Culture (Oku Mama) and family; Become a worker with the promise of a large salary and a decent living; Approach through romance; and kidnapping of victims. Human trafficking cases, both domestically and abroad, are carried out with various modus operandi that are increasingly diverse and complex, so that a comprehensive and synergistic handling is needed. The results of research into criminal acts of human trafficking in East Nusa Tenggara must receive special handling from the government, law enforcement officials, families and communities so that they do not develop which have an effect on children. In addition, children must also receive attention both in growth and development in the community and in terms of education wherever they are and the social impacts that arise on lifestyle changes and on educational orientation..

Keyword: *Crime, Trafficking in Persons, Family, Children, Police.*

BACKGROUND

The term human trafficking act as a phenomenon that has existed since the signing of the Convention on Trafficking in Persons in 1949.¹ The Indonesian government has tried to deal with the problem of human trafficking with several statutory provisions, including Law Number 21 of 2007 concerning Trafficking in Persons. The law explains that, "Trafficking in Persons is the act of recruiting, transporting, harboring, sending, transferring, or receiving a person by means of the threat of force, use of force, kidnapping, confinement, fraud, fraud, abuse of power or a position of vulnerability, debt bondage or giving payments or benefits, so as to obtain the consent of the

person who has control over the other person, whether carried out within a country or between countries, for the purpose of exploitation or causing the person to be exploited”.²

Based on the Annual Trafficking in Person from the United States Department of State as mandated in The Trafficking Protection Act of 2000 in the period April 2000–March 2002, Indonesia entered in the Tier 3

¹ Farhana, *Aspek Hukum Perdagangan Orang Di Indonesia*, Jakarta, Sinar Grafika, 2010, hlm. 14

² Undang Undang Nomor 21 Tahun 2007 Tentang Pemberantasan Tindak Perdagangan Orang

category group, namely countries that do not meet minimum standards in combating trafficking in persons (trafficking in person).³ However, there is a recent change in information based on a report by the United States Department of State releasing the results of an annual study that discusses the issue of human trafficking in the world about countries that claimed to have the worst human trafficking activity in the world. In the United State Department's 2018 Trafficking in Persons Report (TIP), a number of countries that fall into the worst quality category according to the release include China, Russia, Syria, Iran and Myanmar. The US State Department claims the TIP is the most comprehensive report on efforts by governments of various countries on anti-trafficking issues.

Tier 1 or the first tier is the category of countries that have the best efforts to eliminate human trafficking, while Tier 3 is the worst level. If a number of Tier 3 countries continue to maximize efforts to eliminate human trafficking, countries deserve to move up to a higher level, namely to Tier 2 Watch List, to Tier 1. the quantity of crime cases, the status of the state will drop to a lower level. Meanwhile, there are a number of special categories, namely Tier 2 Watch List and Special Case, which are used to warn countries that have been in Tier 2 for years, but have not made sufficient efforts to eliminate human trafficking. If within two years a country still holds the status of 'Tier 2 Watch List', then the country concerned will be demoted to Tier 3 level.

Indonesia is included in the Tier 2 category based on the 2018 TIP, Indonesia's position has stagnated since 2010 because Indonesia is considered not to have met the minimum standards as an effort to eliminate human trafficking. However, compared to the previous year, the Indonesian government has succeeded in criminalizing a number of traffickers, developing human resources for the criminal justice system that handles these cases, raising awareness and empowering communities, and establishing schemes and mechanisms for victim identification procedures. This is also a form of appreciation for the efforts of the Indonesian National Police in forming the 2015-2019 National Action Plan for the Elimination of Human Trafficking.⁴

As well as Law Number 35 year 2014 Article 76f explains the prohibition of child trafficking, "Everyone is prohibited from placing, allowing, carrying out, ordering to carry out, or also kidnapping, selling, or trafficking children".⁵ Children are the nation's next generation, therefore it is necessary the existence of special guidance starting from the smallest aspects of life, namely family, community and country so that children's growth and development can run as expected. In Indonesian law, children have a very significant role, it is clear that the Indonesian state recognizes children's rights to live, grow and develop as well as protection from violence and discrimination.⁶

In Indonesia, the East Nusa Tenggara region, the modus operandi for cases of human trafficking crimes generally occurs in rural communities with hidden recruitment by the perpetrators from the family environment and closest relatives as happened in South Central Timor, including: Unprocedural and illegal adoption of children; Culture (Oko Mama) and family; Become a worker with the promise of a large salary and a decent living; Approach through romance; and direct kidnapping of the victim.

Based on data from the Kupang Police, from August to December 2016 there were 32 case files for trafficking in persons, both domestically and abroad, with a total of 357 victims and 48 of them children. A total of 22 children have been rescued by the police and returned to their parents and families, while others have reached a final verdict in court, and most of the rest are still in the process of being handled by the police. Until 2018, the case was still under development for further investigation by the local police. The number of victims revealed from other victims slowly reveals that the extent of the crime.

trafficking in persons in Kupang who were sent to other regions such as Medan and Aceh, as well as 275 other victims who were sent abroad (Malaysia and several other countries).⁷

³ <http://www.aretusa.net/download/centro%20documentazione/02document/3-Stati/usa/D-03-01-usa.pdf>, diakses tanggal 19 Januari 2019, pukul 20:46.

⁴ <http://www.merdeka.com/dunia/indonesia-masih-di-peringkat-negara-buruk-tangani-kasus-perdagangan-manusia.html>, diakses tanggal 19 Januari 2019, pukul 20.51

⁵ Undang Undang Nomor 35 Tahun 2014 Tentang Perubahan Atas Undang Undang Nomor 23 Tahun 2004 Tentang Perlindungan Anak

⁶ Undang Undang Nomor 11 Tahun 2012 Tentang Sistem Peradilan Pidana Anak

FORMULATION OF THE PROBLEM

1. Bagaimana peran keluarga dalam melakukan pengawasan terhadap anak sebagai antisipasi sekaligus pencegahan terkait kasus perdagangan manusia pada anak?
2. Bagaimana peran pemerintah dan aparat hukum dalam melindungi anak agar tidak menjadi korban kejahatan perdagangan manusia (*human trafficking*) di Kabupaten Timor Tengah Selatan ditinjau dari Undang Undang Nomor 35 Tahun 2014 tentang Perlindungan Anak?

LITERATURE REVIEW

A. Previous Research Reference

Another research has been conducted by researcher Retno A. Susilo in 2013 with the title "Legal Protection Policy for Child Trafficking Victims in Indonesian Legislation". child victims of trafficking in persons; and to find out the legal policy of trafficking in persons that reflects the legal protection for children as victims of trafficking in persons in the future. The results of the study show that the regulation on the legal protection of Child Victims in Indonesia still does not reflect the legal protection against the crime of human trafficking contained in several laws and regulations, both general and specific. Compared to the Convention on the Rights of the Child which has legally complied with, care, guarantees and compensation for children who are victims of the crime of human trafficking. Legal protection for child victims of human trafficking should be pursued through various policies regulated by the government and related legal institutions.

B. Legal Protection Concept

The equivalent of the word protection in English is protection, which means as: (1) protecting or being protected; (2) system protection; (3) person or thing that protects. The verb form, protect(vt), means: (1) keep safe; (2) guards. In the Big Indonesian Dictionary, protection is defined as (1) a place of refuge; (2) actions or things and so protect. From the two definitions, linguistically, there are similarities in the meaning of the elements of the meaning of protection, namely:

1. Elements of protective action;
2. The element of the parties protecting;
3. Elements of how to protect.

In other words, legal protection is a variety of legal efforts that must be provided by law enforcement officers to provide a sense of security to the general public, both physically and psychologically from various threats of crime from any party. In addition, legal protection is also a protection of the dignity and worth, as well as the recognition of human rights owned by legal subjects based on legal provisions from arbitrariness or as a collection of rules or rules that will be able to protect one thing from another.

Here are some expert opinions regarding legal protection, including:

- Fitzgerald explained Salmond's theory of legal protection that the law aims to integrate and coordinate various interests in society because in a traffic of interests, protection of certain interests can only be done by limiting various interests on the other hand. The interest of the law is to take care of human rights and interests, so that the law has the highest authority to determine human interests that need to be regulated and protected. Legal protection must look at the stages, namely legal protection born from a legal provision and all legal regulations given by the community which are basically an agreement the community to regulate behavioral relations between community members and between individuals and the government which are considered to represent the interests of the community.⁹

⁷ Sprin Kapolda NTT Nomor: SPRIN/1220/VIII/2016, Tanggal 05 Agustus 2016 tentang data jumlah korban perdagangan manusia

⁸ Retno Adriany Susilo, *Student Journal* Universitas Brawijaya

- Muchsin, legal protection is an activity to protect individuals by harmonizing the relationship of values or rules that are manifested in attitudes and actions in creating order in the social life between fellow human beings. According to Muchsin, legal protection is something that protects legal subjects through applicable laws and regulations and enforces its implementation with a sanction. Legal protection can be divided into two, namely:
 - a. Preventive Legal Protection
 - b. Repressive Legal Protection
- Philipus M. Hadjon, is of the opinion that legal protection is the protection of the dignity and worth, as well as the recognition of human rights possessed by legal subjects based on legal provisions from arbitrariness.¹⁰

C. Prevention of the Crime of Human Trafficking as a Form of Violation of Human Rights Against Children

Social phenomena in society can be of various kinds and backgrounds, including in the form of violations of the law against human rights is trafficking in persons. Prevention of the crime of trafficking in persons (TPPO) must be based on human rights law which aims to create order, justice and social welfare. Prevention of this is a social strategy in the form of a criminal policy which is the result of the joint formulation of various authorities within the state who work together in tackling crime. The neglect of human rights becomes very clear when discussing children and their rights who are very vulnerable to being exploited by various parties. When realizing the massive violence against children,¹¹ as well as the number of children who are victims of human trafficking with the number of children who cannot attend basic education due to poverty factors and also the number of children who do not have birth certificates. All these facts are part of the big problem regarding the fulfillment of children's rights.

Based on the Universal Declaration of Human Rights (UDHR), Article 2 paragraph (2) also specifically explains the importance of protecting women and children which reads: "Mothers and children have the right to special care and assistance. All children, whether born inside or outside of marriage, must receive the same social protection. This article later became the basis for the establishment of the Convention on the Rights of the Child (CRC). The Convention on the Rights of the Child is an international agreement that recognizes and guarantees respect, protection and fulfillment of children's rights.

Cecilia Quiroga describes gross human rights violations as a violation that leads to violations as a means to the achievement of government policies that are carried out in a certain quantity and in a way to create a situation for life, the right to personal integrity or the right to personal freedom from population as a whole or one or more sectors of the population of a country are continuously violated or threatened.¹² Serious human rights violations are also included in the category of extraordinary crimes based on 2 (two) reasons, namely a very systematic pattern of criminal acts committed by the holder of power, as a crime that can only be tried if the power collapses and the crime seriously injures the sense of justice in depth (perpetrated). in ways that reduce or eliminate human dignity).¹³ Human rights violations such as murder, torture and enforced disappearances, for example, are human rights violations that are prohibited by national law and customary international law.¹⁴

⁹ Satjipto Raharjo, *Ilmu Hukum*, Citra Aditya Bakti, Bandung, 2000, hlm 54.

¹⁰ Philipus M. Hadjon, *Perlindungan Bagi Rakyat di Indonesia*, Bina Ilmu, Surabaya, 1987, hlm.1-2.

¹¹ Yayasan Pemantau Hak Anak dan UNICEF, 2005, *Lokakarya Penguatan Hak Aktivis Hak-hak Anak, Laporan Kegiatan*, Wisma PKBI II, Jakarta, hlm 2.

¹² Cecilia Medina Quiroga Medina, *The Battle of Human Right: Gross, Systematic Violations dalam Muladi, Hak Asasi Manusia dan Reformasi Hukum di Indonesia*, The Habib center, Jakarta, 2002, hlm 75.

¹³ Muchamad Ali Syafa'at, *Tindak Pidana Teror: Belenggu Baru Bagi Kemerdekaan*, Jakarta: 2003, hlm 63.

¹⁴ Todung Mulya Lubis, *Jalan Panjang Hak Asasi Manusia*, Gramedia Pustaka Utama, Jakarta: 2005, hlm 29.

Human trafficking, especially children, is a form of violation of human rights, dignity and in which there are elements of threats, torture, confinement, sexual violence and turning children into commodities that can be traded. In preventing human trafficking, it is stated in the Preamble to the 1945 Constitution of the Republic of Indonesia which is also one of the initiators driving the establishment of the ASEAN Convention Against Trafficking in Persons, Especially Women and Children. In addition, the government also sets priorities for elimination for the first five-year phase only on the five worst types of child labor, namely children involved in the sale, production and trafficking of narcotics, child trafficking, child prostitution, children who work as fishermen off the coast, mining, and children who work in the footwear industry.

The seriousness of the government in dealing with and maintaining children's rights by stipulating Law Number 23 of 2003 which has been changed to Law Number 35 year 2014 concerning Child Protection which expressly outlines that children are the next generation of the nation whose protection must be guaranteed from all forms. violence and discrimination. The existence of Law Number 35 of 2014 concerning Child Protection also emphasizes the need for criminal sanctions and fines for perpetrators of crimes against children, especially for sexual crimes which aim to provide a deterrent effect, and encourage concrete steps to restore physical, psychological and social children in the community. ¹⁵ In addition, legal protection for children with "disability" is also explained more specifically, namely that children with disabilities are children who have physical, mental, intellectual, or sensory limitations for a long period of time who in interacting with the environment and the attitudes of the community may encounter significant obstacles. make it difficult to participate fully and effectively on the basis of equality of rights.¹⁶ This term became known in the Convention on the Rights of Persons With Disabilities (CRPD), which is defined as those who have long-term physical, mental, intellectual or sensory impairments that in their interaction with n various barriers can prevent their full and effective participation in society.

Especially in the case of child trafficking which is increasingly intolerable with common sense (the most intolerable forms) and even the number of victims of trafficked children is increasing every year and the times. Many things have been done by various parties related to cases of human trafficking against children to follow up on criminal acts for perpetrators and to resolve the problem of human trafficking in the community by promoting the socialization of the application of Regional Regulation Number 7 year 2012 concerning Protection of Working Children, and Regional Regulations. Number 13 of 2008 concerning Prevention and Handling of Human Trafficking.

RESEARCH METHODS

The type of research used in this paper is a type of juridical empirical research, namely research by explaining the provisions in the applicable laws and regulations, then analyzed by comparing the demands of ideal values that exist in the field as supporters, namely the embodiment of values or norms in empirical order. From this study, it can be seen that the gap between expectations and reality is "das sollen and das sein", where the implementation or implementation of the role is in accordance with the norm. This is where the combination of normative and empirical elements is formed. The combination of normative and empirical elements here is to see the workings or effectiveness of law in society, as Barder Johan Nasution said. The problems that have been formulated above will be answered or solved using an empirical juridical approach. The juridical approach (law is seen as a norm or das sollen), because in discussing the problems of this research it uses legal materials (both written and unwritten laws or both primary and secondary legal materials). Empirical approach (law as a social, cultural or das sein reality), because in this study used primary data obtained from the results of field research.¹⁷

¹⁵ Undang Undang Nomor 35 Tahun 2014 Tentang Perlindungan Anak

¹⁶ <http://www.pn-palopo.go.id/index.php/berita/artikel/164-paradigma-baru-hukum-perlindungan-anak-pasca-perubahan-undang-undang-perlindungan-anak>, diakses tanggal 21 April 2020, pukul 11.26

¹⁷ Barder Johan Nasution, *Metode Penelitian Ilmu Hukum*, Mandar Maju, Bandung, 2008, hlm. 123

Sources of data used in this study are primary and secondary data. Primary data is this data in the form of text interviews and obtained through interviews with research informants, namely TTS Police Police Officers, Class IIB Soe Rutan employees/staff and prisoners in cases of human trafficking against children in TTS. While secondary data in the form of data obtained by researchers with the method of data collection is done through a literature study of various legal materials. The data management method is carried out in the following ways: (1) Editing, namely the researcher regularly checks and examines the data or legal materials that have been collected, especially primary legal materials and then relates them to the research problem to see the link or relationship; (2) Data tabulation, that is, after the editing and coding process is carried out, it is continued with the data tabulation process for the purposes of data analysis; (3) Data verification is an effort to determine or categorize according to the problem being studied based on the data and legal materials collected; (4) Data interpretation, namely the method that will be used if there is ambiguity in explaining the relationship between data findings and norms or rules related to research problems.

RESEARCH RESULT

A. Protection of Parents and Families in Anticipating Children as Victims of Human Trafficking

Human trafficking for child protection as stated in Article 1 number 2 of Law Number 35 year 2014 concerning Child Protection can be realized if it gets support and responsibilities from various parties. The support needed to realize the protection of children's rights is also regulated in the provisions of Chapter IV of the Law in Article 20 which states that the state, government, community, family, and parents are obliged and responsible for the implementation of child protection. As well as in Chapter IX, the protection of children is carried out in the fields of religion, health, education, social affairs, as well as special protection for children in emergency situations. Regulations regarding the obligations and responsibilities of parents to children are contained in the provisions of Article 26 which regulates the obligations and responsibilities of families and parents. Parents are obligated and responsible for, a) nurturing, nurturing, educating, and protecting children; b) grow and develop children according to the child's abilities, talents and interests; and c) prevent child marriage from occurring. If the parents are absent, unable to carry out their obligations and responsibilities, or their whereabouts are unknown, then the obligations and responsibilities of parents for children can be transferred to the family which is carried out in accordance with the provisions of the applicable laws and regulations. In addition, Article 12 stipulates that, "Every child while in the care of parents, guardians or other parties or those who are responsible for their care, is entitled to protection from discrimination, economic and sexual exploitation, neglect, cruelty, violence and abuse, injustice and other misconduct".¹⁸

Increased understanding of the various changes in knowledge and insight possessed by parents and families is also needed because they affect the character of children so that emotional closeness between parents and children can be maintained. However, there are still many challenges that must be resolved, such as the many acts of violence against children that have become a cultural practice that considers violence to be a natural thing to educate children. Forcing children to participate in work to help the family's economy and also cannot be separated from the influence of culture in the community in general. Parenting models that give children the freedom to develop their potential according to their interests and talents can give children the freedom to further optimize emotional intelligence in exploring their potential to become better.

Children are the group that is the most victims of the crime of trafficking. Victims are not only for the purpose of prostitution or other forms of sexual exploitation, but their organs are also the target of human trafficking. The perpetrator of the crime of trafficking recruits, transports, transfers, harbors or receives people for the purpose of trapping, trapping or exploiting people in the practice of exploitation in all its forms by force, kidnapping, forgery, fraud, abuse of power or a certain position or providing payments or benefits so as to obtain the consent of the person in control of the victim.

¹⁸ Maidin Gultom, 2021, *Perlindungan Hukum Terhadap Anak dan Perempuan*, Bandung: Refika Aditama, hal 82

Child protection as stated in Article 1 number 2 of Law Number 35 year 2014 concerning Child Protection can be realized if it gets support and responsibilities from various parties. The regulation regarding the obligations and responsibilities of parents towards children is contained in the provisions of Article 26 which regulates the obligations and responsibilities of families and parents to, a) nurture, care for, educate, and protect children; b) grow and develop children according to the child's abilities, talents and interests; and c) prevent child marriage from occurring. If the parents are absent, unable to carry out their obligations and responsibilities, or their whereabouts are not known, then the obligations and responsibilities of parents for the child can be transferred to the family which is carried out in accordance with the provisions of the applicable laws and regulations.

A. The Role of the Government and Legal Apparatuses to Protect Child Victims of Human Trafficking in Timor Tengah Selatan Regency, East Nusa Tenggara Province.

The Ministry of Social Affairs of the Republic of Indonesia has signaled that the problems of TKI in NTT, especially people in underdeveloped areas in Timor Tengah Selatan Regency, have reached a chronic condition, so that the handling steps become a joint urgency. In general, the number of migrant workers from NTT is not the highest in Indonesia, but the number of human trafficking cases from NTT according to the National Police Criminal Investigation Unit is the highest in Indonesia. Since February 2014, the case of trafficking in persons has become a “hot spot” for protests by civil society movements in NTT.¹⁹ Portrait of East Nusa Tenggara (NTT) is considered an Emergency Province of Human Trafficking, this social fact is certainly correlated with the socio-economic conditions of the people who are also left behind and poor. . Left behind in the sense of not having access to basic human needs such as food, clothing and inadequate energy (electricity). This chronic poverty makes people powerless and have to choose to work abroad both procedurally and illegally.

Tabel 2. Data on Human Trafficking Victim in NTT

Number	County town	Special Numbers and Victims
1	Kupang	11
2	Kupang	56
3	South Timor Tengah	91
4	East Timor Tengah	10
5	Belu	31
6	Malaka	27
7	Alor	2
8	Lembata	2
9	Sikka	1
10	Ende	1
11	Southwest Sumba	17
12	West Sumba	27
13	Central Sumba	20
14	East Sumba	7
15	Rote Ndao	9

¹⁹ <http://www.irgsc.org/files/Oktober2014FINAL.pdf>, diakses tanggal 18 Desember 2020, pukul 21.38

Number of cases and victims in East Nusa Tenggara	312
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Source : Rumah Perempuan Kupang, 2014

The case of human trafficking can be said to be an emergency because many NTT residents, especially women and children, are made migrant workers abroad, especially Malaysia, Singapore, Taiwan, and other countries. Data from the Institute of Resource Governance and Social Change (IRGSC) in January-December 2015, there were 941 people who became victims, it is suspected that there were seven networks of companies and individuals involved. In 2015 there were 1,667 TKW from NTT who became victims of human trafficking. Meanwhile, in January-July 2016, there were around 726 TKW who had problems or indicated human trafficking practices. The Regional Police (Polda) of East Nusa Tenggara (NTT) noted that 1,667 prospective female workers (TKW) from NTT were illegally sent out of the area. It is planned that the prospective TKW will be sent by a number of human trafficking networks to work in Medan and Malaysia.²⁰

In 2017, the government determined five regions that were categorized as human trafficking red zones. The five regions include NTT, NTB, East Java, Central Java, and West Java. At the end of 2017, NTT was in the top position as an area experiencing human trafficking. The inclusion of NTT in the red zone of human trafficking in recent years is quite a surprise. Previously, NTT was not included in the top ranking for areas affected by human trafficking problems. This indicates that the number of human trafficking cases in NTT has increased significantly. During 2015 to mid 2016, as many as 1667 TKW from NTT became victims of human trafficking. The number of human trafficking cases in NTT 2016 reached 400 cases, and in 2017 there were 137 cases of human trafficking that were revealed to the public.²¹

The results of interviews conducted by researchers from 7 February 2019 to 1 March 2019 of the perpetrators and their families of child victims of human trafficking that occurred in South Central Timor. Human trafficking cases have almost the same modus operandi, victims and parents are deceived by a familial approach and promises made by the victim's family and closest relatives. Factors to improve the family's economy and adequate employment opportunities outside the area where they live are considerations that make children willing to become victims of human trafficking. Human trafficking syndicates manifest in various forms of crime including kidnapping, use of force, confinement, fraud, forgery, abuse of power, paying payments to debt bondage. In simple terms, human trafficking can be understood as a form of intimidation of the value and freedom of basic human rights.

CHILD VICTIMS DATA

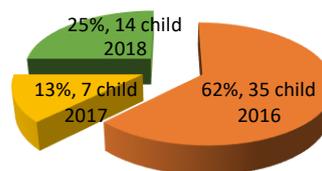


Figure 3: Data on TPPO percentage of Polda East Nusa Tenggara

Based on data from the Kupang District Police, from August to December 2016 there were 32 case files for trafficking in persons, both domestically and abroad, with a total of 357 victims and 48 of them children. A total of 22 children have been rescued by the police and returned to their parents and families, while a small number have reached a final decision in trial, and most of the rest are still in the process of being handled by the police. All cases were obtained from the police who handle human trafficking crimes across region and across

²⁰<http://regional.kompas.com/read/2016/08/23/09090061/1.667.Calon.TKW.Asal.NTT.Jadi.Korban.Human.Traficking>, diakses tanggal 14 April 2020, pukul 22.40

²¹ Agus Takariawan dan Sherly Ayuna Putri, *Jurnal Hukum Ius Quia Iustum Faculty Of Law, Volume 25, Issue 2, Universitas Islam Indonesia*, hlm 4

countries. Until 2018 the case was still under development for further investigation by the police with more and more victims being revealed from other identified victims, 357 victims who were sent to other areas such as Medan and Aceh, as well as 275 other victims who were sent abroad (Malaysia and in several regions). other countries).²² Meanwhile, from the results of data collection at the Criminal Investigation Unit of the South Central Timor Police in the case of the development of human trafficking in January 2016 to March 2020 with various modus operandi carried out by traffickers in South Central Timor, it can be explained in the following table:²³

Table 2. Data on Human Trafficking Victims in South Central Timor in 2016-2020

Number	Year	Number and casualties	
		Mature	Child
1	2016	1	11
2	2017	5	1
3	2018	7	7
4	2019	1	1
	amount	14	21

Source: Data Kepolisian Sat Reskrim Polres Timor Tengah Selatan

Victims of trafficking and exploitation of children mostly come from low-income groups in the family and in the community with limited education. In general, the factors behind cases of human trafficking, especially against children (Child Trafficking), without exception, which occurred in NTT, South Central Timor Regency, were caused by:

1. Lack of Awareness: Many children who migrate in search of work either in Indonesia or abroad are not aware of the dangers of child trafficking and the methods used to deceive or trap those in abuse or slavery-like work;
2. Poverty: Poverty has forced many families to plan their life support strategies including employing their children because of debt bondage;
3. Desire to get rich quick: The desire to have material possessions and a higher standard of living triggers migration and makes the families of migrating children vulnerable to child trafficking;
4. Cultural Factors: The following cultural factors contribute to the occurrence of child trafficking:
 - a) The Role of Children in the Family: Obedience to parents and the obligation to help families make children vulnerable to trafficking. Child labour/labor, children migrating to work, and child labor due to debt bondage are considered as acceptable family financial strategies to support the family's financial life.
 - b) Early Marriage: Early marriage has serious implications for girls including health hazards, dropping out of school, limited economic opportunities, impaired personal development, and often, early divorce. Girls who are legally divorced are considered adults and vulnerable to trafficking due to their economic fragility.
 - c) Debt Bondage: The practice of hiring family members to pay off loans is a family life support strategy that is accepted by the community. Children placed as laborers because of debt bondage are particularly vulnerable to abusive and slavery-like conditions.

²² Sprin Kapolda NTT Nomor: SPRIN/1220/VIII/2016, hasil wawancara tanggal 05 Februari 2020

²³ Laporan Polisi Nomor: LP/K/13/V/2016/Sek. Kpg Timur, hasil wawancara tanggal 13 Maret 2020

5. Lack of Birth Registration: People without adequate identification are more likely to fall prey to trafficking because their age and nationality are not documented. Trafficked children, for example, are easier to trust to any adult who requests them;
 - a) Lack of Education: People with limited education have fewer skills and job opportunities and they are more easily trafficked because they migrate in search of unskilled work;
 - b) Corruption and Weak Law Enforcement: Corrupt law enforcement and immigration officials can be bribed by traffickers to ignore criminal activities. Government officials can also be bribed into providing incorrect information on identification cards (KTP), birth certificates, and passports that make migrant workers more vulnerable to trafficking due to illegal migration. Lack of state budget/budget for tackling trafficking efforts hinders the ability of law enforcers to effectively deter and prosecute traffickers.²⁴

The case of human trafficking has a fairly long and very neat flow in carrying out this action, whether it is driven by individuals, organizations or certain other corporations where each actor has their respective roles and duties in carrying out their actions so that this case is very difficult to be uncovered and followed up by the perpetrators. law enforcer. The crime of human trafficking is highly organized with the involvement of highly professional, educated persons and not from the ordinary community. The perpetrators will only involve the general public at random to approach the family or relatives in the community of potential victims by being promised a sum of money which is often not kept. The tendency of the victims to be sought are underage children and from economically disadvantaged families with limited education, making the community easily influenced..

Institute Research of Governance and Social Change (IRGSC) as one of the partners of Wahana Visi Indonesia (WVI) on Migrant Workers and Anticipation of Vulnerability of Trafficking in Persons in South Central Timor Regency, NTT Province which was held on 9-26 May 2018 on 6 (six) villages covering three sub-districts in TTS Regency, namely Central Amanuban District (Bone Village), Oelnino District (Neke and North Pene Village) and Kuanfatu District (Kuanfatu, Basmuti and Kelle Villages). Based on the results of the research study and reinforced by the presentations of the village government, church representatives, traditional leaders from 9 villages (Kelle, Kelle Tunan, Kuanfatu, Basmuti, Bone, Nekke, North Pene, Sopo and Nobi-obi) in TTS Regency on 26 and 27 July 2018, villagers, village government, related SKPD, IRGSC and BPP for Peace Law Advocacy The GMIT and WVI Synod saw several things that needed mutual attention.²⁵

First, the issue of population administration and civil registration is the main thing that must be a common concern, and for that more attention is needed from the TTS Regency Government. This special effort needs to be made to ensure that the right of population registration is open and easy to reach by all families from the most remote areas to the cities. Without administrative and residency documents, citizens are not considered "stateless" by themselves. Second, the impact of labor migration is also very strong for nuclear families. Problems such as a newly married wife at work, or a husband getting married at work or an abandoned child, or getting pregnant out of wedlock are common features experienced by migrant workers' families. Therefore, it is necessary to strengthen the families of migrant workers by all parties, religious leaders and traditional leaders. In particular, the TTS District Health Office is expected to be proactive in mapping the reproductive health conditions of migrant workers, because they are very vulnerable to exposure to and involvement in cases of human trafficking. This step needs to be carried out in an integrated manner, without stigmatizing the workers.

There are several forms of human trafficking that occur in children, namely:²⁶

1. Trafficking of children for the purpose of being a housemaid;
2. Trafficking of children as workers in entertainment establishments;
3. Trafficking of children for the purpose of being sex workers;
4. Trafficking of children for the purpose of the pornography industry under the pretext of being an advertising model, artist, or singer;
5. Employed as a drug dealer;
6. Migrant workers;
7. Baby trade.

²⁴<http://www.kpai.go.id/artikel/temuan-dan-rekomendasi-kpai-tentang-perlindungan-anak-di-bidang-perdagangan-anak-trafficking-dan-eksploitasi-terhadap-anak>, diakses tanggal 20 Maret 2020, pukul 23.15

²⁵ <http://kupang.tribunnews.com/2018/07/27/inilah-hasil-kajian-irgsc-mengenai-kasus-perdagangan-orang-di-kabupaten-timor-tengah-selatan?page3>, diakses tanggal 20 Maret 2020, pukul 22.46

²⁶ *Ibid*.... Maidin Gultom, hal 31

Basically, victims are people, either as individuals, groups or communities who have suffered losses that have been directly disturbed by their experiences as targets of crime. The definition of a crime victim based on the United Nations Declaration in the "Declaration of Basic Principles of Justice for Victim of Crime and Abuse of Power 1985" in Number 1 states that the victim of a crime is: "Victims means person who, individually or collectively, he has suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental right, through acts or omissions that are in violation of criminal laws operative within member state, including those laws proscribing criminal abuse of power". Based on the above understanding, it can be interpreted that victims are those who suffer physically and spiritually as a result of the actions of others who seek the fulfillment of their own interests or other people's interests that are contrary to the interests and human rights of the injured party.²⁷

In addition to the case of child labor, the government has also ratified the ILO (International Labor Organization) Convention No. 138 to protect child workers in Indonesia, regarding the minimum age to be allowed to work; with Law No. 20 of 1999 and ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour; and Law Number 1 Year 2000. The ratification of the ILO Convention shows the government's commitment to the Elimination of Child Labor. Refers to the case of Child Labor, especially the case of Commercial Sexual Exploitation of Children, which is a form of violation of the Human Rights of the Child contained in the 1945 Constitution and the United Nations Convention. on the Rights of the Child.²⁸ Universally the rights of the child are regulated in The Declaration On The Right Of The Child, or commonly known as the Convention on the Rights of the Child, which emphasizes that children must always be kept away from all forms of violence, discrimination, exploitation. , pornography and sexual harassment.

CONCLUSION

1. The obligations and responsibilities of the family, especially parents, play an important role in protecting children, nurturing, educating and protecting children, as well as developing children according to their abilities, talents and interests, preventing marriage at an early age and providing character education and inculcating character values in children as well as paying attention to children's physical and psychological growth by providing boundaries for children's associations in various environmental conditions in society. At the same time as one way to prevent the development of the network of human trafficking (human trafficking) against children.
2. The practice of human trafficking appears as a consequence of inequality in various fields of life and this is very influential on the development and psychological growth of children in NTT, especially in Timor Tengah Selatan Regency. In providing protection for children's rights by realizing human values in an effort to prevent criminal acts of human trafficking. The government forms policies with the enactment of, among others, Law Number 23 of 2004 concerning the Elimination of Domestic Violence, Law Number 21 of 2007 concerning Eradication of the Crime of Trafficking in Persons and to support its implementation the government then issued a Regulation of the Coordinating Minister for Welfare People Number: 25/KEP/MENKO/KESRA/IX/2009 concerning the National Action Plan for the Eradication of Criminal Acts of Trafficking in Persons and Child Exploitation 2009-2014, as well as Law Number 35 year 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection.

²⁷ Farhana Mimin Mintarsih, *Upaya Perlindungan Korban Terhadap Perdagangan Perempuan di Indonesia*, Jurnal Mimbar Ilmiah Hukum Universitas Islam Indonesia, hlm 7.

²⁸ Tim Permata Press, *Undang Undang HAM, Dalam Ketentuan umum Undang Undang HAM*, Permata Press, hlm 2.

SUGGESTION

1. It is hoped that the role of parents and families will have a positive influence on children's growth and development, by providing support and self-acceptance to children in order to shape children's personality and psychology in socializing in society, and not limiting children's rights according to the law on child protection.
2. It is hoped that security will be further enhanced by the local apparatus as well as handling with direct involvement by the Government not only as a legislator but also must participate in monitoring the movements and developments that occur in the community, especially in the economic field in the utilization of human resources. Not only that, support from various parties such as religious organizations or other community institutions participates in monitoring developments in the villages in the form of community socialization about the development of communication and information, especially in the field of employment who are vulnerable to the risk of human trafficking..

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