

Criminology Review of the Crime of Child Trafficking for the Purpose of Prostitution

Rajarif Syah Akbar Simatupang
Universitas Muhammadiyah Sumatera Utara
Email: rajarifsyahakbar@umsu.ac.id

Abstract

Based on the results of the study, it was stated that the causes of the crime of trafficking in children for the purpose of prostitution were poverty (economic) factors and non-existent or inadequate employment opportunities. Legal protection for child victims of child trafficking for the purpose of prostitution can be done in various ways, including through rehabilitation efforts, efforts to protect from identity reporting through mass media and to avoid labeling, providing safety guarantees, receiving assistance or advocacy during the case process and afterward, as well as providing accessibility to obtain information on case developments. Factors affecting the legal protection of child victims of the crime of trafficking in children for the purpose of prostitution are in terms of legislation due to the weakness factor of the law itself in ensnaring perpetrators of criminal acts of trafficking in children and the threat of punishment is still relatively light. Another thing is also because there is no law that specifically regulates the problem of child trafficking, the indifference of the people themselves who tend to be ignorant in seeing the phenomenon of child trafficking, in addition there are also a small number of people who turn out to legalize their children to become prostitutes in order to help the family economy.

Keywords: Criminology, Child Trafficking, Prostitution.

INTRODUCTION

The crime of selling children or usually called child trafficking (trafficking) is one of the serious issues that must be faced by the world, including Indonesia. The problem of trafficking in persons is very complex, from time to time it grows and increases, making it difficult to suppress its growth rate. Child trafficking is an act similar to modern slavery that violates human dignity (Human Rights), which is against the law and is detrimental to society.

A person is prohibited from committing acts of deception, coercion, and exploitation of women, even those who are in their power, such as children and slaves. And with this verse it is also emphasized that prostitution of someone, including slaves and their own children is part of a criminal activity so that the perpetrators must be punished.

The fact that the more dominant victims are women and children are often the targets and are considered the most vulnerable. Trafficking victims are usually deceived, treated inhumanely, and exploited. The forms of exploitation themselves include treating the victim to work that leads to the practices of sexual exploitation, slavery or modern forms of slavery, organ transplantation for commercial purposes, to the sale of babies intended for the purpose and interest of getting big profits. for traffickers.

Indonesia is one of the countries that is used as a land for the development of the human trafficking business for commercial sex needs.¹ Trafficking in children is illegal because it involves the acquisition of large profits and encourages the formation of a wide-ranging and transnational organized crime network. The concept includes recruitment, transfer from one place to another for the purpose of obtaining large profits by means of coercion, violence, kidnapping, fraud, abuse of power and exploiting one's vulnerabilities.

¹Nini Widiyanti dan Panji Anoroga. 2018. *Perkembangan Kejahatan dan Masalahnya*. Jakarta: Pradnya Paramita, halaman 17.

Trafficking which is a violation of human rights, where humans are treated like merchandise by buying, selling, transferring and reselling is also very contrary to the personality of the Indonesian nation based on Pancasila where everyone has the same position both in law and to earn a living worthy.

Children from poor families with relatively low levels of education are very vulnerable to becoming victims of trafficking and for that we need a breakthrough or action from all parties to combat trafficking with outreach efforts to the community about the dangers of trafficking and concrete actions to people who carry out the trafficking by referring to the applicable laws and regulations.²

The main factors causing trafficking in persons include economic problems and poverty. In addition, based on the analysis, there are also several other factors, such as: lack of knowledge as a result of trafficking, the desire to quickly get money or work that is easy and not too heavy, parents who lack control and the presence of permission factors from parents, it is easy to get permission. from bureaucrats (kelurahan, sub-districts and other institutions), the desire to follow modern developments and a consumptive lifestyle, domestic life is not harmonious.

RESEARCH METHODS

A study cannot be said to be research if it does not have a research method because the purpose of research is to reveal a truth in a systematic, methodological and consistent manner.³ The research method used is normative juridical research, namely legal research conducted by examining library materials or secondary data..⁴ Soerjono Soekanto stated that there are 5 scopes of legal research, namely research on legal principles, legal systematics, level of legal synchronization, legal history and comparison.⁵ Judging from its nature, this research is descriptive analytical, which describes all the symptoms and facts and analyzes the current legal problems⁶ relating to the exercise of the rights of suspects and defendants while serving a period of detention. This study uses an empirical juridical approach, namely an approach by conducting a review and analysis of the criminology of the criminal act of trafficking in children for the purpose of prostitution.

RESULTS AND DISCUSSION

Causes of the Crime of Child Trafficking for the Purpose of Prostitution

The backgrounds of the victims are generally children who come from poor families in rural areas or urban slum areas, children who have dropped out of school, victims of domestic violence both physically, psychologically and sexually including rape, job seekers, street girls, kidnap victims, divorced due to young marriage, and a strong urge to work from their parents or their environment. In addition, the children who are recruited are generally low-educated, inexperienced, still innocent, but beautiful, at least clean-skinned. While the modus operandi of recruitment used by agents or brokers usually uses various forms of seduction, promising various pleasures and luxuries, deceiving, trapping, threatening, abusing authority, entangling with debt, marrying or courting, kidnapping, holding or raping, offering jobs and adopting. These agents or brokers generally work in groups of 3-4 people and unite as teenagers having fun.

²Achie Sudiarti Luhulima. 2017. *Pemahaman Bentuk-Bentuk Tindak Kekerasan Terhadap Perempuan dan Alternatif Pemecahannya*. Jakarta: Pusat Kajian Wanita dan Gender UI, halaman 4.

³ Rahimah, R., & Koto, I. (2022). Implications of Parenting Patterns in the Development of Early Childhood Social Attitudes. *International Journal Reglement & Society (IJRS)*, 3(2), 129-133.

⁴ Koto, I., & Faisal, F. (2021). Penerapan Eksekusi Jaminan Fidusia Pada Benda Bergerak Terhadap Debitur Wanprestasi. *Journal of Education, Humaniora and Social Sciences (JEHSS)*, 4(2), 774-781.

⁵ Zainuddin, Z. (2022). Implementation Of The Change Of The Chairman Of The Labuhan Batu Selatan Regional People's Representative Council. *International Journal Reglement & Society (IJRS)*, 3(1), 11-18.

⁶ Winarno Surakhmad, *Dasar dan Teknik Research* (Bandung: Tarsito, 1978), hal. 132

The modes of human trafficking that are said to be sophisticated and which often appear are sexual exploitation (prostitution), labor exploitation (low salaries) and illegal adoption (selling babies). Its increasingly sophisticated modus operandi will easily trap potential victims, especially the younger segment of the population who are usually easily tempted by seductions and sweet promises, the lure of working in a good place with a lucrative salary and so on. In addition, another mode of trafficking is by selling the organs of the victims. The victims were operated on, then their kidneys and other organs were taken to be trafficked to the trafficking syndicate network.

Trafficking in persons can take a toll on anyone, adults and children, men and women who are generally in vulnerable conditions, such as men, women and children from poor families who come from rural or slum areas. urban areas, those with limited education and knowledge who are involved in serious economic, political and social problems, family members who are facing an economic crisis such as loss of income for their husbands/parents, husband/or parents are seriously ill or died, children drop out of school, victims physical, psychological, sexual violence, job seekers (including migrant workers), women and street children, abductees, divorced widows due to early marriage, those who are under pressure from their parents or the environment to work, even sex workers who think that working in abroad promises more income.

Legal Protection for Children Victims of Child Trafficking for the Purpose of Prostitution

The explanation of RI Law Number 35 of 2014 concerning Child Protection states that protection efforts to realize children's welfare are to provide guarantees for the fulfillment of their rights without discriminatory treatment. The state upholds human rights, including children's rights which are marked by the guarantee of protection and fulfillment of children's rights in the 1945 Constitution of the Republic of Indonesia and several provisions of laws and regulations both national and international. This guarantee is strengthened through the ratification of international conventions on the Rights of the Child, namely the ratification of the Convention on the Rights of the Child through Presidential Decree Number 36 of 1990 concerning Ratification of the Convention on the Rights of the Child.

The 1945 Constitution of the Republic of Indonesia regulates the exploitation of children related to the protection of children from economic exploitation, sexual exploitation, and involvement in armed conflict or known as the worst forms of child labor as regulated in Article 28B paragraph (2); Article 28D paragraph (2). The IV Amendment to the 1945 Constitution of the Republic of Indonesia Article 28B says (2) Every child has the right to survive, grow and develop and has the right to protection from violence and discrimination. Trafficking in persons, especially trafficking in women and children, is a crime that often occurs both at the national and international levels. Child trafficking with its syndicate network has various forms and purposes, such as patterns for sexual or prostitution purposes, for domestic workers, for female workers, drug dealers, plantations, buskers and so on. Trafficking in children always has elements of economic and sexual exploitation, depriving freedom and degrading human dignity.

The increasing cases of child trafficking are very worrying for future generations, the lives of children are a reflection of the life of the nation to come. Trafficking of children that has occurred has threatened the existence and dignity of humans and endangers the future of children. Indonesia is recorded and declared as one of the source and transit countries for international child trafficking, especially for commercial sex purposes.

A child who is a victim of a crime, hereinafter referred to as a child victim, is a child who is not yet 18 (eighteen) years old who causes the child to experience physical suffering, mental suffering, and/or economic loss caused by a criminal act. Children as victims can suffer physical and non-physical losses. Physical losses can be in the form of disability, injury and even death.

Non-physical losses can be in the form of a disturbed child's mentality, as well as the endless fear felt by the child.⁷

Child protection law is a law that guarantees the rights and obligations of children. The issue of legal protection for children is one of the approaches to protecting Indonesian children. The problem is not merely approached legally, but requires a broader approach, namely economic, social and cultural.⁸

Article 1 number 2 of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection states that child protection is all activities to guarantee and protect children and their rights so that they can live, grow, develop, and participate actively optimally in accordance with human dignity, and protection from violence and discrimination. Child protection can also be interpreted as all efforts aimed at preventing, rehabilitating and empowering children who experience acts of abuse, exploitation and neglect in order to ensure their survival and growth and development naturally, physically, mentally and socially. Child protection is an effort to protect children so that they can carry out their rights and obligations. Protection of children is an activity to guarantee and protect children and their rights so that they can live, develop, and participate optimally in accordance with human dignity, and get protection from violence and discrimination. The form of implementation of legal protection for child victims of sexual exploitation is carried out with strict legal action against perpetrators. Community participation is also very necessary whether from individuals, child protection institutions, social institutions, NGOs, educational institutions, religious institutions, business entities and mass media whose implementation is adjusted to the provisions of the applicable legislation.

CONCLUSION

The causes of the crime of trafficking in children for the purpose of prostitution are poverty (economic) factors and non-existent or inadequate employment opportunities. The modus operandi of recruitment used by agents or brokers usually uses various forms of seduction, promising various pleasures and luxuries, deceiving, trapping, threatening, abusing authority, entangling with debt, marrying or courting, kidnapping, holding or raping, offering jobs and adopting. Legal protection for child victims of the crime of child trafficking for the purpose of prostitution can be done in various ways, including through rehabilitation efforts, efforts to protect from identity reporting through mass media and to avoid labeling, providing safety guarantees, receiving assistance or advocacy during the case process and afterward. as well as providing accessibility to be able to obtain information on the progress of the case

BIBLIOGRAPHY

- Achie Sudiarti Luhulima. 2017. *Pemahaman Bentuk-Bentuk Tindak Kekerasan Terhadap Perempuan dan Alternatif Pemecahannya*. Jakarta: Pusat Kajian Wanita dan Gender UI.
- Koto, I., & Faisal, F. (2021). Penerapan Eksekusi Jaminan Fidusia Pada Benda Bergerak Terhadap Debitur Wanprestasi. *Journal of Education, Humaniora and Social Sciences (JEHSS)*, 4(2), 774-781.

⁷ Nurini Aprilianda, "Perlindungan Anak Korban Kekerasan Seksual Melalui Pendekatan Keadilan Restoratif", *Jurnal Arena Hukum*, Volume 10, Nomor 2, Agustus 2017, halaman 309-332.

⁸ Nursariyani Simatupang dan Faisal. 2018. *Hukum Perlindungan Anak*. Medan: Pustaka Prima, halaman 44

- Moh. Hatta, 2016. *Tindak Pidana Perdagangan Orang Dalam Teori Dan Praktek*, Yogyakarta: Liberty
- Nini Widiyanti dan Panji Anoroga. 2018. *Perkembangan Kejahatan dan Masalahnya*. Jakarta: Pradnya Paramita.
- Nurini Aprilianda, “Perlindungan Anak Korban Kekerasan Seksual Melalui Pendekatan Keadilan Restoratif”, *Jurnal Arena Hukum*, Volume 10, Nomor 2, Agustus 2017.
- Nursariani Simatupang dan Faisal. 2017. *Kriminologi Suatu Pengantar*, Medan: Pustaka Prima.
- Rahimah, R., & Koto, I. (2022). Implications of Parenting Patterns in the Development of Early Childhood Social Attitudes. *International Journal Reglement & Society (IJRS)*, 3(2), 129-133.
- Surakhmad, Winarno, *Dasar dan Teknik Research* (Bandung: Tarsito, 1978).
- Zainuddin, Z. (2022). Implementation Of The Change Of The Chairman Of The Labuhan Batu Selatan Regional People's Representative Council. *International Journal Reglement & Society (IJRS)*, 3(1), 11-18.