

THE ROLE OF THE POLICE IN TACKLING THE CRIME OF TRAFFICKING IN PERSONS IN THE JURISDICTION OF THE EAST LAMPUNG POLICE

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Abstract

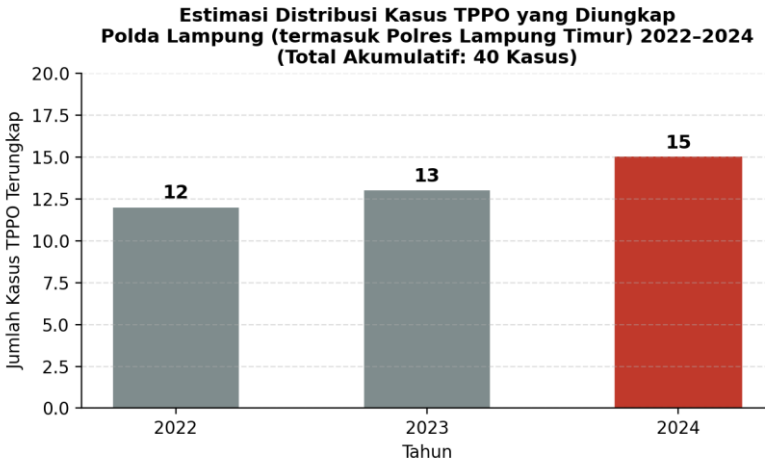
The Crime of Trafficking in Persons is a crime against humanity that continues to grow, both in its mode and scope, including in the jurisdiction of the East Lampung Police. This study aims to analyze the role of the police in tackling trafficking in the jurisdiction of the East Lampung Police and identify the factors that hinder these efforts. This study uses normative legal research methods with a statute approach, philosophical approach, historical approach, case approach, comparative approach, and a theoretical approach, which is supported by empirical data from the interviews. The results of the study show that the police carry out their role through a repressive approach (investigation, investigation, arrest, detention, search, and confiscation) as well as a preventive approach and partnership based on the 3P2+Partnership framework (Prevention, Protection, Prosecution, Partnership) as stipulated in Law Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons. However, the effectiveness of this role is still hampered by internal factors, namely limited human resources, information technology facilities, budget, and the victim's reluctance to testify, as well as external factors, namely the practice of legalizing illegal work visas in the destination country, low compliance with community law, and the involvement of individuals in recruitment networks. This study recommends strengthening institutional capacity, digitizing early detection systems, and strengthening community legal culture through a community-based approach as a strategic solution.

Keywords: The Role of the Police; the crime of trafficking in persons; Law Enforcement; East Lampung Police.

A. INTRODUCTION

The Republic of Indonesia is a state of law (*rechtsstaat*) based on Pancasila and the 1945 Constitution of the Republic of Indonesia, which places respect for Human Rights (HAM) and the principle of equality *before the law* as the main foundation for the implementation of state life. As a logical consequence, every form of violation of human rights, including human *trafficking*, *must be dealt with* systemically by the state through law enforcement officials, one of which is the National Police of the Republic of Indonesia which is juridically mandated as stipulated in Article 2 of Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia. Trafficking in persons is an act that is contrary to human dignity and dignity, including the recruitment, transportation, shelter, delivery, transfer, or acceptance of a person with the threat of violence, fraud, abuse of vulnerable positions, or debt entangling, for the purpose of exploitation, as formulated in Article 1 number 1 of Law Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons (hereinafter referred to as the PTPPO Law). This provision is the main legal basis for the police in carrying out repressive and preventive actions against trafficking, and is strengthened by Presidential Regulation Number 19 of 2023 concerning the National Action Plan for the Prevention and Handling of TPPO (RAN PPTPPO) which encourages a 3P+Partnership (Prevention, Protection, Prosecution, Partnership) countermeasures strategy.

The phenomenon of trafficking in the jurisdiction of the East Lampung Police shows a worrying trend. Data shows that in February 2022, the Lampung Regional Police detained nine Lampung residents who were victims of human trafficking in the mode of job offers in Singapore through social media recruitment. In June 2023, the East Lampung Police Criminal Investigation Unit (Satreskrim) succeeded in uncovering a case of alleged human trafficking, and in November 2024 a similar case was found again with a job offer mode in Japan. The Head of the Indonesian Migrant Workers Protection Agency (BP2MI) also mentioned East Lampung as one of the areas with the highest number of illegal migrant worker transfers in Lampung Province.



Graph 1. The estimated annual distribution of trafficking cases revealed by the Lampung Police (including the East Lampung Police) for the 2022–2024 period, from a cumulative total of 40 reported cases.

The empirical data above shows that the number of cases that have been successfully revealed has actually increased from year to year, with a total of 40 cases recorded in the Lampung Province area throughout 2022–2024. This increase in disclosure deductively can be interpreted in two ways: on the one hand, it reflects the strengthening of the repressive capacity of the police, but on the other hand it also indicates that the root of the problem in the form of economic, ecological, and socio-cultural factors of communities that are vulnerable to exploitation have not been fully resolved through preventive efforts. The reality on the ground shows that the East Lampung Police are still facing various problems. Internally, the limitation of human resources in the field of information technology, the lack of supporting facilities for digital investigations, the reluctance of victims to provide information due to social stigma, and complicated cross-border coordination procedures through Interpol are real obstacles. From the external side, the practice of business actors who legalize work visas for illegal Indonesian Migrant Workers (PMI) in the destination country, the low compliance of the community's laws, and the involvement of individuals in the labor distribution network have also weakened the effectiveness of law enforcement. These obstacles are relevant to Lawrence M. Friedman's view that the effectiveness of the legal system depends on

three components: the structure of the law, the substance of the law, and the culture of the law, where the culture of the law is often the most decisive but the most difficult to intervene.

Based on this description, the author hypothesizes that the role of the police in tackling trafficking in the jurisdiction of the East Lampung Police has not run optimally if it only relies on a repressive approach, without being accompanied by the simultaneous strengthening of the institutional structure and legal culture of the community. As a turning *point*, a countermeasures strategy is needed that integrates strengthening the capacity of digital investigation technology, standardizing trauma-based victim handling, and a community-based preventive approach through optimizing the role of Bhabinkamtibmas, in order to break the chain of socio-economic vulnerability that is the root of the phenomenon of human trafficking in the region. Based on the above background description, the problems studied in this study are formulated as follows: 1) What is the role of the police in tackling the crime of trafficking in persons in the jurisdiction of the East Lampung Police? and What are the inhibiting factors to the efforts of the police in tackling the crime of trafficking in persons in the jurisdiction of the East Lampung Police?

B. Research Methods

This study uses the *normative legal research* method, which is research that examines law as a written norm (*law in books*) by examining primary, secondary, and tertiary legal materials, supported by empirical data from interviews as supporting materials for analysis. In order to obtain a comprehensive analysis, this study uses six approaches at once. First, the *statute approach* is used to examine all relevant laws and regulations, especially Law Number 21 of 2007 concerning the Eradication of Trafficking, Law Number 2 of 2002 concerning the Police, the Criminal Code, and the Criminal Code. Second, the *philosophical approach* is used to examine the values of justice and respect for human rights that underlie the criminalization of trafficking. Third, the *historical approach* is used to trace the development of legal arrangements regarding trafficking in persons from time to time until the birth of the PTPPO Law. Fourth, the *case approach* is used to analyze concrete cases of trafficking that occurred in the jurisdiction of the East Lampung Police in the 2022-2024 period. Fifth, the *comparative approach* is used to compare the pattern of countering trafficking by the police in the East Lampung Police with

countermeasures practices in other jurisdictions as well as international frameworks such as the United Nations Protocol (*Palermo Protocol*). Sixth, the theoretical approach, is used to analyze the first problem with the role theory of Soerjono Soekanto, and the second problem with the theory of the legal system from Lawrence M. Friedman. The data was collected through *library research* and supported by field research in the form of interviews with the Head of the Criminal Investigation Unit, investigators, and community elements in the jurisdiction of the East Lampung Police, which were then analyzed qualitatively with a deductive mindset.

C. Results and Discussion

1. The Role of the Police in Tackling the Crime of Trafficking in Persons in the Jurisdiction of the East Lampung Police

The Crime of Trafficking in Persons that occurs in the jurisdiction of the East Lampung Police generally targets women and children who are recruited as Indonesian Migrant Workers in a non-procedural manner, through the mode of deception, falsification of identity documents, and the use of invalid job placement documents. This vulnerability is closely correlated with the economic needs of the community and the lack of job opportunities in the area of origin, which is used by brokers or brokers who change their role to become traffickers. This condition puts the police, especially the East Lampung Police Satreskrim, in a strategic position as the front line of law enforcement. Referring to Soerjono Soekanto's role theory, the role of the police can be analyzed through three dimensions, namely the ideal role, the supposed role (normative juridical), and the factual role (actual in the field). Ideally, the police are expected to be able to be the main protector of vulnerable groups from crimes against humanity. Juridically, this role is clearly outlined in the PTPPO Law and the Police Law, which give the authority to investigate and complete the network. As for the factual aspects, this study found that this role was realized by the East Lampung Police through the following series of actions:

- a. Research Stage. Based on the results of an interview with AKP Stefanus Boyoh as the Head of the Criminal Investigation Unit (Kasat Reskrim) of the East Lampung Police, countering trafficking begins with receiving reports or complaints from the public. According to Article 1 number 5 of the Criminal Procedure Code, an investigation is a series of investigative actions to search and find an event that is suspected of being a criminal act in order to determine whether or not an investigation

can be carried out. In practice, the East Lampung Police Satreskrim conducts interviews to look for information and evidence, checks identification, and undercover with special police techniques, including monitoring and reconnaissance of the perpetrators. The initial evidence that is commonly found is in the form of departure tickets, while the confiscated evidence includes passports, photocopies of ID cards, and photocopies of Family Cards.

- b. Investigation Stage. Based on the results of an interview with Brigpol I Wayan as an investigator of the East Lampung Police Satreskrim, the trafficking investigation includes a series of enforcement actions in the form of arrests, prohibitions on leaving places, searches, and confiscations as stipulated in Article 1 number 2 of the Criminal Code. The arrests were carried out by involving religious leaders, traditional leaders, and local community leaders to maintain the sociological aspects of law enforcement. In tracking perpetrators, the police utilize information technology (IT), including mobile phone number tracing and address verification through the database of the Population and Civil Registration Office.
- c. Detention, Search, and Seizure. Considering that TPPO is a special crime (*lex specialis*) with a maximum penalty of 15 (fifteen) years in prison according to Articles 2 to 6 of the PTPPO Law, investigators have the authority to detain suspects for 120 (one hundred and twenty) days before the case file is handed over to the Public Prosecutor. Searches are carried out on the suspect's residence, body, or clothing to find documents related to the crime, while confiscation is carried out on movable and immovable objects that have evidentiary value, including the testimony of forensic experts and migrant worker experts, before the case file is declared complete and handed over to the Prosecutor's Office.
- d. Victim Protection and Partnerships. In addition to the repressive approach, the East Lampung Police also carries out a protection-based approach by collaborating with the Witness and Victim Protection Institute to fulfill the right to security, compensation, restitution, medical recovery, and psychosocial rehabilitation. In the *partnership* dimension, the police synergize with the Indonesian Migrant Workers Protection Agency (BP2MI) and the Manpower and Transmigration Office (Disnakertrans) in socialization activities, although in practice the socialization is still incidental at the invitation of other agencies and has not reached the community proactively and sustainably.
- e. Public Perception. The results of the interview with Hamrowi, an element of the East Lampung Regency community, show that the community appreciates the success of cracking down on large

syndicates, but still demands the strengthening of preventive measures in the form of cyber patrols against social media platforms which are often used as a means of recruitment under the guise of fictitious job vacancies, and demands the application of the principle of non-penalization against victims. The community also has a space for participation in the form of reporting indications of illegal labor shelters, supervision of brokers' activities, and participation in socialization with Bhabinkamtibmas.

From the overall description above, it can be stated that the role of the East Lampung Police in tackling trafficking has been carried out structurally through the 3P+Partnership framework as mandated by the RAN PPTPPO, but the factual role still shows a gap with an ideal role, especially in the preventive dimension that is proactive and sustainable towards grassroots communities.

2. Factors Hindering the Efforts of the Police in Tackling the Crime of Trafficking in Persons in the Jurisdiction of the East Lampung Police

Referring to Lawrence M. Friedman's theory of the legal system, the effectiveness of law enforcement is determined by three components, namely the substance of the law, the legal structure, and the culture of the law. The three components are used as an analysis knife to classify the inhibiting factors faced by the East Lampung Police into internal factors and external factors.

a. Internal Inhibiting Factors

Internal inhibiting factors are obstacles that come from the institutional condition of the East Lampung Police itself. Based on the results of an interview with AKP Stefanus Boyoh, these internal obstacles include:

- 1) The limitation of human resources (HR) in the field of programmers or information technology (IT) experts to conduct initial data tracking before requesting expert information, as well as the need to strengthen the quality of personnel in terms of number, education, mental, and legal substance skills.
- 2) The lack of supporting facilities and facilities, such as data and information support tools and operational vehicles, has caused the investigation performance to be suboptimal.
- 3) The victim's reluctance to acknowledge his status as a victim of trafficking because he chose not to have his case processed legally, so that the victim often refused to testify; In addition, the arrest of

perpetrators abroad requires time-consuming coordination with Interpol.

- 4) It took a long time to collect the identities of the perpetrators and victims who were outside the city or abroad to complete the evidence, plus the loss of the victim's administrative completeness before departure.
- 5) Limited budget to carry out preventive efforts in the form of legal counseling and direct socialization to the community on an ongoing basis.

b. External Inhibiting Factors

External inhibiting factors are obstacles that come from outside the police institution. Based on the results of interviews with Brigpol I Wayan and Hamrowi, these external obstacles include:

- 1) The practice of parties in the destination country that legalizes work visas for Indonesian Migrant Workers (PMI) who depart illegally, so that the illegal status is actually "legalized" upon arrival in the destination country, especially in the Middle East region.
- 2) Low legal compliance and public legal awareness, so that law enforcement of trafficking cannot only rely on police officers without active participation of the community.
- 3) The involvement of individuals, including individuals abroad, who facilitate the departure of Indonesian Migrant Worker Candidates individually without going through official procedures, is accompanied by the non-transparency of employment agreements regarding salary, type of work, and employer identity.
- 4) The reluctance of the public to report is due to social stigma and trauma, as well as reports that are only submitted after the victim has lost contact or experienced torture abroad, making it very difficult to track down perpetrators in the early stages.
- 5) The pressure of economic factors has made some people, including the victim's parents, consciously ignore legal work procedures for the sake of the lure of faster income.

c. Analysis of Inhibiting Factors in the Perspective of Friedman's Legal System

Viewed from the perspective of legal *substance*, the PTPPO Law and its derivative regulations are normatively adequate as the basis for repressive and preventive actions. However, from the perspective of legal *structure*, the institutional capacity of the East Lampung Police in terms of

human resources, technology, and budget is not fully adequate to compensate for the complexity of the transnational trafficking network. From the perspective of *legal culture*, low public legal awareness, stigma against victims, and excessive dependence on law enforcement officials are the most crucial components that hinder the effectiveness of law enforcement, in line with Friedman's view that legal culture is the main determinant of whether a legal system is used or ignored by its society.

3. Solution Offer as a Starting Point for Strengthening the Role of the Police

Based on the hypothesis proposed in the background of this study, strengthening the role of the police in tackling trafficking in the jurisdiction of the East Lampung Police requires simultaneous strategic steps in the three components of the legal system. First, in the aspect of legal structure, it is necessary to strengthen the capacity of human resources in the field of digital forensics and the provision of technology-based investigation facilities to accelerate the tracking of perpetrators and victims across regions. Second, in the aspect of legal substance, it is necessary to standardize the competence of investigators through mandatory certification training on the handling of *trauma-informed care* cases, especially for personnel of the Women and Children Protection unit. Third, in the aspect of legal culture, it is necessary to optimize the role of Bhabinkamtibmas through *door-to-door socialization* in vulnerable villages, in order to build public legal awareness regarding the characteristics of the legality of labor distribution companies and the modus operandi of trafficking. These three steps, if implemented in an integrated manner, are projected to be able to become a turning point for the achievement of effective anti-trafficking law enforcement which is not only repressive, but also preventive and sustainable.

D. Conclusion

1. The role of the police in tackling the Crime of Trafficking in Persons (TPPO) in the jurisdiction of the East Lampung Police has been carried out structurally through the framework of 3P+Partnership (*Prevention, Protection, Prosecution, Partnership*), which is manifested in the form of investigations, investigations, arrests, detention, searches, and seizures based on Law Number 21 of 2007, as well as cooperation with LPSK, BP2MI, and Disnakertrans in the protection of victims and Socialization of Prevention. However, this factual role still leaves a

gap with the ideal role, especially in the prevention dimension that has not been carried out proactively and sustainably.

2. Inhibiting factors to the police's efforts in tackling trafficking in the jurisdiction of the East Lampung Police consist of internal factors, namely limited human resources and information technology facilities, reluctance of victims to testify, obstacles in cross-border coordination, and budget limitations; and external factors, namely the practice of legalizing illegal work visas in the destination country, low compliance and legal awareness of the community, and the involvement of individuals in recruitment networks. Judging from Friedman's legal system theory, the legal culture of the community is the most decisive component that needs to receive major attention in the strategy to combat trafficking in the future.

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