



Police Efforts in Combating Trafficking in Persons with the Exploitation Mode of the Area and Disabled People to Become Beggars

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Abstract

Crime of trafficking in persons is carried out using various modes, one of which is to exploit the elderly and disabled people to become beggars. The police follow up on the crime to carry out criminal acts in accordance with the duties, functions and authority of the police as law enforcement officers. The problems of this study are: (1) What is the police's effort in dealing with the crime of trafficking in persons with the exploitation mode of the elderly and disabled people to become beggars? (2) What are the inhibiting factors in the police's efforts in dealing with the crime of trafficking in persons with the exploitation of the elderly and disabled people to become beggars? The problem approach in this study uses a normative and empirical juridical approach. The research data consisted of primary data and secondary data. Research resource persons included Lampung Regional Police Investigators, Bandar Lampung City Social Service Officers and Unila Law Faculty Criminal Law Lecturers. Data collection is done by literature study and field studies. Data is analyzed qualitatively. The results of the study and discussion show: (1) Police efforts in the handling of criminal acts of trafficking in persons with exploitation of the elderly and disabled people to be used as beggars by the Lampung Regional Police through pre-emptive, preventive and repressive efforts. Pre-emptive efforts are carried out with socialization activities in collaboration with the Social Service and relevant government institutions. Preventive efforts are carried out by patrolling and monitoring the activities of the elderly and people with disabilities. Repressive efforts are carried out by investigation and investigation. (2) The inhibiting factors of police efforts in dealing with criminal acts of trafficking in persons with the exploitation mode of the elderly and disabled people to become beggars are factors of law enforcers, namely quantitatively the number of investigators is still limited and the quality of human resources is still not optimal tactics and investigation technique. The community factor is that the community does not report if they are aware of the crime of trafficking in persons with exploitation mode of the elderly and disabled people to be used as beggars. Cultural factors, namely people assume that begging is not a crime or acrimie.

Keywords: *Police's Role; Handling of Crime; Document Falsifying; Human Trafficking.*

A. Introduction

Human trafficking (human trafficking) is a denial of the position of each person as a creature created by God Almighty who has noble dignity and dignity, so it must be prevented. The crime of trafficking in persons is carried out by perpetrators in organized crime networks and has threatened the social, national and state order of life as well as norms that have been based on respect for human rights.

Specific provisions regarding trafficking in persons are contained in Article 2 of Law Number 21 Year 2007 concerning Eradication of Trafficking in Persons as follows: Any person who recruits, transports, holds, transfers, transfers or transfers a person with the threat of violence, the use of violence, kidnapping, confinement, counterfeiting, fraud, abuse

of power or vulnerable position, debt bondage or payment or benefits despite obtaining approval from the person in control of another person, for the purpose of exploiting the person in the territory of the Republic of Indonesia, convicted with a criminal imprisonment for a minimum of 3 (three) years and a maximum of 15 (fifteen) years and a minimum fine of Rp.120,000,000.00 (one hundred and twenty million rupiah) and a maximum of Rp. 600,000,000.00 (six hundred million rupiahs). If the acts referred to in paragraph (1) result in people being exploited, then the perpetrators are convicted with the same crime as referred to in paragraph (1).

Human trafficking is a modern form of slavery and the worst form of treatment of violations of human dignity and dignity. The increasing problem of trafficking in persons in various countries, including Indonesia and other developing countries, has come to the attention of Indonesia as a nation, the international community, and members of international organizations, especially the United Nations (UN).¹

Examples of cases of criminal trafficking in persons (human trafficking) in the jurisdiction of the Lampung Regional Police are disclosures by the Subdit III Officer for Crimes and Violence (Jatanras) of the General Criminal Investigation Directorate (Ditkrimum) of the Lampung Regional Police to uncover conspiracy suspected of trafficking practices. The mode used by this conspiracy is by forcibly employing the elderly or disabled to beg. The arrest took place on Jalan Lobak, Jagabaya II Village, Way Halim District, Wednesday, August 16, 2018 night. From this disclosure, at least Jatanras Subdit 3 members secured six perpetrators with the initials SN (41) as chairman, RM (43) deputy chairman, NN (19), EK (32), HMN (23), FN (18) as members and two DPO perpetrators again. The victims exploited by this plot are Mamat, Agus, Dadang, Enjel,²

The Police follows up on the trafficking of persons with the exploitation mode of the elderly and disabled to become beggars, carrying out efforts to deal with criminal acts in accordance with the duties, functions and authority of the police as law enforcement officers as regulated in Law Number 2 of 2002 concerning the Republic of the Republic of National Police Indonesia. Article 13 states that the main task of the police is to maintain public security and order; enforce the law; provide shelter, and service to the community.

B. Research Methods

This research uses a normative and empirical juridical approach. Data collection is done by library research and field studies. Data analysis was performed qualitatively.

C. Results and Discussion

1. Police Efforts in Combating Trafficking in Persons with the Exploitation Mode of the Elderly and Disabled to Become Beggars

a) Pre-Emictive Efforts

Pre-emptive efforts are a series of activities aimed at counteracting or eliminating criminogenic factors at the earliest possible stage. Including efforts to eliminate criminogenic factors that exist in the community whose form of activity varies greatly, starting from an analysis of the condition of the region

¹Rosenberg, R(Ed). *Perdagangan Perempuan dan Anak di Indonesia*. Jakarta: American Center for International Labor Solidarity (ACILS). Jakarta, 2003, hlm. 7

²<http://lampung.tribunnews.com/2018/08/16/polda-lampung-catch-six-people-suspected-do-practice-human-trafficking>. Accessed Friday September 14 2016

along with the potential vulnerability contained therein and coordinating with all parties in order to anticipate crime.³

Tri Evayanti⁴ explain pre-emptive efforts carried out with outreach activities concerning the prevention of trafficking offenses. In this case the Police are cooperating with regional authorities in charge of handling social problems namely the Bandar Lampung City Social Service. Every person has the right to receive special care, education, training, and assistance at the expense of the state, to guarantee a decent life in accordance with their dignity, increase self-confidence, and the ability to participate in community, national and state life. Basically, efforts to improve the welfare of persons with disabilities are a shared responsibility between the government, the community, families and the disabled themselves. Every person with a disability has the same status, rights and obligations as a non-disabled citizen. people with disabilities have the right to life,

b) Preventive Efforts

Preventive measures are a series of activities aimed at directly preventing the occurrence of crime. Includes regulatory, patrol and escort activities in locations that are thought to contain: police hazard, including community development activities aimed at motivating all levels of society to participate actively in crime prevention.⁵

Tri Evayanti⁶ effort the police in overcoming the crime of trafficking in persons with the exploitation mode of the elderly and the disabled to be beggars are preventively carried out by patrolling and monitoring the activities of the elderly and disabled, in order to find out whether or not the parties exploiting them to become beggars. The police in this case carry out their main duties and functions as law enforcement officers who continuously maintain public security and order.

Preventive efforts carried out by the Police are related to pre-emptive efforts, namely the elderly and disabled people who have participated in work socialization and training, namely the blind are given training in massaging, the hearing / speech impaired are given training in making handicrafts as a home industry. , so that people with disabilities have the skills and abilities for entrepreneurship. This shows that the elderly and people with disabilities who have participated in socialization and skills training are expected not to become victims of trafficking and exploitation modes to become beggars. If the act of trafficking in persons is carried out by the perpetrators of a criminal offense, law enforcement officials carry out repressive or law enforcement efforts against the perpetrators of the crime.

c) Repressive Efforts

Repressive measures are a series of repressive activities aimed at the disclosure of all criminal cases that have occurred, which are referred to as

³Sunarto, *Integration in Combating Crimes*, Aura Publishing, Bandar Lampung, 2013, p. 45-46.

⁴The results of an interview with Tri Evayanti as Investigators of the Lampung Regional Police Special Crimes Tuesday, November 20, 2018.

⁵Sunarto, *Op.Cit*, p. 45.

⁶Hasil wawancara dengan Tri Evayanti selaku Penyidik Direktorat Kriminal Khusus Polda Lampung Selasa 20 November 2018

factual threats. The forms of activities include investigations, investigations and other coercive measures which are approved by law.⁷

Ketut W⁸ explain the efforts of the police in overcoming the crime of trafficking in persons with the exploitation mode of the elderly and disabled people to be used as a repressive beggar carried out with the act of investigation and investigation of suspected criminal acts. Investigators as soon as possible respond to any reports from members of the public about the crime of trafficking in persons with the exploitation mode of the elderly and disabled to become beggars by conducting an investigation, because the report must be supported by strong evidence to determine whether included as a criminal offense or not. This effort is carried out when a crime / crime has taken place in the form of law enforcement by imposing a sentence.

Repressive efforts by the Police carried out with the investigation of the perpetrators of trafficking in the form of the exploitation of the elderly and disabled people to be made beggars. The arrest took place on Jalan Lobak, Jagabaya II Village, Way Halim District, Wednesday, August 16, 2018 night. From this disclosure, at least members of Subdit 3 Jatanras secured six perpetrators with the initials SN (41) as chairman, RM (43) deputy chairman, NN (19), EK (32), HMN (23), FN (18) as members and two actors again DPO. As for the victims exploited by this plot are Mamat, Agus, Dadang, Enjel, and Joni.⁹

Investigations are carried out a series of investigative actions aimed at finding and finding an event that is allegedly a criminal offense, in order to determine whether or not an investigation can be carried out. This is a form of repressive effort after the implementation of pre-emptive efforts (socialization) and preventive efforts (socialization). The series of investigative actions are only intended to find criminal events and not to look for / find suspects. The act of investigation must not be preceded by an investigation. When an investigator discovers an event that is considered a crime, an investigation can immediately be carried out.

After clear and sufficient evidence that the community report is true, and indeed early evidence is obtained that there has been a criminal act of trafficking in persons with the exploitation mode of the elderly and disabled people to be made beggars, then an investigation is carried out. Investigation is a series of actions by the Lampung Regional Police Investigator in terms of and in the manner stipulated in the law to search for and collect evidence which clearly makes clear the crime that occurred and to identify it.

2. Inhibiting Factors of Police Efforts in Combating Trafficking in persons with the exploitation mode of the elderly and disabled to become beggars

a) Legal Substance Factors

⁷Sunarto, *Op.Cit.*, hlm. 45.

⁸Hasil wawancara dengan Ketut W selaku Penyidik Direktorat Kriminal Khusus Polda Lampung Selasa 20 November 2018

⁹Hasil wawancara dengan Ketut W selaku Penyidik Direktorat Kriminal Khusus Polda Lampung Selasa 20 November 2018

According to Ketut W¹⁰ the statutory factor in this case does not become an obstacle because investigators in carrying out investigations into the crime of trafficking in persons with the exploitation mode of the elderly and disabled people to become beggars already have a clear legal basis in accordance with applicable laws and regulations.

b) Factors of Law Enforcement Officials

According to Ketut W¹¹ law enforcement factors that hinder efforts to deal with criminal acts of trafficking in persons with the exploitation mode of the elderly and disabled people to become beggars is the lack of quantity in Lampung Regional Police Investigation personnel who specifically investigate criminal acts of trafficking in persons with the exploitation mode of the elderly and the disabled to become beggars. In addition, in terms of quality, there is still a tendency for abuse of authority by Investigators in uncovering cases of criminal acts of trafficking in persons with the exploitation mode of the elderly and the disabled to become beggars.

The law enforcement factor is the dominant factor inhibiting efforts to tackle the crime of trafficking in persons with the exploitation mode of the elderly and disabled to become beggars. This is a factor of law enforcement officials, namely the quantity of investigators is still limited and the quality of human resources is still not optimal tactics and techniques investigation for the prevention of criminal acts of trafficking in persons with the exploitation mode of the elderly and disabled people to become beggars. This means that if the number of investigators in the Lampung Regional Police is increased quantitatively the number above, namely the Lampung Regional Police does not need to intervene directly in uncovering cases of criminal acts of trafficking in persons with the exploitation mode of the elderly and disabled people to be used as emitters.

c) Facilities and Infrastructure Factors

According to Ketut W¹² the factor of infrastructure in this case does not impede efforts to tackle the crime of trafficking in persons with the exploitation mode of the elderly and the disabled to be made beggars because the Regional Police of the Regional Police already have adequate infrastructure of investigation to support the implementation of the investigation. The availability of adequate facilities and infrastructure supported by the quantity and quality of professional law enforcement determines the success of efforts to tackle the crime of trafficking in persons with the exploitation mode of the elderly and disabled to become beggars. The more complete the infrastructure and the support of law enforcement, the implementation of the duties of the Police in preventing crime will also be more optimal.

d) Community Factors

¹⁰Hasil wawancara dengan Ketut W selaku Penyidik Direktorat Kriminal Khusus Polda Lampung Selasa 20 November 2018.

¹¹Hasil wawancara dengan Ketut W selaku Penyidik Direktorat Kriminal Khusus Polda Lampung Selasa 20 November 2018

¹²Hasil wawancara dengan Ketut W selaku Penyidik Direktorat Kriminal Khusus Polda Lampung Selasa 20 November 2018

Tri Evayanti¹³states that community factors that hinder efforts to tackle criminal acts of trafficking in persons with the exploitation mode of the elderly and disabled people to be beggars are still fear or unwillingness of the public to be witnesses in the process of law enforcement against traffickers in the trafficking of persons with the mode of exploitation of the elderly and disabled people to become beggars . This fear can be caused by threats from the perpetrators who do not hesitate to commit violence against the people who witness their actions. People who are afraid and do not report criminal acts of trafficking in persons with the exploitation mode of the elderly and disabled to become beggars to law enforcement officials,

e) Cultural Factors

According to Ketut W¹⁴cultural factors can hinder the process of investigation if the community is still tolerant and takes a positive extra-legal route to resolve a crime. This shows the existence of community assessments that influence the actions of the police, including in the case of investigations. By not reducing the applicable national law if indeed a case can be resolved in accordance with the culture that exists in society such as a compromise in the way of kinship, mediation and so on more efficiently and effectively, of course the Police will not force it to be resolved through the existing criminal justice system and enforce its enactment law, but with the discretion of the Police as the investigator. In this way cultural values influence and encourage the police in determining policy in the investigation process.

Society develops to be more critical and feel even smarter than police officers. The police themselves are overwhelmed when facing a critical society, the police must facilitate affairs, services in the context of maintaining the security and order of the community, order and enforcement of the law, the implementation of protection, protection, and service to the community, as well as maintaining peace with upholding human rights.

D. Conclusion

1. The police effort in overcoming the crime of trafficking in persons with the exploitation mode of the elderly and disabled people to become beggars is carried out by the Lampung Regional Police through pre-emptive, preventive and repressive efforts. Pre-emptive efforts are carried out with socialization activities regarding the prevention of trafficking in persons in collaboration with the Social Service and relevant government agencies. Preventive measures are carried out by patrolling and monitoring the activities of the elderly and disabled, to find out whether or not there are parties who exploit them to become beggars. Repressive efforts carried out by investigation and investigation,
2. The inhibiting factors of the police effort in overcoming the crime of trafficking

¹³Hasil wawancara dengan Tri Evayanti selaku Penyidik Direktorat Kriminal Khusus Polda Lampung Selasa 20 November 2018

¹⁴Hasil wawancara dengan Ketut W selaku Penyidik Direktorat Kriminal Khusus Polda Lampung Selasa 20 November 2018

in persons with the exploitation mode of the elderly and disabled people to become beggars are factors of law enforcement officials, namely in terms of the quantity of investigators and the quality of human resources, the optimal tactics and investigative techniques. Community factors, namely the community does not report if they know of the existence of criminal acts of trafficking in persons with the exploitation mode of the elderly and disabled people to be made beggars. Cultural factors namely the community considers that begging is not a crime or a crime.

Reference

- Abdussalam, H. R. 2009. *Hukum Kepolisian Sebagai Hukum Positif dalam Disiplin Hukum*, Restu Agung, Jakarta
- Alfitra, 2014. *Modus Operandi Pidana Khusus di Luar KUHP*, RAS, Jakarta.
- Fahrudin, Adi. 2012. *Pengantar Kesejahteraan Sosial*. Refika Aditama. Bandung
- Hardiansyah. 2011. *Fenomena Trafficking Manusia dan Konterks Hukum Internasional*, IOM Indonesia Jakarta
- Moeljatno. 1985. *Fungsi dan Tujuan Hukum Pidana Indonesia*, Jakarta, Bina Aksara, Jakarta,-----.
1993. *Perbuatan Pidana dan Pertanggung jawaban Dalam Hukum Pidana*, Bina Aksara, Jakarta.
- Muqoddas, Moh, Busyro, Salman Luthan, dan Muh, Miftahudin. 1992. *Politik Pembangunan Hukum Nasional*, Penerbit UII PRESS, Yogyakarta.
- Nawawi Arief, Barda. 2001. *Masalah Penegakan Hukum dan Kebijakan Penanggulangan Kejahatan*, Citra Aditya Bakti, Bandung----- 2004. *Kebijakan Hukum Pidana*, Citra Aditya Bakti, Bandung.
- Roesilo, R. 1984. *Pokok-Pokok Hukum Pidana Umum dan Delik-Delik Khusus*, Karya Nusantara, Bandung
- Rosenberg, R (Ed). 2003. *Perdagangan Perempuan dan Anak di Indonesia*. Jakarta: American Center for International Labor Solidarity (ACILS). Jakarta
- Soekanto, Soerjono. 1983. *Faktor- Faktor Yang Mempengaruhi Penegakan Hukum*, Rineka Cipta, Jakarta.
- Sudarto. 1986. *Kapita Selekta Hukum Pidana*, Alumni, Bandung.
- Sunarto. 2013. *Keterpaduan dalam Penanggulangan Kejahatan*, Aura Publishing, Bandar Lampung.
- Sutarto. 2002. *Menuju Profesionalisme Kinerja Kepolisian*, Jakarta, PTIK, 2002
- Utrecht, E. 1962. *Pengantar dalam Hukum Indonesia*, Balai Buku Ichtiar, Jakarta