



Victimological Study of Children as Victims of Acts Criminal Trafficking in People

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ABSTRACT

Victimology is the study of victimization, which includes analysis of the causes and effects of victimization in a social context. This term comes from Latin *victima* (victim) and *logos*(knowledge). Victimology seeks to understand various aspects of victimization and the criminal process, as well as the factors that lead to someone becoming a victim and their impact on the individual and society. In Indonesia, child protection is regulated in several laws which aim to ensure the welfare and rights of children. Based on Law Number 23 of 2002 concerning Child Protection, every child has the right to practice religion, think and express themselves according to their age and level of intelligence under the guidance of their parents. This law also emphasizes children's rights to know and be cared for by their biological parents. Meanwhile, Law Number 35 of 2014 defines children as individuals who are not yet 18 years old, including those who are still in the womb. This law emphasizes the need to protect children to ensure they can live, grow and develop optimally, and are protected from violence and discrimination. Protection of children is also regulated in Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking. This law aims to tackle and criminalize all forms of human trafficking that involve exploitation. The definition of human trafficking according to this law includes acts such as recruiting, transporting, harboring, and receiving a person with threats or violence, fraud, forgery, or abuse of power, both within the country and between countries, with the aim of exploitation. With these various regulations, it is hoped that children can be protected from various forms of violence, exploitation and rights violations that they may experience

INTRODUCTION

Children are valuable assets for the nation's future and play an important role in the history and culture of a country. They are not only the next generation but also a reflection of the nation's current attitudes and values. Therefore, protecting and guiding children is a shared responsibility between parents, society and the state.

As the next generation, children hold the key to determining the direction of development and progress of a nation in the future. Protection of children is not only a moral responsibility, but also a human right that must be respected and upheld. Children's rights to live, develop and participate optimally must be recognized and protected without discrimination, in accordance with the principle of equality before the law.

This protection covers various aspects, such as Legal Protection, Social Protection and Family Protection. Through holistic and comprehensive protection, it is hoped that children can grow into healthy, intelligent and competitive individuals, and are able to contribute positively to the progress and welfare of society and the nation in the future.

In Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, there are several important points regarding the definition and protection of children. A child is defined as someone who is not yet 18 years old, including children who are still in the womb. Child protection includes all activities to guarantee and protect children and their rights so that they can live, grow, develop and participate optimally in accordance with human dignity. Child protection also includes protection from violence and discrimination. This law is based on the mandate of the 1945 Constitution of the Republic of Indonesia, which emphasizes that children are the shoots, potential, and successors of the young generation to the ideals of the nation's struggle. Therefore, children have a strategic role and special characteristics and characteristics that make it mandatory for them to be protected from all forms of inhumane treatment that can result in violations of human rights.

Law Number 35 of 2014 concerning Child Protection in Indonesia is an important step in efforts to ensure that children's rights are protected effectively. However, there are several challenges in its implementation, namely overlapping laws, the rise of sexual crimes, the role of independent institutions, the severity of criminal sanctions and the recovery of child victims and perpetrators. To ensure the effectiveness of child protection, coordination is needed between various institutions and related parties, including central and regional governments, communities and non-governmental institutions. A holistic approach involving all stakeholders is the key to optimally protecting children and ensuring their rights are fulfilled.

Trafficking in women and children is a serious problem that has a broad impact on human resource development and community welfare. These impacts include social and psychological impacts, barriers to quality regeneration, multi-stakeholder involvement (government agencies, community organizations, partnerships and government regulations) and the

education system and society. Strategies for Overcoming Child Trafficking include Increasing Awareness and Education, Strengthening the Education System, Law Enforcement and Protection, Building Partnerships and Rehabilitation and Reintegration of Victims. Coordinated and comprehensive efforts between all stakeholders will increase effectiveness in addressing child trafficking and ensure that every child has the opportunity to thrive in a safe and supportive environment.

LITERATURE REVIEW

a. John Rawls (Theory of Justice)

Justice is the main focus of every legal system and justice cannot simply be sacrificed, as said by John Rawls (1921-2002), one of the most influential political philosophers and justice theorists of the 20th century. In his famous book, "A Theory of Justice", Rawls developed a concept of justice known as "justice as fairness" or "justice as fairness".

b. Middle Theory (Theory of Justice)

Middle Theory, or Middle Theory of Justice, often refers to efforts to find a balance between extreme or absolute principles of justice. In the context of law and the application of Article 1 Paragraph 3 of the 1945 Constitution of the Republic of Indonesia (UUD 1945), this theory can be interpreted as an approach that tries to combine legal idealism with practical reality in its application. Middle Theory in the context of legal justice in Indonesia tries to find the middle point between idealism and the reality of legal application. This involves a balance between formal and substantive justice, application of social justice principles, pragmatism, community participation, and legal certainty and flexibility. Thus, the aim of the law is to create real justice and in accordance with the ideals of state law as mandated in the 1945 Constitution.

c. Robert Nozick (Minimal State Theory)

Robert Nozick's theory of the minimal state offers a very different perspective from more redistributive theories of social justice. He argued that a legitimate state should minimize its involvement in the lives of individuals and perform only those basic functions that society voluntarily agrees to. In the context of political thought and legal philosophy, Nozick's views provide important insights into the limits of state power and the need for individual consent in the formation and application of law.

Understanding Victimology Studies

The study of victimology refers to the study of crime victims and how they are affected by the crime. The term "victimology" comes from the words "victim" (or "victim" in English) which means victim, and "logy" which means science or study. Thus, victimology is the study of crime victims, including the impact of crime on them, as well as how the legal system and society deal with these victims.

Child

The legal definition of child refers to individuals who have not reached the age of 18, with certain exceptions such as marriage, which can change their legal status to that of an adult. This age limit is important because it affects the rights, responsibilities and legal protection a person receives. With this age limit, the law seeks to provide appropriate protection and ensure that children's rights are safeguarded until they reach the age of majority and can act in their full legal capacity.

Definition of Criminal Acts

The definition of a criminal act in the context of criminal law is an act or deed that violates applicable legal norms and is threatened with criminal sanctions. Criminal offenses refer to violations of the law that are considered serious enough to require punishment as a form of accountability. Criminal acts are acts that violate the law and are punishable by criminal penalties to maintain public order and protect the interests of society. Criminal law regulates violations and crimes with the aim of preventing, correcting and providing justice. The elements of a criminal act include unlawful acts, the perpetrator's fault, and the consequences of the act. The application of criminal law must be carried out by taking into account the principles of justice and human rights.

Human Trafficking

Trafficking in persons, or human trafficking, is a serious form of crime that involves the exploitation of humans in very detrimental and inhumane ways. Human trafficking is a serious human rights violation and a crime that threatens the well-being of individuals and society at large. A deep understanding of the methods, goals and impacts of human trafficking is critical to developing effective strategies for responding to and protecting victims. Collective efforts from governments, non-governmental organizations and the international community are needed to comprehensively address this issue..

Assumption

Human trafficking is a serious transnational crime with far-reaching impacts on victims and society. Human trafficking involves various forms of exploitation and often involves complex cross-border operations. Response efforts require a comprehensive approach, including strict legislation, effective law enforcement, support for victims, and international cooperation. Education and awareness also play an important role in preventing human trafficking and protecting individuals from becoming victims.

Understanding Victims

Victims are individuals who experience physical, mental suffering and/or economic loss as a result of criminal acts. Their rights include protection, information, restitution, compensation, and support. Understanding victims' rights and roles in the legal system is important to ensure that they receive appropriate protection and support as well as proper justice. Efforts to support victims must be carried out with full attention and sensitivity to their needs and conditions.

METHODOLOGY

The research approach in this study is analytical descriptive research. This will provide a comprehensive picture of the problem being studied by analyzing secondary data, including primary legal entities, secondary legal data and tertiary legal materials. Data will be analyzed qualitatively and normatively to interpret and develop statements contained in documents and laws. This approach aims to produce an in-depth understanding of the application of law, the effectiveness of norms, and the potential for improvements in the legal system.

RESULTS

Causes of Children as Victims of Human Trafficking Crimes

Child trafficking is a complex problem involving many factors. The following is a more in-depth explanation of the factors that cause it Children become victims of criminal acts of human trafficking, as well as challenges in law enforcement in Indonesia:

1. Economic Factors
2. Ecological Factors
3. Lack of Gender Equality
4. Law Enforcement Factors
5. Education Factor
6. Environmental Factors
7. Traditional Social and Cultural Factors
8. Child Marriage
9. High rates of child trafficking

Inadequate law enforcement is one of the main challenges in combating child trafficking. Some of the main problems include Corruption among law enforcement officials and a lack of resources often makes law enforcement ineffective. This allows human traffickers to operate with impunity. Lack of special training for law enforcement in handling child trafficking cases can result in inadequate handling and difficulties in collecting evidence. Effective law enforcement requires coordination between various agencies and countries. These limitations in coordination can hamper efforts to combat human trafficking. Adverse economic conditions, such as high inflation and foreign debt, can exacerbate poverty and increase vulnerability to child trafficking. Economic instability also reduces the government's ability to allocate budgets for law enforcement and child protection programs.

How to Enforce the Law Against Child Trafficking in Indonesian Criminal Law

Law enforcement against child trafficking in Indonesia includes several important aspects which are regulated in various laws and regulations. Since ancient times, child trafficking has been regulated in the Criminal Code. However, the existing regulations in the Criminal Code do not fully meet modern needs in dealing with the crime of trafficking in persons (TPPO). Article 297 of the Criminal Code regulates trafficking in women and underage boys with the threat of imprisonment for a maximum of six years and the deprivation of certain rights.

However, along with growing awareness of this crime, and its complexity and social impact, existing regulations in the Criminal Code are considered inadequate to deal with more complex and organized forms of human trafficking. To overcome deficiencies in the Criminal Code, Indonesia has adopted a more comprehensive special law regarding human trafficking, namely Law Number 21 of 2007 concerning the Eradication of the Criminal Act of Trafficking in Persons (UU TPPO). This law provides a stronger and more detailed legal basis for law enforcement against criminal acts of human trafficking, including child trafficking.

The TIP Law provides a clear definition of human trafficking and covers all forms of exploitation, including sexual exploitation, forced labor, and other forms. This law provides for heavier criminal penalties than the Criminal Code, including longer prison sentences and larger fines. For example, Article 2 of the TIP Law regulates the threat of imprisonment for a minimum of 3 years and a maximum of 15 years and a maximum fine of IDR 600,000,000. The TIP Law also covers the protection and recovery of victims, as well as prevention. This includes victims' rights to receive rehabilitation, legal protection, and psychosocial support. This law also emphasizes the importance of prevention and treatment involving various parties, including the government, society and non-governmental organizations (NGOs).

Law enforcement in the context of TPPO requires the involvement of various law enforcement officials, including police, prosecutors, judges and social services and child protection institutions. Law enforcement against child trafficking requires commitment and cooperation from various parties to ensure that perpetrators can be punished firmly and victims receive appropriate protection.

Law Enforcement Theory/Concept

Law enforcement in Indonesia, as regulated in the 1945 Constitution and the principles of legal sovereignty, has an important theoretical basis for understanding how law is applied and respected in the state system. A rule of law is a country where government power is limited by law, and these laws apply generally and fairly. Article 1 paragraph (3) of the 1945 Constitution confirms that Indonesia is a country of law, which means that all actions of the state and society must be in accordance with the law. In this context, law functions as a guide for government and citizen action, as well as a means of ensuring justice. The theory of legal sovereignty (*Rechtssovereiniteit*) emphasizes that law is the highest authority in the state. This means that all individuals and institutions, including governments and authorities, must obey the law. This concept aims to prevent abuse of power and ensure that important decisions in society are taken based on objective and predictable rules. Supremacy of Law refers to the principle that the law is above everything and has the highest power in a country. This means that no individual or institution is beyond the reach of the law. This principle emphasizes that law is the main rule that regulates relations between individuals and between individuals and the state. In practice, this also means that state power and government actions must be based on law and cannot be arbitrary. In modern legal systems, the

principle "the rule of law, and not of man" means that the law, not the wishes of particular individuals or groups, should govern. This ensured that everyone, including the ruler, had to follow the established rules. This concept avoids absolute power and guarantees the protection of individual rights and justice in law enforcement.

CONCLUSION

Conclusion from the discussion regarding the criminal act of trafficking in minors (child trafficking) and the crime of human trafficking (human trafficking) is very relevant and covers various important aspects of this problem.

1. **The Importance of Handling the Crime of Child Trafficking.** The crime of trafficking in minors is a form of modern slavery that requires serious attention and action. This case has increased significantly, as recorded in data from the Ministry of Women's Empowerment and Child Protection via the SIMFONI PPA application, showing an increase in cases of 62.5%. This indicates the need for more intensive and systematic treatment to protect children and adolescents from human trafficking.
2. **Factors Causing the Crime of Human Trafficking.** The crime of human trafficking is triggered by various factors, including economic factors, ecological factors, and the lack of effective sanctions for perpetrators of the crime. These factors contribute to the increase in cases of human trafficking and require a multi- dimensional approach in preventing and responding to it.
3. **Victimology Perspective in Human Trafficking Crimes.** Victimology provides an overview of the involvement of victims and perpetrators in criminal acts of human trafficking. Although the ultimate fault lies with the perpetrator, it is also important to understand that several factors on the part of the victim can influence the crime. This highlights the need for a holistic approach to understanding and preventing human trafficking, with attention to the factors that influence victims.

Law Enforcement Efforts to Protect Victims' Rights. The increasingly widespread crime of human trafficking, especially against minors, requires more effective law enforcement efforts to protect the rights of victims. This includes consistent law enforcement efforts and adequate protection to prevent and handle cases of human trafficking and ensure that victims' rights are respected and fulfilled.

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