



## Prevention and Legal Protection for Victims of Human Trafficking and Drug Abuse Offenses

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### ABSTRACT

Human trafficking and drug abuse are two complex problems that have a serious impact on people's lives globally. Besides threatening human rights, human trafficking and drug abuse also damage individual welfare, disrupt the social order, and harm the aspect of economies in all countries. Generally, human trafficking involves forced labor, organ trafficking, and also sexual exploitation, which are very damaging and harm the victims. On the other hand, drug abuse has become rampant like a pandemic that has spread all around the world and affected society. Drugs can be very harmful, apart from causing physical harm, they also can cause mental illness to their victim. In this research, the authors will examine the relationship between human trafficking and drug abuse, identify how to prevent and also to found legal protection for the victims.

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## **INTRODUCTION**

Human trafficking is the act of recruiting, transporting, harboring, transferring, or receiving a person through threats or use of force, abduction, coercion, fraud, abuse of power or vulnerability, debt bondage, or giving payments or benefits to achieve consent from a person having control over another person, whether occurring within a country or across borders, for exploitation or causing the person to be exploited.

Human trafficking has become one of the many crimes that can significantly damage society. Over time, this criminal activity has continued to increase and evolved into a highly profitable and detrimental global and multinational business. Each year, hundreds to thousands of individuals, especially children and women, become victims of this crime. The forms of exploitation vary, including organ trafficking, sexual exploitation, forced labor, and various other forms of slavery. Human trafficking presents a challenging problem to combat because it is often conducted covertly, making eradication efforts very difficult.

This criminal activity grossly violates humanitarian principles and causes significant social and economic harm. Surviving victims of human trafficking often suffer psychological trauma from the violence they endure. Furthermore, the fundamental rights of these victims as human beings are stripped away by these heinous criminals. Therefore, the protection of human rights and the eradication of human trafficking should rightfully be international priorities.

## **LITERATURE REVIEW**

During the period from June 5 to September 21, 2023, the Human Trafficking Task Force (Satgas TPPO) received 864 reports indicating that 1,014 individuals were identified as suspects in human trafficking cases. Most cases involved illegal Indonesian Migrant Workers (PMI), totaling 525 cases, followed by cases of Commercial Sex Workers (PSK) amounting to 283 cases. Additionally, there were 69 cases of child exploitation and 7 cases of individuals targeted to become Crew Members (ABK).

Victims of human trafficking are often promised lucrative job opportunities abroad with decent pay and assurances of a safe and secure life and work environment. However, the reality is often the opposite – they become victims of human trafficking, which is highly detrimental to them but profitable for the perpetrators of this crime. Economic factors play a significant role in the occurrence of this crime, as many individuals are lured by these enticing offers and false promises.

Penalties for perpetrators of human trafficking are outlined in Article 2 (1) of Law No. 21 of 2007 concerning the Eradication of Human Trafficking Crimes, which states: "Anyone who recruits, transports, harbors, transfers, or receives a person through threats or use of force, abduction, coercion, fraud, abuse of power or vulnerability, debt bondage, or giving payments or benefits, even with the consent of a person having control over another person, to exploit that person within the territory of the Republic of Indonesia, shall be punished with

imprisonment of at least 3 (three) years and a maximum of 15 (fifteen) years and a fine of at least IDR 120,000,000.00 (one hundred and twenty million Indonesian Rupiah) and a maximum of IDR 600,000,000.00 (six hundred million Indonesian Rupiah).

On the other hand, drug abuse is also a highly complex global health challenge in recent years. The impact of drug abuse can affect individuals physically and psychologically and have widespread effects on society, the economy, and social security. Drug abuse refers to the unauthorized and uncontrolled use of narcotic substances. The effects of these narcotics can lead to physical and psychological dependence.

Drug abuse has reached alarming levels, with not only an increasing number of users but also spreading across various segments of society, from teenage students to government officials. Drug trafficking trends in Indonesia show an increasing tendency, and unfortunately, drug use is now prevalent among government officials and law enforcement officers.

Human trafficking and drug abuse are two interconnected complex problems, despite their different root causes. Often, victims of human trafficking are forced into drug distribution as part of their slavery. Drug users who are addicted and vulnerable are often targeted by human traffickers for exploitation purposes. Narcotic substances are also often misused by human traffickers to incapacitate victims, rendering them unable to resist and forcing them to comply with the perpetrators' demands.

Therefore, we have formulated several issues regarding human trafficking and drug abuse:

1. What is the connection between human trafficking and drug abuse, and what are the contributing factors?
2. What preventive measures can be taken to address the prevalence of human trafficking and drug abuse?
3. What legal protections are available for victims, and what penalties will be imposed on perpetrators based on existing laws in Indonesia?

## **METHODOLOGY**

In this research, the author employed a normative legal approach with a method of data collection involving a literature review, which entailed reading, noting, and studying various written legal sources. The study also utilized a normative juridical approach based on legal materials, which involved examining theories, concepts, principles, and legislation relevant to the research. Through the use of this method, the author obtained quantitative data from collecting written sources such as books, journals, and the Internet.

## **RESEARCH RESULT AND DISCUSSION**

### **The Interconnection Between Human Trafficking and Drug Abuse and its Contributing Factors.**

Human trafficking can be considered a modern form of human rights violation, enslaving individuals for the benefit of a few. Various forms of exploitation occur, especially the forced exploitation of children and women. The

prevalence of such cases makes human trafficking an illegal act that violates the law (Nurhenny, 2010: 307).

Human trafficking and drug abuse are two complex and troubling global issues that impact various aspects of society, not only physically but also psychologically affecting the victims' well-being. These criminal acts violate human rights and disrupt social order.

At first glance, human trafficking and drug abuse may appear unrelated and distinct. However, upon closer examination, connections between these two issues can be identified. Narcotic substances used inappropriately outside medical guidelines can cause health damage. In the context of human trafficking, drug abuse is often used as a tool of control by perpetrators to manipulate and exploit victims. Traffickers use drugs and addictive substances to incapacitate victims, leading them into dependency and ultimately coercing them to comply with their demands in exchange for drugs to satisfy their cravings. This dynamic trigger exploitation, forced labor, and various forms of slavery.

Both issues are complex and impact various aspects of society, including social, economic, and public health realms. The interconnections between human trafficking and drug abuse include:

**1) Cycle of Dependency**

Many victims of human trafficking eventually develop dependencies on narcotics and illicit addictive substances, initially forced upon them by perpetrators. Some victims use these substances as a coping mechanism for trauma and psychological pressure experienced as victims of human trafficking, worsening their conditions.

**2) Victim Exploitation**

In the context of human trafficking, victims are often exploited and coerced into various activities. In some cases, victims of human trafficking are forced into drug distribution. Furthermore, drug use is sometimes used for sexual exploitation to control victims of sexual exploitation.

**3) Interrelated Trafficking Routes**

Human trafficking and drug trafficking routes are often interconnected, creating a complex environment that complicates prevention and law enforcement efforts due to the extensive networks involved.

**4) Reinforcing Factors**

In the context of both human trafficking and drug abuse, economic factors play a significant role. Victims of human trafficking are often lured with promises of high-paying jobs, enticing them to join perpetrators. Similarly, victims of drug abuse are often economically disadvantaged, choosing shortcuts such as drug dealing for promised financial rewards.

The crime of human trafficking can be caused by several factors, including:

**1) Poverty**

Poverty in Indonesia is a complex social phenomenon that is challenging to resolve and serves as the root cause of many issues in the country. Limited

job opportunities and lack of knowledge about employment opportunities contribute to poverty. The imbalance between family size and income also leads to poverty. Human trafficking is closely related to poverty, as perpetrators lure victims with lucrative job offers to escape poverty.

**2) Low Education Levels**

Education plays a crucial role in preventing individuals from falling into detrimental situations. Education here refers not only to academic degrees but also to broad knowledge and awareness. Individuals with extensive knowledge and awareness are less susceptible to deception or manipulation.

**3) Forced by Violence**

This refers to anarchic actions where victims are forced into traumatic and psychologically burdensome situations. Perpetrators often exploit victims sexually force them into commercial sex work, or even enslave them for sexual purposes.

Drug abuse occurs when individuals excessively use drugs contrary to medical advice, including using drugs to experience psychoactive effects. Drug abuse has various risks and negative impacts on users or victims. Some causes of drug abuse include:

- 1) Curiosity to try new things.
- 2) Desire to appear different.
- 3) Lack of self-confidence.
- 4) Influence of negative environments and social circles.
- 5) Trapped or forced into drug consumption leading to addiction and substance abuse.

**Efforts to Prevent Human Trafficking and Drug Abuse**

Human trafficking and drug abuse are urgent issues that require immediate attention, as they not only threaten human rights but also disrupt social order. Prevention efforts are proactive steps aimed at preventing these issues from worsening. In the context of human trafficking, prevention efforts focus on identifying and addressing risk factors that make individuals vulnerable to trafficking, as well as strengthening security and protection systems to prevent exploitation of communities. The Indonesian government has implemented several regulations aimed at addressing human trafficking issues, including the creation of a new Criminal Code (KUHP) and the Omnibus Law on Job Creation (Perppu UU Cipta Kerja) to support labor efforts and provide protection.

In addition to government policies aimed at preventing human trafficking, the general public with broader knowledge and insights can also participate in preventing human trafficking. Some efforts that can be undertaken include:

**1) Conducting Socialization**

Educating and raising awareness among the general public about human trafficking, including typical methods used by perpetrators and the impacts of becoming a victim of human trafficking. Through regular socialization, it

is hoped that the public can understand the dangers associated with this issue, potential solutions, and the legal protections available.

## **2) Taking Active Roles in Prevention**

When we become aware of human trafficking crimes, it is important to actively intervene to prevent further victims. In this context, one can report incidents to authorities with strong evidence to ensure prompt handling and eradication of these crimes.

In the context of drug abuse, this remains a serious issue that the government pays close attention to because drugs can undermine national morals and destroy the future of the nation's youth. There are two methods considered most effective in preventing and addressing drug abuse: promotive and preventive methods.

### **1) Promotive**

Also known as development programs, these activities target individuals who have never used or been exposed to drugs. The goal is to engage communities in activities that promote well-being, thereby keeping them away from drugs.

### **2) Preventive**

These activities aim to prevent drug use among individuals who are not yet familiar with drugs. The goal is to educate communities about the dangers of drugs so they can avoid them.

The government and communities must collaborate to raise awareness through socialization about the dangers and negative impacts of drug abuse. The police must also cooperate and act swiftly to eliminate drug traffickers and dealers, aiming to reduce the number of drug abuse victims.

## **Legal Protection for Victims**

Legal protection for victims of human trafficking and drug abuse in Indonesia is provided by several laws that establish a legal framework to assist and protect these victims. Some of these laws include:

### **1. Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking**

This law is specifically designed to combat human trafficking. It covers various aspects, including the definition of human trafficking, related criminal offenses, victim rights, and the legal consequences for perpetrators of human trafficking, as outlined in Article 2 paragraph (1).

### **2. Law Number 35 of 2009 concerning Narcotics**

This law addresses the abuse and illicit trafficking of narcotics. Additionally, it stipulates legal consequences for perpetrators and regulates rehabilitation for victims of drug abuse who require medical and social recovery. The rights of addicts and victims of drug abuse to rehabilitation are outlined in Article 54 of the Narcotics Law. Penalties for drug dealers and distributors are

stipulated in Article 116 of the Narcotics Law, while penalties for drug abusers of category I drugs are regulated in Article 127 of the Narcotics Law.

### **3. Government Regulation Number 44 of 2008 concerning the Protection of Victims, Witnesses, and Reporters**

This regulation aims to provide additional protection for victims. This protection includes identity confidentiality, physical security, and legal assistance during and after the judicial process.

This legal protection ensures that victims of these crimes not only receive protection from the exploitation they have experienced but also receive rehabilitation services for their physical and psychological recovery.

## **CONCLUSIONS AND RECOMMENDATIONS**

Human trafficking and drug abuse are two complex global issues that are closely interconnected when examined and studied in depth. Some of these interconnections include the cycle of dependency, exploitation of victims, interconnected trafficking routes, and reinforcing factors.

Human trafficking and drug abuse can be prevented through various efforts, one of which is providing education and understanding to communities, especially those in lower socioeconomic strata who often lack education and awareness about human trafficking and the negative impacts of drug use and abuse.

Legal protection for victims and penalties for perpetrators have also been established through various laws and government regulations in Indonesia, including Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking, Law Number 35 of 2009 concerning Narcotics, and Government Regulation Number 44 of 2008 concerning the Protection of Victims, Witnesses, and Reporters.

## **ADVANCED RESEARCH**

In writing this article the researcher realizes that there are still many shortcomings in terms of language, writing, and form of presentation considering the limited knowledge and abilities of the researchers themselves. Therefore, for the perfection of the article, the researcher expects constructive criticism and suggestions from various parties.

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