HUMAN TRAFFICKING IN INDONESIA: LAW ENFORCEMENT PROBLEMS

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Abstract

Human trafficking is considered as a crime against humanity. To conduct the due process of law towards cases related with human trafficking, the law enforcement officers cannot work by themselves. They really need assistance from many parties -- such as active report from the society —as a valuable information to disclose such cases. Law enforcement conducted towards woman and child trafficking is still ineffective. It is proven by many existing cases, that low number of processed cases before the court and minimum sanction convicted to the perpetrators is clearly evident. Factors which are deemed to have correlation with low attempt of law enforcement towards legal case on this case, among others are: Lack of the Government's commitment to fight against the crime of human trafficking, in the event that the ineffectiveness in utilization of prevailing laws and regulation; Lack of capacity or professionalism of law enforcement agency (and relevant parties) in handling women and child trafficking at the field. This may be caused by lack of knowledge on infringed regulation. For that matter, those law enforcement agency shall be given socialization and an SOP (standardized operational procedure), so that there will be no inconsistency in handling the existing cases;

Introduction

Human trafficking seems to exist without an end in this world. Up to the present moment, human trafficking practices keep occurring in Indonesia, particularly where the object are women and children, and therefore it raises a special concern to us. In several existing cases, based upon the publication on press and electronic media and according to several research conducted by many parties, it is clearly evident that human trafficking issue requires a very serious attention, not only from the government but also from the entire society. This is why research towards this matter becomes substantially important for further and thorough investigation.

From several existing cases, it is found that human trafficking, particularly women and children, are not only limited to forced prostitution or sexual trading, but also include other forms of exploitations, such as forced labour and similar

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form of slavery practice which is conducted in some region in informal sector\textsuperscript{4}, including domestic work and ordered wife.\textsuperscript{5} Victims from Indonesia, in general, experience trading pattern with purpose of forced prostitution or sex trading along with sexual violence.\textsuperscript{6}

Secondly, human trafficking, particularly women and children, is not a new matter in this world. Even, many countries which are currently deemed as big and developed countries, in the beginning, owed many to the civilians from ‘poor and weak countries’ who were forcibly taken to work in plantations or factory. As an example: the Netherlands and Japan which once colonized Indonesia. At that time, before the end of the 19\textsuperscript{th} century and the beginning of the 20\textsuperscript{th} Century, there were shipment of plantation workers from Java to the colony areas of the Netherlands in Suriname and Caledonia.

The mobilization of workers for the sake of colonialism also occured in the Japanese colonized countries. In only three and a half years of Japanese occupation, the Japanese Imperial Government has sent millions romusha (both men and women) from Netherland Indiesche (Indonesia) to Indochina countries, to build the Japanese military infrastructures. Such worker migration pattern on colonialism era is, of course, different from worker migration that occured nowadays, but if we pay close attention, definitely some operational pattern may exist, which includes recruitment and exploitation that happened currently are identical with those which happened on the colonialism era.\textsuperscript{7}

A question then arised: If the world civilization becomes more civilized, will slavery vanish? Juridically and formally, it will, because there is no single country which acknowledge and is tolerant with slavery practice. Besides, in Indonesia itself (although at that time was still colonized by the Dutch), since 1 January 1860 slavery practice has been abolished in accordance with Article 169 Indische Staatsregeling.\textsuperscript{8} However, this does not mean that slavery has been abolished entirely from earth.\textsuperscript{9} International community nowadays still find a similar activity in more modern way,\textsuperscript{10} which later named as forms of contemporary slavery. This problem has a serious consequence that the United

\begin{itemize}
  \item \textsuperscript{8} R. Soesilo (1996). KUHP serta Komentar-komentarnya Lengkap Pasal demi Pasal. Bogor: Politeia., page. 233. However, Article 324 KUHP (Indonesian Criminal Code of Law) does not explicitly state that it is revoked, maybe the experts think that slavery in modern form may happen in the future (for example contemporary slavery).
  \item \textsuperscript{9} Similar statement also brought up by Meggy Lee (2007) in her writing with the title of “Introduction: Understanding Human Trafficking” on Human Trafficking, Devon UK: Willan Publishing, Page 3-4.
  \item \textsuperscript{10} US Government in Trafficking Person Report on 2004, stated that trafficking in persons as “modern-day form of slavery.”
\end{itemize}
Nations, through *Office of The High Commissioner of Human Rights issued Fact Sheet No. 14* with the title of "Contemporary Forms of Slavery." Activities included in this category are:

a. Child trafficking,
b. Child prostitution,
c. Child pornography,
d. Child workers' exploitation,
e. Sexual mutilation on young girls,
f. child's involvement in armed conflict,
g. Slavery,

h. Human Trafficking,
i. Human organ’s trafficking,
j. Exploitation for prostitution, and
k. Some activities under apartheid regime and colonialism.\(^{11}\)

Thirdly, because actually, human trafficking is not only a local issue or only exists in developing countries, but currently it has been a global issue.\(^{12}\) It is also experienced by countries in the other side of the world,\(^ {13}\) even in developed countries such as United States, England and France.\(^ {14}\) Newest information acquired from internet stated that currently in the region of Great Britain, around 18,000 females including young women aged 14 years old have become victim of human trafficking.\(^ {15}\) The victims are mostly from Brazil, China, Lithuania and Thailand. These people become victims with the modus operandi of fake promises that they will be working as servants at bar and night club, but in the end, they ended up as prostitutes. For several certain cases, they not only have to undergo due process in criminal law of the local court, but also at the international court level, particularly for cases that happened at conflicting countries.\(^ {16}\)


\(^{12}\) Romil Atmasasmita (2004). *Lalu Lintas Perdagangan Orang.* <http://www.kompas.com/kompas-cetak/040629/opini/1112057.html>, "One third of human trafficking amount worldwide are human or children, about 200,000-225,000 persons in each year (based on UNAFEI report 2004)." Please also refers to: <http://www.state.gov/g/tip>, Annually, at least 600,000-800,000 people, mostly women and children, are trafficked across borders worldwide.....", Page 1.


\(^{14}\) <http://www.state.gov/g/tiprpt/2004>, Human trafficking victims in United States have reached 14.500-17.500 persons, in French, it has reached 15.000-18.000 persons (3.000-8.000 persons among others are children forced to conduct prostitution), while in England, it is only mentioned as destination country without exact amount.

\(^{15}\) Data is taken from Google alert mailing list, accessed on 3rd July 2008 based on information from <www.thaindian.com>, (July 3rd, 2008 - 4:35 pm ICT by Bupha Ravirot : Up to 18000 females, including girls as young as 14, are forced to work as prostitutes in brothel across Britain after being smuggled into the country) dan <www.dailyrecord.co.uk> (More trafficked women seeking help, Jul 3 2008 by Annie Brown).

On a report issued by US Government on *Trafficking in Person Report 2006*, Indonesia was categorized as Level 2 Watch List. This category is increasing since particularly on the previous years before, Indonesia was at Level 3. On the newest report issued in 2007, Indonesia has been categorized higher into Level 2 due to the reason that Government of Indonesia is assessed better in conducting increasing efforts to combat human trafficking in Indonesia. Enactment of Law Number 21 of 2007 on Elimination of Human Trafficking (hereinafter referred as to: EHT Law), can also be deemed as an indicator in Indonesia’s hard work toward the issue, although the formulation and implementation towards this law shall be further studied so that it can improve Indonesia’s stand to a better position. Therefore, it is expected that the implementation of this Law may support the law enforcement efforts towards human trafficking cases, particularly when the victims are women and children.

**Law Enforcement**

It is inevitable that law enforcement becomes the main factor which is mostly expected in overcoming the issue of human trafficking. According to Lawrence M. Friedman, pursuant to this matter, there are three important factors in law enforcement, which are:

1. Structure,
2. Substance, and
3. Legal culture.

Legal Structure consists of existing law institution which proposes to conduct the existing law instruments, legal substance in relation to prevailing laws and regulation (positive law), which has a legal binding power and becomes

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18 There are 3 levels which may be given to the countries based on categorization on such report, such as: Tier 1: countries which fulfill minimum standard of human trafficking law enforcement as determined on *Trafficking Victim Protection Act – Minimum Standard for the Elimination of Trafficking in Persons* (TVPA) issued by United States. Tier 2: countries which has not fulfilled minimum standard of TVPA but shows actual effort in fulfilling it. Tier 2 Watch List: countries which has not fulfilled minimum standard of TVPA but shows actual effort in fulfilling it, however, amount of victims are very huge or keep increasing, or there is no evidence of actual effort to combat human trafficking, or there is only commitment for execution on the next year. Tier 3: countries which has not fulfilled minimum standard of TVPA and has no actual effort to fulfill it.


20 Lawrence M Friedman (1984). *American Law*. London: WW Norton and Company., Page. 5-7. Friedman describes the three factors as follows: *the structure of a legal system consists of elements of this kind: the number and size of courts, their jurisdiction, and modes of appeal from one court to another, how the legislature is organized, what procedures the police departement follows, and so on; substance, by this meant the actual rules, norms, and behavior patterns of people inside the system; legal culture, by this we mean people’s attitudes toward law and legal system, their beliefs, values, ideas, and expectations.*
a guideline to law enforcement agency, while legal culture is related to how the society acts and behave.

Such orders do not automatically describe that one factor is more important than others. Also in the event of law enforcement of human trafficking, each factor has its own role in law enforcement to overcome the problem which has been existed for a long time in most countries, including in Indonesia. Human trafficking case in its law enforcement shall be supported by the three factors, i.e. structure, substance and legal culture.

Besides, Satjipto Raharjo states that law enforcement is the conduct of law itself in daily living in society. Satjipto Raharjo also adds that law enforcement is a process to make legal intention real. Such intentions are the thought of law maker which is formulated into regulation. Pursuant to that, the essence of law enforcement is regarded as the realization process of justice, benefit and law certainty conducted by law institutions such as court, prosecutors, police, prison, and regulatory body.

In the event of human trafficking case, law enforcement is deemed as a realization of justice, benefit and law certainty for its victims. Its enforcement shall be supported by the structure, substance and culture because in practice, human trafficking case is closely related to law structure which consists of criminal court system along with law enforcement agency that are expected by justice seekers. Therefore, in accordance with the substance, how far the formulation of law regulates this act and legal culture which is also involved in its law enforcement. Thus, in human trafficking case, law enforcement is regarded as realization of justice, benefit and law certainty for its victims.

Case Study: Singkawang

Along with the development in ages, human trafficking has developed in form of various activities and modus operandi, but its nature remains the same, which is an exploitation of one human to another human. Even more, in accordance with the complexity of human problem and technological development which is increasing rapidly, the practice of human trafficking that is happening nowadays is more difficult to be detected and disclosed because it is disguised by legal activity and over the territorial border of a country.

As part of the world civil society, particularly part of developing countries, it is difficult for Indonesia to be excluded from women and children trafficking, especially territory which is over the border of countries. This is also caused by geographical location of Indonesia which is vulnerable to human trafficking passage. Indonesia, besides possessing many islands which can be surpassed by water transportation, also adjoined directly with East Malaysia which can be traveled by land way.

Area which can be taken as an example is Singkawang in West Kalimantan. Singkawang has an easy access to East Malaysia because it can be passed by land way which opens the vicious opportunity of women and children trafficking. In 1989, the Border Crossing Post (PLB) of Indonesia-Malaysia (well-known as PLB Eintekong/Entikong – Tebedu) was officially opened by former President Soeharto. This border connects West Kalimantan and East Malaysia through land way. It is possible that the purpose of the government to make transportation access easier between Malaysia – Indonesia, which is built without being aware of the potential problems that may arise in the future. The problems that occur since the PLB opened are, among others:

1. Moving of concrete poles used as border indicator between countries;
2. Illegal logging involving civilians of both countries;
3. Labour problem with human trafficking as the tiptop of it.

Actually there are two ways of human trafficking, particularly women and children in West Kalimantan:

1. Through official border line, that is PLB Eintekong-Tebedu by using passport;
2. Through unofficial border line that is Jagaor Babang-Serikin which only uses a letter or a ticket in form of Border Crossing Pass without any other important supporting document. Mostly, prospective Indonesian Worker uses this line that has no complete administration requirement and aged only between 9-14 years old.

The original purposes of Border Crossing Pass are:

1. Only as a measurement to guarantee if there is a sudden inspection made by the authorities at the border;
2. Only used by civilian at the border and not applicable up to Kuching;
3. Cost needed is only 75-100 thousands Rupiah as long as in accordance with Identity Card and Birth Certificate in which the PLB issued.

Along with our topic of discussion, we will further discuss particularly the negative impacts created since the opening of PLB Eintekong-Tebedu in relation with human trafficking on top priority:

1. There are persons as accomplices of PJTKI (Indonesian Employment Service Companies) outside area of West Kalimantan whose function is to facilitate the transporting of Indonesian Workers to East Malaysia. On the recruitment, they use the following method:
   a. Accept the transporting of Indonesian Workers from Java Island and West Nusa Tenggara,
   b. Conduct individual recruitment by advertising in media in relation with offers to work abroad;

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23 Singkawang case is summarized from Hairiah’s report, head of LBH APIK Pontianak who mostly advocates victims of women and children trafficking. Published on Women Journal No. 29 year 2003.
2. The brokers who have no access to PJTKI will start their own business, which is illegal, with method of recruitment as follow:
   a. Conduct the transporting of worker personally by directly open a network in both countries;
   b. Directly approach the prospective workers and send them to another broker.

Sending process:

1. Recruitment:
   a. Recruiters come to central area of migrant workers dwelling, such as District of Pontianak, District of Sambas, District of Sanggau, District of Landak and District of Bengkayang. In conducting this mission, the brokers ask the participation of community leader who acts as intermediator or guarantor of the program. It happens ironically as if the broker and such public or community leader have known each other. Parents and children are persuaded by fake promises and fantasy in working abroad. After the parents believe to the promises made by the recruiters, they will be given some money.
   b. After the prospective worker finish arranging the required letters/documents then the recruiter send them to the transporting broker at Pontianak. The duty of recruiter ends here and he got some money. The amount of money depends on the completeness of administration/documents owned by prospective worker in form of Identity Card, Certificate and Birth Certificate, which shall be required to obtain green (regular) Indonesian passport. The identity on passport such as name, address and date of birth are mostly manipulated.
   c. While waiting for the passport, the prospective workers are placed in a special location at District/ Province which has nearest immigration office. Living in such places is scary. They are isolated from society and pack like sardines with their fellow future workers. Day and night they are tightly supervised. They willingly accept the miserable condition because they are not familiar with the society or people who live around them.
   d. If the passport has been issued, they are prepared to be sent. However, the passport is held by the broker and upon the arrival; the passport is held by the Employer.
   e. The transit area is mostly at the airport.
   f. The transporting method may use these means of transportation:
      1. Land;
      2. Sea; and
      3. Air.

Transportation may be conducted by direct trip to destination country or transit in particular place such as airport. Special for trip by land way, may be conducted by using rented car, private car or cross border bus. The trip will take 8-10 hours from Pontianak to border of Eintekong-Tebedu.
The border condition is very poor, messy and convoluted. Many stalls become headquarters of brokers and even the owner of such stalls act as intermediary. Upon the arrival, the car or bus shall stop for document inspection and usually handled by broker who takes them.

Afterwards, they walk on foot around 100m to the border of Indonesia-Malaysia to find broker from Malaysia who wander around there and also conduct the transaction. Demand and offered price depends on the ethnicity and the character of prospective worker.

Up this stage, the responsibility shifts to the broker from Malaysia. If the transporting action uses the border crossing bus, then the broker will join up to Kuching Terminal. There, they will be picked up by transport carrier along with the protection of thugs up to the location at Malaysia. If it uses private/rented car, the prospective workers will use private transportation owned by agent/broker or public transport.

This location is usually in form of closed private house or cheap hotel. In this location, there is a prospective employer who has been waiting for the coming of the workers. These unfortunate people are ordered to stand in front of the glass window so that the prospective employers may freely choose which one is suitable for them.

For Indonesian workers by illegal agent, written agreement made between employer and worker is only known by the broker. What the worker has to do is only to sign a blank paper without knowing the substance of such agreement. Even more, an agreement is closed only by a verbal discussion between the broker and the worker, and on a separate occasion between the broker and the employer.

If the worker cannot stand the poor condition at the enclave anymore, she or he will run away by way of leaping the fences, jumping from the high floor, asking help from neighbour, leaving the enclave quietly at night and running to the forest. The possibility that will happen to her are:
1. Meet good and kind citizen who care for her safety and will escort her to Indonesian Consulate or Police station;
2. Meet bad people; get raped, traded or sent back to employer’s house/broker;
3. Death, because of falling down from the high place.
4. Physically handicapped because of torture from employer or falling from the high place.

Women and children trafficking existed in Singkawang since 1995. At the beginning, the form of trafficking which happened was a marriage contract; now it shifted to baby trafficking by way of smuggling and also by trafficking with the purpose of working and sexual exploitation. Destination country is Singapore, Hongkong and Mainland China. In Singkawang, the brokers send prospective worker one at a time, so that they are not agents from PJTKI, but illegal worker scout.24

24 Based on interview conducted by the author with 2 officers in Prison who occupied at Singkawang, West Kalimantan. Interview conducted on 12 June 2004.
Human Trafficking In Indonesia: Law Enforcement Problems

From the existing data, it can be concluded that from those occurred cases only a few that may be processed before the court. This does not include the undisclosed cases while the law enforcement is needed to overcome the existing cases. Meanwhile, human trafficking cases seem to appear as an iceberg phenomenon, which appears on the top only, while undetected ones are far many to mention.

As data, it may be worth questioning, does such data show real crime which exists in the society and from all those cases, are all of them successfully disclosed by the police? Because this kind of problem is like an iceberg phenomenon, in which only the top part of it that is visible while there are still many cases that exist under the surface. Unfortunately, such questions cannot be answered with sufficient amount of certainty. The limitation of purpose and objectives of this research makes it impossible to answer all those questions above. Therefore, the data only acts as a preliminary elaboration on crime related to human trafficking which is dealt by the Indonesian National Police.

Human trafficking is considered as a crime against humanity and hard to be disclosed. Besides, the traffickers are people who have expertise, network and access to various scopes – like lawyers, political elites, and law enforcement agency – the victims are people who are not familiar with law and experience urgent financial problem, so that they are easy to be cheated.

To conduct the due process of law towards cases related with human trafficking, the law enforcement officers cannot work by themselves. They really need assistance from many parties – such as active report from the society — as a valuable information to disclose such cases. Therefore, there are several important factors in disclosing women and children trafficking. Those factors are:

1. Criminal Court Institution

The professionalism of the traffickers in conducting their crime makes the police experience difficulties in disclosing cases related to human trafficking. Limitation on the number of personnel and limited fund become classical reason of the police in disclosing cases of human trafficking. Such limitation shall increase if it relates to the capacity of investigators in disclosing the cases reported by the public.

In the process of investigation, the police must have a special skill in handling the cases of human trafficking. This special skill is needed because the traffickers are not foolish people. They generally have prepared themselves in every effort, if there is a possibility which will involve them with the law. This

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'specialty' owned by the traffickers makes the disclosure of human trafficking case by police harder.

Technically and juridically, the obligation to obtain sufficient preliminary evidence in handling criminal cases becomes obstacle to the police. To make matters worse, the existence of no witnesses who are willing to give testimony in disclosing human trafficking. The reluctance of the witnesses to give testimony is caused by several reasons, which are: (1) the hearing process are complicated and takes long time; (2) there is no safety guarantee for the witness from every kind of threat; (3) less care from the agencies to the witness so that witness becomes scared or reluctant to deal with the law enforcement agencies; (4) the reason of time and cost are specific obstacles for the witness to deal with the law enforcement agencies.

Moreover, the prosecutor in submitting his prosecution, only suing the defendant with minor sentence, after that the judge only sentenced minor sentence to the defendant. The difficulties in the process of investigation and enquiry have wide impact to further process of law. Therefore, trafficking becomes a serious problem, which is hard to be disclosed.

2. Trafficker

It has been previously mentioned that the trafficker has a wide array of network. Although accurate evidence has not been obtained, it may be estimated that trafficker is a group of persons who has organization, or mostly known as organized crime.\(^{27}\) By involving many people, having quite wide network, it is not impossible that these traffickers are difficult to be captured, or processed by law.

Hugh D. Barlow has identified these crimes conducted by an organized crime. According to Barlow, organized crime prefers businesses such as prostitution, because this activity gives them abundant profit. For the sake of business' growth, organized crime does not hesitate to gain network with politicians and government. Therefore, it is not much to say that organized crime makes political corruption an integral part of its business.\(^{28}\)

With such condition, it will be difficult to disclose crime in the form of human trafficking. Even if the law enforcement agency is able to capture the perpetrators, those are only low-level perpetrators, while the intellectual actor himself shall not be identified and very difficult to be touched by law. This means, the crime of human trafficking shall keep on continuing and the victims shall keep on coming.

From the result of literature analysis, it is found that the syndicate that are involved on the business of human trafficking include the following:

1. Employment Service Company (there are a lot of illegal PJTK);
2. Immigration officer (as if they do not see the occurring cases);

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\(^{27}\) Article 2 of Palermo Convention, 2000.

3. Subdistrict officer who makes false documents by marking up the ages (birth license, certificate, identity card, etc);
4. The Police officers who sometimes seek for advantages from existing cases, for example: as an authoritative party who guard the transaction between public leader in the village and the victim’s family;

3. Victim and Public

In the effort of disclosing a criminal act, the law enforcement agencies cannot work by themselves. The role of victims and public is really required and – in several cases – have proven to be helpful for the government agencies in disclosing the crime.

The role of victim and society in helping the agencies disclosing the crime is intended to suppress the undetected number of crime. In simpler way, the undetected amount of crime is a crime itself, which cannot be detected by the police so that they do not have the adequate criminal record and data.

There are several factors that cause unclear number of crimes, which are:

1. Victim has realized that he is a victim but he is not willing to report because:
   (a) He thinks that the police is not efficient or will not care for his report;
   (b) He thinks that such incident is private and will settle it out of court or feels shame and is not willing to become a witness at police or court.

There are many victims who are reluctant to report the crime that happened to them. They are reluctant because based on experience, victim who reports the crime and face the police has the opinion that the police will make the situation much worse for him as a victim. Complicated procedures and no guarantee that the perpetrator will be captured are conditions which makes victim feels reluctant to report to the police.

Besides, the reluctancy to report is also influenced by the type of crime suffered by the victim. Crimes related to decency or crime which needs to disclose private condition of the victim is a crime which does not need to be reported. This is intended that such crime is not supposed to be publicly known. Thus, avoiding publication, fear, shame and avoiding possible difficulties in the future if such crime is reported, become strong reasons not to report to the police.

2. Victim does not know that he is a victim of criminal act. This may be occurred on fraud acts or embezzlement in which its operational modus is conducted subtly, so that the victim does not realize that he has been duped.

3. Victim himself or herself is also a criminal perpetrator. For this type of crime is known as victimless crime, such as: prostitution crime, drugs, abortion and gambling.

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Thus, it is very possible that the victim of human trafficking feels reluctant, indolent and ashamed to report that she or he is a victim of a criminal act. Moreover, followed by a risk of shame if the public has widely known it. In the event, Steven Box writes:  

_Fear of embarrassment, or a willingness to risk exposing private matters to public gaze, may provide further reasons why some victims of criminal behavior fail to report an offence. Thus the victims of blackmail usually prefer to keep their dark secret hidden rather than jeopardize their present respectability._

Therefore, the process of enquiry and investigation towards the crime of human trafficking will be harder to be revealed.

Speaking of the law enforcement definitely cannot be separated with the criminal court system. Because those existing institutions are in the vanguard in handling and overcoming human trafficking. In this event, criminal court system shall be integrated with the joint efforts to overcome existing criminal acts in society in order to protect the public from these criminal acts which have given damage and fretfulness to society. To a further extent, law enforcement shall consists of the awareness of law maker upon those acts within society which have not been included within the scope of the existing criminal court system.  

**Conclusion**

Law enforcement conducted towards woman and child trafficking is still ineffective. It is proven by many existing cases, that low number of processed cases before the court and minimum sanction convicted to the perpetrators is clearly evident. Factors which are deemed to have correlation with low attempt of law enforcement towards legal case on this case, among others are:

a. Lack of the Government’s commitment to fight against the crime of human trafficking, in the event that the ineffectiveness in utilization of prevailing laws and regulation;

b. Lack of capacity or professionalism of law enforcement agency (and relevant parties) in handling women and child trafficking at the field. This may be caused by lack of knowledge on infringed regulation. For that matter, those law enforcement agency shall be given socialization and an SOP (standardized operational procedure), so that there will be no inconsistency in handling the existing cases;

c. It is alleged that this criminal act is conducted by organized syndication in order to make the law enforcement agency face difficulty in disclosing

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30 Ibid.

31 Mardjono Reksodiputro formulated Criminal Court System as “……system to control the crime which consists of police, prosecutors, court and prison ...” (speech of affirmation of Honorable Lecturer, Depok, October 1993, Page. 1).

the cases and convicting the perpetrators, especially in the border crossing area;
d. There is an indication of involvement of some Government and Law Enforcement Agencies so that this criminal act is hard to be fought. Coordination and cooperation between existing institutions are needed to overcome it.

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