

North Sumatra Regional Police Policy In Eradicated Human Trafficking Using Online Prostitution Mode

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Info Articles	Abstract
Article History Received : 2020-09-08 Revised: 2020-09-19 Published: 2020-09-30	Human trafficking is a punishable offense involving acts of violence, intimidation, or abhorrent behavior, kidnapping, imprisonment, forgery, and other crimes such as recruitment, transportation, harboring, and shipping. This study examines the policies implemented by the North Sumatra Regional Police in eradicating human trafficking through online prostitution. The importance of this research lies in the fact that human trafficking is a serious violation of humanity. The practice of human trafficking through online prostitution is increasingly rampant in Indonesia, especially in North Sumatra. Therefore, the role of all levels of society and state institutions in the legal field is needed to take decisive action to eradicate human trafficking through online prostitution. It is hoped that this article will encourage the police, especially in the North Sumatra region, to apply these findings to formulate measures against human trafficking through online prostitution, which is a crucial aspect of investigations.
Keywords: <i>Police Policy, Human Trafficking, Online Prostitution.</i>	

I. INTRODUCTION

The transnational nature of human trafficking can be considered a violation of humanity and human dignity. This transnational, organized crime utilizes various methods, both traditional and modern, to persuade individuals to participate in criminal activities. One of the various forms of human trafficking is prostitution. Prostitution itself is the act of offering oneself to perform sexual acts or provide services to the public in exchange for promised compensation.

Our perception of the case under discussion is related to our understanding of the rules, and the crucial point is positive law. This illustrates how understanding the rules is determined by understanding how the law is enforced, but more realistically. Therefore, understanding human trafficking cases lies not only at the conceptual level but also at the level of implementation or application, which is related to legal awareness.

Historically, human trafficking has been considered akin to slavery and a human rights

violation. This phenomenon arises because economically disadvantaged groups, lacking religious and ethical knowledge, then cling to economically powerful groups, resulting in this situation. Victims often cite the need to improve their financial situation. Slavery is one of many human rights violations, where freedom is taken away by individuals from economically powerful groups against weaker groups. Therefore, human trafficking prevention must be implemented comprehensively and holistically, from a human rights perspective. This can be achieved through criminal justice policy, legislation, enforcement, and the judiciary.

Despite efforts to crack down on human trafficking, Indonesian media coverage, both print and online, often highlights the lack of law enforcement, leading to many cases of human trafficking being identified as victims. However, perpetrators of human trafficking are quite difficult to apprehend because many people are involved in the trafficking process.

The enactment of a regulation, namely

Law Number 14 of 2009 concerning the ratification of the protocol for the prevention, action, and punishment of trafficking in women and children, highlights the fact that prostitution remains a crucial issue for Indonesia, which is still in its early stages of development. The international legal system serves to regulate the form of criminal acts of human trafficking, stating that prostitution is a form of exploitation of the human body. Furthermore, the enactment of Law Number 14 of 2009 is based on a real review during this period, millions of children, including boys and girls, have been victims of extraordinary crimes that violate the human conscience.

Based on this case, the government must take serious action against human trafficking, including prostitution. Numerous social media platforms have emerged in Indonesia, and Indonesia is one of the world's largest internet users. People can easily exchange information and connect with others through social media. This contributes to the advancement of communication and accelerated economic growth in the country.

Despite this, social media platforms like WhatsApp, Twitter, Facebook, Michat, Line, and others are often misused by some people to facilitate businesses for pimps, sex workers, or prostitutes. Ironically, many prostitutes operate online by posting sexy photos and sexually suggestive status updates on their personal profiles.

The intention is clear: to attract potential customers. While online prostitution may seem less complex than traditional prostitution, it poses a greater risk of criminal charges for both parties involved. The majority of online prostitution offenses are classified as covered by the Electronic Transactions Law. Despite this, several court decisions have resulted in several online prostitution cases where individuals were found guilty under Law Number 21 of

2007. This raises questions about the reasons linking online prostitution to human trafficking, and whether sexual consent is a reason for judges to exclude the criminal element of human trafficking. Consequently, this raises questions about criminal law in Indonesia. The Indonesian National Police (Polri) is an institution or agency responsible for maintaining and improving public order and security. Together with all other defense and security forces, it promotes security and ensures safety and security within the country, investigating and resolving all forms of legal violations that frequently occur in society.

Article 2 of the 2002 Law of the Republic of Indonesia concerning the Indonesian National Police clearly states that the police are a state institution responsible for security and maintaining security, law enforcement, and providing protection services to the public. The police force responsible for these functions is the investigator. The investigator's role is to investigate confidential information that may be disclosed by the police. They are commonly known as secret police or intelligence police. In this regard, the investigator's role is crucial in uncovering cases that frequently occur in society, such as human trafficking.

The crime of human trafficking is a violation of human dignity, a widespread network, both organized and unorganized, both domestically and between countries, characterized by the rise of human trafficking cases in Indonesia which clash with the idea of a state of law that upholds human rights. Law Number 21 which was passed in 2007 aims to eliminate cases of human trafficking as referred to in Article 1 paragraph 1: "The act of recruiting, transporting, harboring, sending, transferring or receiving a person with the threat of using violence, kidnapping, confinement, forgery, fraud, abuse of power or vulnerable position, debt bondage or giving

payments or benefits, so as to gain control over the person, whether carried out within the country or between countries for the purpose of exploitation or resulting in people being exploited."

II. RESEARCH METHODS

The scope of this research serves to narrow the problems discussed in this study. The scope of the research is the relationship between prostitution and the crime of human trafficking, the strategy of law enforcement officers, especially the police, in resolving the crime of human trafficking in North Sumatra. In general, the approaches used in legal research include the legislative approach, the legal case approach, the comparative approach, and the conceptual approach. Therefore, in this study, the author obtained secondary data. The author took secondary information from laws and regulations related to Law Number 21 of 2007 concerning the Eradication and Prevention of the Crime of Human Trafficking, as well as various literature such as books, legal journals, legal dictionaries related to this research problem. The analysis of legal materials was carried out qualitatively and juridically, and data from direct findings regarding the role of investigators in eradicating the crime of human trafficking at the North Sumatra Regional Police were compiled in such a way and then analyzed in writing, rationally and coherently. Data from the literature review were analyzed descriptively using deductive and inductive methods based on criminal justice theory. This deductive analysis was used by the author in the best way to explain the real data obtained by the author.

III. RESULTS AND DISCUSSION

1. The Link Between Online Prostitution and Human Trafficking

The crime of human trafficking as stipulated in Article 1 number 1 of Law Number

21 of 2007 concerning the Eradication of the Crime of Human Trafficking (UUPTPO) is the act of recruiting, transporting, sheltering, sending, transferring, or receiving a person with the threat of violence, use of violence, kidnapping, confinement, fraud, abuse of power or vulnerable position, debt bondage or giving payment or benefits, so as to obtain the consent of the person who holds control over the other person, whether carried out within the country or between countries, for the purpose of exploitation or resulting in people being exploited. Meanwhile, what is meant by the Crime of Human Trafficking (TPPO) is any action or series of actions that fulfill the elements of a crime contained in Law Number 21 of 2007, including:

1. A victim is someone who experiences psychological, mental, physical, sexual, economic and/or social suffering, resulting from the crime of human trafficking.
2. Every person is an individual or corporation who commits the crime of human trafficking.

Meaning In relation to online prostitution, the legal subjects described in this study are individuals, namely pimps, also known as owners of commercial sex workers. These pimps act as parties who function to provide and receive commissions for online prostitution practices through a system of uploading photos containing sexual content of prostitutes and conducting negotiations, wholly or partially conducted through social media/online media. Then, by providing services to match prostitutes with buyers, these pimps or pimps receive commissions for this.

Exploitation carried out by pimps is a violation of the law. This article contains criminal elements that can ensnare the perpetrators as stated in Article 2 Paragraph (1) of the UUPTPO, which states, anyone who recruits, transports, shelters, sends, transfers or receives a person

with the threat of violence, use of violence, kidnapping, confinement, forgery, fraud, abuse of power or vulnerable position, debt bondage or giving payment or benefits even though they have obtained the consent of a person who has control over another person, for the purpose of exploiting that person in the territory of the Republic of Indonesia, shall be punished with imprisonment for a minimum of 3 (three) years and a maximum of 15 (fifteen) years and a fine of at least Rp. 120,000,000. (one hundred and twenty million rupiah) and a maximum of Rp. 600,000,000 (six hundred million rupiah). This action is carried out by pimps who exploit their victims, especially prostitutes. The actions or deeds carried out by these pimps are equivalent to the acts mentioned in Article 1 paragraph (7) and (8) of the Law on the Eradication of Criminal Acts of Human Trafficking regarding the definition of exploitation and sexual exploitation. If the perpetrator fulfills the requirements for one of the acts contained in Article 2 paragraph (1) of the UUPTPO, then the elements mentioned in this article are also fulfilled. The author is of the opinion that the behavior of pimps who share photos and videos of prostitutes on social media and arrange meetings between them and sexual service clients as elements of treatment regulated in Article 2 paragraph 1 of the UUPTPO so that it is linked to the criminal case of human trafficking.

2. North Sumatra Regional Police Policy in Eradicating the Crime of Human Trafficking Using Online Prostitution as a Mode

The prosecution of human trafficking cases should be handled by the police in accordance with statutory regulations. In Law Number 2 of 2002, Article 2, which states that "Police function Action against criminal acts of human trafficking is carried out by the police in accordance with statutory regulations. One of the functions of the State government in the field of maintaining public security and order, law

enforcement, protection, shelter and service to the community." It can be concluded that the explanation above, the police have a responsibility that must pay attention to how to maintain human rights, law and justice. Article 5 paragraph 1 of Law Number 2 of 2002 reaffirms the role of the police, namely: "The Republic of Indonesia National Police is a state instrument that plays a role in maintaining public security and order, enforcing the law, and providing protection, shelter and service to the community in the context of maintaining domestic security."

This regulation implies that the Indonesian National Police (POLRI) is responsible for enforcing the law. Law enforcement is one of the POLRI's many primary duties. Furthermore, the POLRI's responsibility in prosecuting human trafficking is to prevent and end this unlawful act.

As for Factors contributing to the emergence of human trafficking include economic factors, family disharmony, early childhood abuse, and many other factors. The North Sumatra Regional Police (Polda Sumut) has taken several strategies and steps to eradicate human trafficking. They are working to ensure the crime of human trafficking does not recur by intensifying their collaboration with the government and all levels of society to stop illegal human trafficking.

The North Sumatra regional police have implemented at least several policies in this regard to prevent the occurrence of human trafficking crimes using the online prostitution method, namely:

1. The prevention policy is the first step for the police to stop human trafficking. The North Sumatra Regional Police are required to routinely patrol and monitor locations suspected of human trafficking. This is done to minimize the number of victims of human trafficking.
2. The prevention policy is carried out by the Police, especially the North Sumatra

Regional Police, by conducting outreach to the community so that they can better understand and also know what forms can be said to be criminal acts of human trafficking. The police are obliged to educate so that there are no victims who will later harm the community.

3. Policy after the occurrence of human trafficking, in this case the North Sumatra regional police have carried out criminal investigation efforts for violations according to applicable legal provisions in accordance with the laws used.
 - a) Respond quickly to reports from local residents and reports of human trafficking crimes.
 - b) The special team will direct the crime scene to locations suspected by residents as suspicious, conduct a human trafficking investigation, and then review the case.
 - c) Based on this order, the perpetrator or victim of human trafficking crimes can then be arrested and investigators can conduct investigations against the victims and suspects in accordance with applicable provisions.

IV. Conclusion and Suggestions

A. Conclusion

1. According to the UUPTPPO (Law Number 21 of 2007) Human trafficking is the act of recruiting, transporting, harboring, sending, moving, or receiving a person with the threat of violence, use of violence, kidnapping, confinement, forgery, fraud, abuse of power or vulnerable position, debt bondage, or giving payment or benefits, with the aim of exploitation or causing the person to be exploited.

Includes any action or series of actions that fulfill the elements of a criminal act regulated in Law Number 21 of 2007. The subject is a person who experiences psychological, mental, physical, sexual, economic, and/or social suffering due to the crime of human trafficking. In the context of online prostitution, the legal subject that is considered is an individual, such as a pimp or a pimp, a pimp or a pimp facilitates and benefits from the practice of online prostitution by displaying photos containing sexual content of the victim and conducting transactions via social media or online. Pimps who take advantage of commercial sex workers violate Article 2 Paragraph (1) of the UUPTPPO. Criminal elements include recruitment, transportation, shelter, sending, transfer, or receipt of a person by threat of violence, use of violence, kidnapping, confinement, forgery, fraud, abuse of power or vulnerable position, debt bondage, or giving payment or benefits for the purpose of exploitation. Impact of Punishment: The perpetrator can be subject to imprisonment for a minimum of 3 years and a maximum of 15 years, and a fine of between Rp. 120,000,000 to Rp. 600,000,000. Exploitation and Sexual Exploitation: The actions of pimps who display photos or videos of prostitutes through social media and facilitate meetings with sexual clients can be considered sexual exploitation, according to the definition in Article 1 paragraph (7) and (8) of the UUPTPPO Alternative Criminal Elements: The elements in Article 2 Paragraph (1) of the UUPTPPO are alternative, which means that if one of the elements is fulfilled, then the article has been fulfilled. Final Conclusion: From this analysis, it can be

concluded that the actions of pimps in online prostitution can be linked to the crime of human trafficking, especially through violations of Article 2 Paragraph (1) of the UUPTPO.

2. **The Role of the Police in Law Enforcement:** The police have a primary function in maintaining public security and order, in accordance with Law Number 2 of 2002. Law enforcement by the police must pay attention to human rights, law, and justice. The police have a crucial role in preventing and eradicating the crime of human trafficking. Factors causing the crime of human trafficking involve economic problems, family disharmony, experiences of abuse at an early age, and other factors. Initial prevention is carried out through patrols and surveillance in areas suspected of being vulnerable to human trafficking. The North Sumatra Regional Police conduct outreach to the community to increase understanding of the crime of human trafficking and prevent victims. After an act of human trafficking occurs, the police conduct an investigation in accordance with applicable legal provisions, including receiving reports, crime scene processing, arrests, and investigations. Initial response policies involve patrols and surveillance in vulnerable areas to minimize victims. Prevention policies involve outreach to the community to increase understanding of the crime of human trafficking. After an act of human trafficking occurs, the police conduct an investigation by receiving reports, crime scene processing, arrests, and investigations in accordance with applicable legal provisions. Therefore, the North Sumatra Regional Police are actively involved in preventing,

combating, and enforcing human trafficking, particularly those involving online prostitution. These efforts involve various policies and actions, from patrols to community outreach, to achieve the goal of maintaining domestic security.

B. Suggestion

a. Prevention and Law Enforcement

Strengthen public awareness campaigns to understand the risks of online prostitution and the impact of human trafficking. Collaborate with online platforms to monitor and remove content involving human trafficking. Enhance cooperation between the police and relevant agencies for more effective law enforcement.

b. Victim Protection

Improve rehabilitation services to ensure the recovery of trafficking victims. Mandate the protection of victims' identities for their privacy and security.

c. Strengthening the Role of the Police

Hold Regular training for police officers on handling human trafficking crimes. Increase cross-sectoral collaboration for a holistic approach to combating human trafficking crimes.

d. Further Prevention

Encourage active community participation by involving them in reporting suspicious activity. Leverage technology for more effective data analysis to uncover human trafficking networks.

e. Policy and Patrol

Ensure the sustainability of mitigation policies by regularly evaluating and updating them. Increase police presence in vulnerable areas to prevent human trafficking. Implementing these recommendations is expected to improve the effectiveness of countering human trafficking, particularly those related to online prostitution, and

strengthen the role and positive response of the police in maintaining security and justice in the community.

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