



Analysis of Human Trafficking Cases in the Country of Iran in the Perspective of International Criminal Law and National Law

Muhammad Randy Saputro¹, Oktafianus Sitompul², Muhammad Sadam Alamsyah³

⁴Asmak UI Hosnah, ⁵Herli Antoni

^{1,2,3,4,5}Fakultas Hukum Universitas Pakuan Bogor

¹muhammadrandysaputro24@gmail.com, ²sadamalamsyah46@gmail.com, ³Oktafianus1999@gmail.com

⁴asmak.hosnah@unpak.ac.id, ⁵herli.antoni@unpak.ac.id

ABSTRACT

Exchange double breaking law is all type registration, promotion, transportation individual with objective Certain sedition. the way violating persecution law generally centered on enmity , trade double and the pressure in it . Different settings appear as work sex limited, business limited, victory or anything like torture or organ requests. Temporary it, bargain child young generally looked like sell children to abroad for meeting social, as goods temporary or For serious love. Example Unlawful Double Exchange is current problem has changed become case from One planetary side to side other . Related cases with violation heavy freedom public happened in almost every country on the planet. Environments around the world try look for answer For inspect cases this , however No anything is known moment This For show decline case or victims of fraud who violate law. Transaction double violation law No doubt Again is very extraordinary case common in many non- industrial countries, Iran is one of them.

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Introduction

Deeds double breaking law is action violator related laws with violation freedom public. this movement related with opportunity important For get prosperous life as personal. Exhibition abusive harassment law This has ignore treatment against people as items that can exchanged. Join with Nations. Transaction double breaking law has checked out at social events around the planet and shut down as problem whole. From the results the, Bound Together Nations finally underlined the Workplace of Gathered Nations on Drugs a Bad Behavior (UNODC) for handle problem trading double Violate laws and problems get outsiders who ignore law (Smuggling). Violating harassment law No The same with theft. In abusive abuse law, coercion part big happen so that the victim executes or the person being treated No get nothing, but in carrying, people who sneak usually request part from maker drink hard . In handling the victim, it happened the same oppression very negative to the victims who handle them when they reach the goal, however brought individual only arrived at his destination without end. In addition, some big survivor from Seller are easy

people persuaded by the vendor. Seller This often trick, attract, surprise, hurt, use drugs forbidden For force the victim to do error this . Component fundamental from abusive abuse law, including:

1. Needs;
2. Population big;
3. Structure social placing man as holder power. Furthermore, rulers in places influence politics, moral strength , honor social and control property or called a male driven society.

Most from transaction double breaking law This happens to women, they are will sold and used worker sex business . At first the women This ensure great position and offered chance For focus overseas. All matter considered, ladies This forced to For become worker sex and plunge into the world of entertainment suggestive. As pointed out by AS, transaction double breaking law is association biggest third in the world who have generated 9.5 million USD. Trading double breaking law is also association violate very important and related laws tightly with avoidance taxes , bending records , transactions tenacious drugs , and clear related with theft . According to Harkristuti harkriswono, types abusive abuse law is as following :

1. Sending TKI with next report ;
2. Place laborers in the state For behavior obscene ;
3. Time constraints deep marriage period long get change make a loss cash ;
4. Couples around the world;
5. Confession child without valid communications ;
6. Placing children to workers waged low .

Until moment today, on 29/10/19 found 48 women from metropolitan network in Indonesia has fall victim to grooming , however until moment This the victims still treated in space bad emergency located in Administration Indonesian Transportation. together . Assessed Manage Loss will be taken care of to Saudi Arabia and the United Arab Emirates Bedouins by 6 sellers, vendor mode attracts victims to filled as servant homes in Saudi Arabia and Assembled Center East with pay Rp. 5 million / month . For the actions of the merchants this , them has get request public with noose in Regulation Number 21 of 2007 Article 4 juncto Article 10, regarding Murder sighting Crime Double . Especially Regulation Number 18 of 2017 concerning Labor Guarantee Travelers . In this Southeast Asia region , almost 70% of perpetrators violence below age is girl below age . this communicated in UN report on UNODC. Indonesian government efforts to reduce case violation law is For ensure that victims of trafficking , residents surroundings and considered outsiders as survivor prostitution , will returned to their country of origin . Indonesian government , together with NGOs and Affiliates Overall , must more be careful not to easy affected by the impact of bookies .

Besides that , there is a number of coordinating performances around the world trading double breaking law as following :

- 1) World Show for Closure of the White Slave Traffic in 1921 .
- 2) Show Whole For Traffic Masking of Women and Young Children 1921.
- 3) Performances Whole For Female Traffic Camouflage After 1933. Next
- 4) Removal Various Victims of Women Show, CEDAW (Show End of Various Kinds of Abuse of Women) 1979.

A must setting resolved by the authorities public For reduce case exploitation illegal is with reduce industry journey sex . Limit possible victims. Help travel and destination country, holding asset For help fight trading program , deliver guarantee to victims and fight trading child .Content This has published on the Kompasiana.com website with title " International Law : Commerce Human (Human Trafficking)".

Research Methods

Transaction double breaking law is trading exchange anything against individual . In accordance with nonregulatory affiliation in charge case transaction double breaking law on the U.S. Public Unlawful Multiple Transactions Hotline, referred to with abusive abuse law is, Violating abuse law is example persecution transnational when culprit use power, blackmail , or pressure For control other people with agreement show commercialization sex or request business or organization regardless from desire For in matter whatever . For worker more sex young from 18 years , no There is need For surprise, fraud, or tension , however That Still considered as show criminal in deal with individual. Consider matter this , fundamentally according to the

Welfare Section US Government , State Security in violation abusive abuse law can said own thinking main including helplessness and pressure are goals double is For get profit related to money for the perpetrators . Besides taking advantage atrocities , perpetrators can too catch the victim through control and transactions double For advantage that makes the victim not helpless .

The Brought Together States Show on Transnational Facilitated Bad behavior (UNTOC) and shows addition has proposed, however standard dual US and European countries other has prevent confession objective together here. Iranian Organization of Collected Countries (UN) Majid Takht-e Ravanchi at a meeting Recent UN meeting This about Manage Extermination Compiled Individuals and Offenses , moves to the world environment provides countries with assistance proper explicit, can be accessible, and solid for combat violation this. is right . In meetings This is Ravanchi understand not quite enough Iran's answer in the field destruction transportation and exploitation illegal , and stressed assignment parts of the United Nations, in particular the State Office Collected on Prescriptions and Bad Behavior (UNODC) for situation moment this. anything for do things in shows and shows complete addition addressed For destroy breaking adventure law. So like, the Iranian parliament in 2018 confirmed the Gathered State Show of Transnational Composed Miskes (UNTOC). Temporary it , at the level public , legitimate guidelines and strategies applied as well as various rule For understand and law move notes abusive abuse law .

For finish steps legitimately taken , a design checked regulations repeat to transaction double breaking law has filed to parliament For accepted. Draft the enter implication different from manage individual that includes all element base as no error can denied remember circumstances certain, for example, demonstrations manage women and children . Likewise with Administration Regional Individuals who are also prepared by the Office of Manpower and Immigration as continuation from activity tops and settings, with purpose for action eradication This felt fully enforced with methodologies , techniques and existing tasks . _ Iran's security forces are such shape so, regardless from method they No move going to means and sources significant power Because US approval that is not enter sense, they without hesitation against the mafia and facilitating experience criminal. Mahmoud Abbasi, delegate freedom wholeness and relationships foreign Iran Value Administration is such likeness , declared Iran at the meeting Shanghai Value Administration requested premise meeting four understanding all around here and recommendations in general invited by individuals .

Iran is course movement For transaction double breaking law. US has consider robbery individual in the channel open and worldwide breaking law. Progress This generally come from agrarian countries and countries with fluctuating economy ith objective direct people to in conditions that are not clear and troublesome in a manner real and financial . Estimated almost 2.5 million people come from of agrarian countries, and some big from they is children and women . Use important from transaction double breaking aw is behavior obscene , but in the US these people used For difficult job , without pay , no Rest during weeks , and for period very long time . Cecilia Malmström, European Boss for Internal Efforts within A meeting with letter the German newspaper Pass on Welt also researched oddity this is in Europe with said, "It's hard to admit , but in European countries a number large people live , where do they traded like product . stock ; truth bitter that transaction double breaking law spread around us , and that just beginning from what are we think and very close with us ." The data provided by the US confirms matter This that last region from half of 3 million case abusive abuse law that happened every year in the world is the US and Europe , and almost half from billions dollar income from messy industry This own place. with America. Research by the Public Investigation People group for Manage Responsible (NHTRC) individual answer For combat abusive abuse the law also confirms matter this . No doubt Again springs from transaction double breaking law must checked from methodology unilateralism, intercession, antagonism and aggression , war , slaughter and mental limitations , which are generally involving America and its accomplices. With notes like this the US State Division confirmed that The Islamic Republic of Iran is not follow standard combat action robbery human .

In the latest US Country Office report stated that Iran does do what 's important For prevent people from conveying it , no expand the realism so far methodology or activity For combat abusive abuse law , neither make Lots no attempt can denied. For participate. with various nonauthoritative relationship in battle oppose robbery people and management it worked . Report No enter sense from the US State Division came as assessment by association America's different administrations point out that trusted more of 100,000 women young handled For objective sexual . Indeed , even in Washington, mother US city , woman young , some of

them Still 13 year old , also accused do prostitution . Regardless from projection The US, the Islamic Republic of Iran is one of the countries that have pass guidelines For combat transaction double breaking law during a number of time . Constitution Islamic Republic of Iran in Article 156 by way of firm underline avoidance behavior bad . because that , Iran is look for method Serious For combat cheap foe heart this and together with the world around him chase way here . Along these lines , the Iranian guide , especially for Afghanistan, it has repeatedly praised by organizations Autonomous Europe and the Collected Nations . Swanka Danapala , Join with the High State Judge for Exiles in Iran at the commemoration of June 20 Refugee Day World get it , " the Islamic Republic of Iran has reliable serve search for displaced persons outside nonaggression agreement in connection with sensation suitability and humanity , which reflects severe examples . " A world environment where entertainers methodology and exercises against those who have push and improve characteristic of " exchange double breaking law " in the world can distinguished and monitored with right ; Obligation expert public such clear , and Washington is not Can free from not quite enough answer with project such like and blame different countries for accusation deceptive and ridiculous . Many seekers House hideouts and outcasts ended up in America. If they No choking , or in a manner general accept that they succeed pass strength and cold mountains and deserts , they are in the end will be heavily influenced by traders human and live whatever 's left from life them . on hopes and dreams those who are broken.

Results and Discussion

Viewed from the basis and the problems that occur , Exploitation illegal is payment (effort) earned with evil ways , like coercion , misrepresentation , or determined falsehood For take profit from him . Foreign smuggling is effort For get cash or profit material other with in a manner No legitimate enter somebody to a country , where the person No resident .

Application Punishment Criminal To Human Trafficking Crime

Transaction double breaking law No only problem encroachment, but also related tightly with violation freedom public. understanding This relate with the most basic honor from humans, especially For get a just, prosperous life with confession on chance individual as ethical individual. because it, because abusive abuse laws, properties the has removed with manage all form products , for example, property and goods merchandise business that can utilized Connection double breaking law become issue important in period sustainable globalization remember wrongdoing has become scourge in many countries.

In settings public from efforts made by Indonesia in kill exploitation illegal, attempt authority public For annihilate exploitation huge illegal with make valid arrangement in connection with exploitation illegal, and authority public has participate in give sanctions at the world meeting about transaction . Sometimes that's needed generally No in accordance with evidence on the ground , the proof is Indonesia still occupy position third in the inner world handle cases trade. Things that are felt need by the Indonesian government in handle exploitation illegal among others:

1. Guidelines authoritative framed that can handle gift containing component foreign ;
2. Establish authorization heavy, fine criminal nor managerial, for violation arrangement important For make impact barrier ;
3. Registration of Indonesian Transient Specialist Doctors is carried out in a manner appropriate with standard simple , simple and fast For prevent migrant workers from violating law ;
4. Smooth out framework supervision authority public .

In 2002 , the Indonesian Public Agency made more steps substantial in kill violation in deal with people, especially women and children , in particular with issuance of Decree Number 88 of 2001 concerning Plan Community Activities for End Affair with Women and Young Children. (RAN-P3A).

The nature and objectives of RAN-P3A are :

- 1) Guarantee improvement and progress effort protection of survivors from deal with people, especially to women and children ;
- 2) Confess characteristic exercise preventive and hard with objective end For take action prevention and control to action deal with people, especially to women and children ;

- 3) Empower base or potency repair related regulations and guidelines with demonstration deal with people, especially to women and children .

For ensure implementation of RAN-P3A, Final Dealing Team was formed with Mother and Child (GT-P3A) at the level general , regular , and local / city . Team on level public is below and direct can relied on by a structured president registration consists from Group Director , known to the Pastor Planning For help Government Individuals and Groups Executor led by the State Chaplain for Women's Strengthening .

Guidelines criminal determine penalty For every violation law is carried out. Approval at the level base is expansion willful torment. Intentional expansion this too is a vital differentiator between rule criminal law and different rules (Benmellen , 1987) . Basically , offenders need depending on the results real . Authentic results in general is punishment or agreement criminal. Remember Article 10 of the Criminal Code, types violation shared into two, namely :

- a. Discipline main consists from punishment death, confinement, detention, fine, end criminal ;
- b. Punishment addition consists from oath swear chance particular , confiscation goods certain, and statements decision designated authority .

Satochid Kartanegara argue that "(criminal) discipline is torment or immutability , which is given by the guidelines criminal to someone who ignores No directed in guidelines criminal , and that torment or endure with decision appointed authority forced on despicable people . For that's its nature as torment or experience must given to disciplinary (criminal), because an offense committed by someone who does not fully arranged in law criminal is violation or attack to something earnest interest that will protected by a criminal .

As Herbert L. Packer says , support criminal is method best or show that anyone can _ hope For found it , which is claimed own ability For supervise error or danger critical and for supervise wound . Other than that , that's what packer says :

- a. Agreement criminal is the basics ; We No Can live , moment This or there from soul , without discipline ;
- b. Agreement criminal is instrument best or recommend that anyone can hope For find , which we want to supervise violation big and future or danger and for supervise wounded from injury ;
- c. Agreement criminal Once become guarantor important from door open human . He is financier every time it is used with be careful and love honey , he dangerous every time it is used without thinking and strong

Utilization strength implementation of criminal law in Indonesia arranged in the Criminal Code (KUHP) , imposition criminal endorsement on deed showing off that regulates individuals (unlawful double-dealing) in the Criminal Code arranged in Book II Article 295 paragraph (1) numbers 1 and 2, Article 295 paragraph (2), Article 296, Article 297, Article 298 paragraph (1), (2), and Article 506. From the meaning contained in the Criminal Code tend described with ok . as following :

- a. On purpose cause or Work with show challenging where the victims are is children (usually , little by little , huddled) and children under supervision they ; exhibition culprit as business ;
- b. Similar exercises , however for adults ;
- a. Trade women and men young ;
- b. There is a penalty additional (1) refusal opportunity (detention for perpetrator who is the victim Still children) , (2) grants work with guess There is error in his job .

Trade Humans (Human Trafficking) in the Perspective of International Law

Transaction double breaking law has checked in conversations across the planet and being looked at as problem all over the world. The Collected Nations Association (Joined Nations) has form an external work unit usually called the Bound together Nations Office on Drugs a Bad Behavior (UNODC) in the Gathered Nations (UN) event. Violating harassment law is demonstration search , send , move , oblige or obtain job . Work with risk , savagery or tension whatever . Exploitation illegal is negligent wrongdoing freedom basic human rights (HAM) carried out through terror , misrepresentation , savagery , capture or with reverse information For get the consent of the victim appointed by the impudent people . exploitation act illegal No

only going on inside a country but also can found in various countries, these No lack guidelines in connection with exploitation illegal , either guidelines general nor globally, only just Still There is completing individual violating practices law as it should be seen in guidelines about exploitation illegal :

1. Announcements Broadly about Basic freedoms ;
2. Global Agreement on Mutual Freedom and Politics ;
3. Global Agreement on Privileges Monetary , Social and Social;
4. Show about Freedom of the Child and Conventions discretion related ;
5. Show About Prohibitions and Activities Quick For End Meeting The Most Horrible Child Labor (ILO No. 182);
6. Shown at the Edge of All Kinds of Female Victims;
7. The Unified State Convention to Detain, Prevent and Resist Deal with People, especially Women and Young People, complement Show Against Violation Coordinated Transnational ;
8. SAARC show about Destruction Deal with Women and Young People for Prostitution .

Exploitation illegal has become error transnational who have become problem for the nations of the planet from the past until recently this . There are several global events set up matter these , among others:

- a. Global Show for White Slave Traffic Concealment 1921;
- b. Global Show for Traffic Concealment of Women and Children 1921;
- c. Shows Around the World for Traffic Concealment in Aged Women Full 1933 ;
- d. Appears at the End of All Kinds of Oppression Ladies, CEDAW 1979.

Attempts to characterize exploitation illegal has finished since end century eighth twelve . Although thus , until moment This Not yet There is agreement between institution government and non- legislative institutions about understanding exploitation illegal . The Worldwide Association for Movement (IOM) differentiates four must component available in deal with people, by specific :

1. A line around the world is fee ;
2. The facilitator-channel involved ;
3. Cash or One type instalment move hands ;
4. Cross and stay in the destination country is violate law .

Article 1 Chamber Structure Choice 2002 characterizes deal with people as action violator related laws with registration , transportation , transfer , situation , acknowledgment individual , incl trading or transfer control individual on individual to others where utilization :

- Capitalize coercion , power or danger , incl forging ;
- Capitalize kidnapping or duplication ;
- There is abuse power or place weaknesses in which the individual No own other decisions except give up ;
- Installments or given advantages or got For get agreement from someone who has order on others, for utilise administration of the person , incl work or administration coercion or intentional , practice slavery or slavery , or objective double For prostitution or in various type connection double sexual including porn.

In Indonesia, understanding deal with the person poured in Regulation Number 21 of 2007 concerning Eradication Crime Deal With People, namely :

Demonstration For register , designate , hold , send , transfer , or get somebody through danger power, use power, kidnapping, fraud, misrepresentation, transaction double, persecution violence or place detention , servitude must or gift installment or profit For get agreement from the person holding it command over another person , whether committed within the country or between countries with objective end For toying or get people taken advantage of ".definition above describe that deal with people can combine all infringing activity _ legal and done with illegal way For look for profit by one party with harm the other party doesn't can take right step . In notes exploitation illegal can verified , women and children own very weak situation For fall victim to violation exploitation illegal this . Relevant regulations and guidelines with deal with people,

for example , Rules Number 23 2002 concerning Child Safety and Regulations Number Long Term 2002 concerning CEDAW confirmation yet give legal basis fully For error deal with people.

Data on Trafficking in Persons that Occur in Iran & Indonesia

As the reports show annual US Express Division on June 27, 2017, that woman young Iranians aged 13 to 17 years is focus exploitation illegal which effective sent For transactions and administration sex outside Iran . Exploitation illegal to woman young Iranians who have house in Kurdistan, Iraq , especially in Solomonyah , for transaction sex . According to report of the Order of the Public Security Police , Extraordinary Orders of Tehran, brings woman and woman young brought to the Bedouin countries in the area rural south of the Persian Inlet. On June 27, 2017, the US State Division delivered report its annual about exploitation illegal . In accordance report this , Iran specialists and Progressive Watchmen are encouraging displaced people of Afghanistan to fought in Syria and Iraq . Report it also notes that Iran has become source and destination for everyone presented For deal with women and work limited during a number of year last . Until moment This Not yet there is the most precise meaning from oddity complex called Dealing . However , the United States in Meeting The whole in 1994 marks transaction as follows : " Exchange of violating persons law and breaking law crossing public and world boundaries , especially from agrarian countries and from deep countries change determined finances For push woman and woman young to circumstances persecution , more Far again , trade double sexual and financial , as well demonstration violate law other related with deal with women, for example, work restricted home, relationship fake , work that violates law , and acceptance false For support scouts , distributors and organizations criminal " .

Deal with people during pandemic truly extends , as stated _ in statement public Service Strengthening Women and Child Safety on 29/7/2021 Number: B-256/SETMEN/HM.02.04/07/2021. According to Delegation Security Teenager , Ratna Susianawati, based on information from Maternal and Child Safety Data Framework (SIMFONI PPA) 2020 , case Deal with People (TPPO) in mothers and children expanded with 52.5 percent .

Conclusion

Transaction double breaking law is violation cross lines that occur in one country and merge different countries as source , journey , and destination country For transaction double breaking law . Various influencing factors happening violation Indonesian law , for example money component with unemployment height and wages low attract people to look for work abroad with desire For get high wages . However so , difficult association work and the lack of data about pattern think from violation law make public survivor from action violate law and open door For abusive abuse law For Keep going growing . considered radicalism presence non-state actors , for example world affiliation , which argues that presence they can advance interest between countries. Apart from having choice For advance Work the same , affiliates worldwide can spread questions between countries and concerns around each country are viewed as problem related standards with world unrest .

In survey this , which raised problem abusive abuse law as threat for security human , specialist public give the best For overcome transaction double breaking law with help affiliates worldwide . Radicalism accept that affiliates worldwide is players who can bring the world to in the support domain One each other because affiliates worldwide is place for the country to exchange mind, join with things that don't wanted and where For do consideration negative . inventive . Similarly , many countries use world relations for create and apply values and guidelines to public For build obligation public .

Bibliography

1. <https://www.kompasiana.com/idhanurtoyibah7567/5dbd5a58097f36638b66dfc3/> Hukum-internasional-perdagangan-human-human-trafficking
2. https://id.wikipedia.org/wiki/Trade_human
3. https://www.academia.edu/26397592/PERDAGANGAN_MANUSIA_HUMAN_TRAFFICKING_DALAM_KONTEKS_HUBUNGAN_INTERNASIONAL

4. Manuscript Academic : Trafficking : Trading Man Supreme Court of the Republic of Indonesia
CRIMINAL / HUMAN TRAFFICKING
5. <https://www.dpr.go.id/doksetjen/kode/minangwan-seminar-Human-Traffiking-Perdatangan-Manusia-1432261240.pdf>
6. <https://www.tuntasonline.com/2020/11/15/perdatangan-human-dalam-perspektif-Hukum-internasional>
7. <https://ejournal2.undip.ac.id/index.php/jphi/article/view/6168>
8. <https://media.neliti.com/media/publications/43296-ID-tinjauan-yuridis-kejahatan-perdagangan-human-human-trafficking-As-kejahat.pdf>
9. <https://kompaspedia.kompas.id/baca/paparan-topic/data-dan-Jadi-perdatangan-orang-di-indonesia>