

The Effectiveness of *Bindalmin* Application in Detecting Women Trafficking in The Working Area by Bangka Belitung Regional Office of The Ministry of Law and Human Rights

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Abstract. The high rate of passport applications for young women aged 25 (twenty-five) years and below has caught the attention of the Immigration Division of the Regional Office of the Ministry of Law and Human Rights in the Bangka Belitung Islands. This study uses empirical research methods with a conceptual approach. This study finds to what extent the Bindalmin (Administrative Guidance and Control) Application can detect young women who make a lot of passports in each district in the Bangka Belitung Islands region. Conclusions of this study research are 1) Can the Bindalmin Application be an effective measuring tool for preventing women trafficking in the Bangka Belitung Islands region? 2) What are the follow-up actions toward the research results which in the case of women trafficking there are legal sanctions imposed on individuals and corporations who are suspected of being involved in human trafficking? The Bindalmin application is very helpful in recapping the data of young women who make passports in the Regency/City area at Bangka Belitung Islands. As a follow-up to this finding, the unissued passport can be cancelled and the passport that has been issued can be frozen for use by entering the list of people who are banned from going abroad.

Keywords: Women Trafficking, Passport, Immigration, effectivity and Administration

1 Introduction

The Covid-19 pandemic has adversely affected various sectors, with the national economy witnessing a significant decline and a rise in the number of impoverished and vulnerable populations. This is primarily attributed to reduced performance in both formal and informal sectors, leading to inevitable job layoffs (Termination of Employment or PHK). Individuals within vulnerable demographics are grappling with ways to revive their economic standing post-pandemic. One potential and effective solution for individual economic recovery that the community can

consider is engaging in overseas employment, commonly known as "Pahlawan Devisa" in Indonesian.

Indonesian Migrant Workers (TKI) employed abroad can play a crucial role in the national economic recovery as the income they generate is remitted to their families in Indonesia. The transferred foreign currency is then converted into Rupiah, contributing to state revenue through foreign exchange earnings. To work abroad, Indonesian citizens must possess certain documents, among which a passport is essential. This official credential, issued by an authorized representative, contains the holder's identity details and is valid for international travel. Typically, a passport includes biodata such as the holder's photograph, signature, place and date of birth, nationality, and sometimes additional details for individual identification. Occasionally, passports may also contain a list of countries that the holder is restricted from entering to apply for a passport, submit a valid identity card or a certificate for moving abroad, a family card, and essential certificates such as a birth certificate, marriage certificate, or diploma. If parental details are absent, provide a certificate from the relevant authority. Foreigners gaining Indonesian citizenship must include an Indonesian Citizenship Letter through statutory provisions or by choosing citizenship.[1]

Furthermore, in the process of applying, there is an interview session to ensure that the purpose of the passport application is the purpose of the passport being made. The problem nowadays is that sometimes the good intentions of the people who try to become real Indonesian Migrant Workers (TKI) are misused by irresponsible parties.

According to data submitted by the Regional Secretary of Pangkalpinang City, Radmida Dawam when giving directions in a coordination meeting on cross-sectoral cooperation on preventing Violence Against Children (KTA), Violence Against Women (KTP), and the crime of Human Trafficking (TPPO) in the Pangkalpinang City Inspectorate Auditorium, Thursday (25/8/2022), until July 2022 there were 40 cases of violence and Human Trafficking.

Meanwhile, the Head of the Women's Empowerment, Child Protection and Family Planning Service (DP3AKB) of Pangkalpinang City, Eti Fahriaty, added that human trafficking involving women and children must be eradicated immediately. Eti said that the human trafficking case was very worrying because recently her party had encountered underage victims. Various modes were used in recruiting victims, ranging from job offers through online media to a loan.

"The human trafficking case that we just handled yesterday involved a 14-year-old child. She was deceived. (she) got information on social media, saying she was hired to be an LC (lady companion). And this is our domain because they are still children," said Eti.[2] Based on the background of the study above, the problems of the study can be formulated as follows:

1. Can the Bindalmin Application be an effective measuring tool in preventing women trafficking in the Bangka Belitung Islands?

2. What is the follow-up action of the research results which found that in the case of women trafficking, there are legal sanctions imposed on individuals and corporations who are reasonably suspected of being involved in human trafficking.

2 Method

The research method is a systematic approach used by researchers to conduct studies and explore various subjects.[3] In this study, the writer used the Normative-Empirical research method. The methodology employed in legal research primarily integrates normative legal approaches with various empirical elements. The normative-empirical research method involves applying normative legal provisions (laws) in real-life legal scenarios within a society. For this research, the writer adopted the Live Case Study category, focusing on ongoing or unresolved legal events. The study specifically emphasizes live data related to passports within the jurisdiction of the Regional Office of the Ministry of Law and Human Rights of the Bangka Belitung Islands. A Conceptual Approach was utilized in this research, which is a type of approach in legal studies providing an analytical perspective to address legal issues based on the underlying legal concepts or the values inherent in the normalization of regulations concerning the concepts used.[4] In representing the law regarding legal certainty, the Bindalmin application was made and became the instrument in this research.

3 Discussion

3.1. The Factors Causing Human Trafficking of Women and Children

Human trafficking encompasses the unlawful transport of individuals for commercial exploitation, including forced labor or sexual exploitation. The term "trafficking," rooted in English, denotes "illegal trade," characterizing this phenomenon as a modern manifestation of slavery. Another definition associates "trafficking" with "traffic," connoting trade, and a synonymous term for someone involved in selling or trading is a "trafficker." The United Nations instruments brought recognition to the term "trafficking," initially focusing on the "trafficking of white slaves," predominantly impacting women circa 1900.[5]

However, the UN in its General Assembly in 1994 defined trafficking as: "The illegal and unlawful transfer of persons across national and international borders, especially from developing countries, countries in economic transition, to force women and girls into situations of sexual and economic oppression and exploitation, as well as other illegal acts related to women trafficking such as forced domestic labor, fake marriages, illegal work, and fake adoptions for the benefit of recruiters, traffickers, and crime syndicates".

The primary catalyst behind the increase in the trafficking of women and children is poverty. Individuals seek economic improvement by searching for employment, but the harsh conditions they face make this pursuit challenging. Instead of securing employment, they often find themselves displaced and subjected to trafficking.

Rachmat's research in East Java identified factors influencing the trafficking of women and children, including an economic crisis, familial discord, early marriage or divorce, early sexual abuse or rape, limited job opportunities, and influence from successful peers. Additionally, various methods were noted, such as individuals being coerced to meet their needs, victims being accompanied to work in various sectors, persuading parents to send their children without disclosing the nature of the work, and agents providing debt to parents that children must repay with their wages after working.[6]

The forms of trafficking in women and children are very diverse, but in reality, it is the same as cases that occur in European countries. However, to facilitate identification, some several forms or actions can be categorized as trafficking in women and children based on research conducted by Rachmad Syafaat (2003:14). The research found there were several forms of trafficking in women and children that occurred in Indonesia. They are explained as follows:

- 1) Adoption of children with procedures or being sold to residents themselves/foreigners
- 2) Orders of brides or requests from certain places to be contract wives
- 3) Involvement of children in the illegal drug trade
- 4) Children employed in Germany or on plantations
- 5) Pedophile exploitation
- 6) Pornography of women and children
- 7) Trafficking of women and children for forced labor Employing women and children for begging on the streets
- 8) Employing women and children in prostitution.

3.2. Law no. 6 of 2011 concerning Immigration

The repercussions of globalization encompass various issues such as the international narcotics trade, terrorism posing threats to global security, human trafficking, people smuggling, money laundering, illegal immigration, arms trade, and more. The instance cited above, illustrating negative impacts in the Fiat Justisia Journal of Law (ISSN 1978-5186, Volume 10 Issue 2, April-June 2016), can be categorized as organized crime, often referred to as Transnational Organized Crimes (TOC).

These crimes not only jeopardize the sovereignty of Indonesia but also disrupt the peace and sovereignty of nations worldwide. To mitigate the adverse effects stemming from the globalization era and the dynamics of human mobility, it is crucial to establish an institution regulating issues related to people entering and exiting the Republic of Indonesia. The Immigration Office serves as this institution, overseeing matters concerning the entry and exit of individuals within the country's borders. Immigration affairs are governed by Law Number 6 of 2011 concerning Immigration, where Article 1, paragraph (1) defines immigration as the movement of people entering or exiting Indonesian Territory and its supervision to safeguard and uphold state sovereignty.

According to Ramadhan K.H. and Abrar Yusra, based on international law, the regulation of immigration (movement to enter and exit) of a country is the right and authority of the country. In other words, it is one indicator of the sovereignty of a country.[6] Immigration also has a role in

various fields of national and state life such as the economic, political, legal, and security sectors. According to Moh. Arif, actions or sanctions that can be taken for foreigners who commit immigration crimes are divided into 2 (two) forms, namely: 1) through immigration action; and 2) through the judicial process.[7]

The enforcement of immigration law is very important because immigration is closely related to the sovereignty of a country. With strict law enforcement, the integrity and sovereignty of the Indonesian state will automatically be respected and valued by other countries. The enforcement of immigration law against Indonesian citizens (WNI), is aimed at the following problems:

- a. identity falsification;
- b. sponsorship accountability;
- c. dual passport ownership;
- d. involvement in violation of immigration rules.

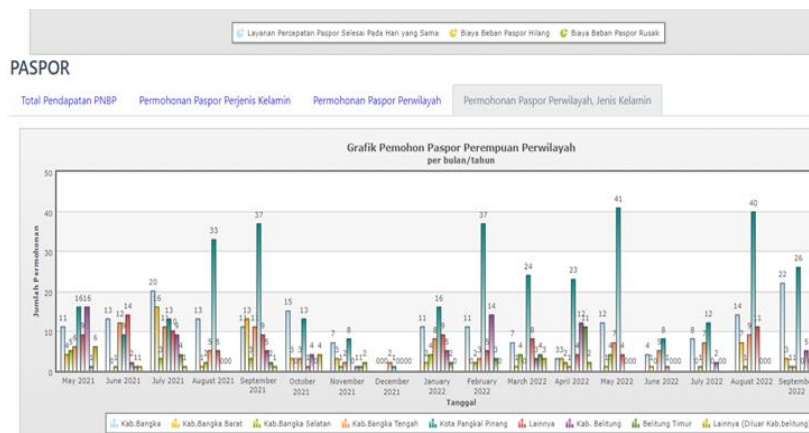


Figure 1.1. Regional female passport application data

Article 89 of Law Number 6 of 2011 addresses the Minister or designated Immigration Officers' responsibilities to implement both preventive and repressive measures against the criminal acts of human trafficking and People Smuggling. Paragraph 2, letter d specifies the need to ensure the quality of travel documents and identification to prevent misuse, forgery, alteration, imitation, or issuance in violation of the law. Paragraph 3 outlines the repressive measures, involving immigration investigations, administrative actions, and collaboration with other law enforcement institutions, against the perpetrators of criminal acts related to human trafficking and People Smuggling.[8]

To carry out the mandate of the Law, the Bindalnis Application (technical guidance and control) was made at the Immigration Division of the Bangka Belitung Islands Regional Office. This application is useful for monitoring the performance of the Class I Immigration Office at TPI Pangkalpinang and the Class II Immigration Office at TPI Tanjungpandan.

3.3. Law Number 21 of 2007

The offense of human trafficking, particularly involving women and children, has evolved into both organized and disorganized criminal networks. Women trafficking crimes implicate not only individuals but also corporations, organizations, and state officials who misuse their authority and power. The network of perpetrators operates not only within national borders but also extends internationally. Consequently, it is crucial for the state to rigorously enforce maximum criminal sanctions against these perpetrators. Strict criminal sanctions are imperative as they represent the most effective means to address severe threats such as women trafficking. When applied judiciously, carefully, and humanely, criminal sanctions serve as the primary and most reliable safeguard against this crime.

Law No. 21/2007 on the Eradication of Human Trafficking, as a specialized law (*lex specialis*), outlines specific criminal sanctions for individuals or corporations involved in the trafficking of women. According to this legislation, individuals participating in recruiting, transporting, harboring, sending, transferring, or receiving someone through threats of violence, force, kidnapping, confinement, counterfeiting, fraud, abuse of power or a vulnerable position, debt bondage, or providing payments or benefits, even with the consent of a person in control of another, for the purpose of exploiting that person within the territory of Indonesia, may be subject to criminal consequences. Offenders can face imprisonment for a minimum of 3 (three) years and a maximum of 15 years and/or fines ranging from a minimum of Rp. 120,000,000 to a maximum of Rp. 600,000,000.[9]

Meanwhile, for the perpetrators who transfer people into the country to be exploited in their own country or bring people to be exploited to the country, then the perpetrators can be subject to imprisonment for a minimum of 3 (three) years and a maximum of 15 years and a minimum fine of Rp. 120,000,000 and a maximum of Rp. 600,000,000.[9] These criminal penalties are not limited to individual offenders but also extend to state administrators who, through the misuse of their authority, contribute to the commission of human trafficking crimes. However, organizers of such crimes face heightened criminal consequences, including an additional penalty of dishonorable dismissal from their position, with this dismissal explicitly stated in the court's decision.[9] In cases where individuals commit the crime of human trafficking while acting on behalf of or for the benefit of a corporation, whether within the scope of employment or other affiliations, whether individually or collectively within the corporate environment, investigations, legal proceedings, and penalties are directed towards both the corporations and/or their management.[9]

For corporations involved in human trafficking, criminal sanctions include fines outlined in Articles 2, 3, 4, 5, and 6, augmented by a threefold aggravation of the punishment. Additionally, corporations

may face supplementary criminal penalties, including: a) revocation of business license; b) confiscation of criminal proceeds; c) revocation of legal entity status; d) dismissal of management; and/or e) prohibition on the management from establishing a corporation in the same line of business. In cases involving organized groups, an extra sanction of 1/3 (one-third) of the criminal penalties specified in Article 2 of this law may be applied.[10]

3.4. Preventive Actions

Preventive measures are implemented through various policies, including the establishment of The National Plan of Action for the Elimination of Trafficking of Women and Children (RAN P3A) by Presidential Decree No. 88 of 2002, the creation of the National Commission on Anti-Violence Against Women (Presidential Decree No. 181 of 1998), and the National Human Rights Commission mandated by Law No. 39 of 1999 concerning Human Rights. Additionally, Article 58 of Law No. 21 of 2007 and Government Regulation No. 9 of 2008 outline the Procedures and Mechanisms of the Integrated Service Center for Witnesses and/or Victims of Human Trafficking. Further initiatives include Presidential Regulation No. 69 of 2008 on The Task Force for the Prevention and Handling of the Crime of Human Trafficking and the Regulation of the Minister of Women's Empowerment of the Republic of Indonesia No. 1 of 2009, establishing Minimum Service Standards for Integrated Services for Witnesses and/or Victims of Human Trafficking.

In accordance with Article 58 of Law No. 21 of 2007, the government establishes a task force comprising representatives from various sectors, including government bodies, law enforcement, community organizations, NGOs, professional groups, and researchers/academicians. The primary objective is to ensure the streamlined implementation of eradicating human trafficking. Presidential Regulation Number 69 of 2008 specifies that the Task Force for the Prevention and Handling of the Crime of Human Trafficking functions as a coordinating institution to oversee efforts aimed at preventing and addressing this crime. This regulation enhances the previous provisions under Presidential Decree No. 88 of 2002 by strengthening tasks, functions, institutional structures, and work mechanisms through centralized, provincial, and district/city-level coordination. The task force is tasked with coordinating prevention and intervention efforts, conducting advocacy, outreach, training, and fostering national and international collaborations, monitoring victim protection and law enforcement developments, and conducting reporting and evaluation activities.[11]

3.5. The BINDALMIN Application

In its execution, the Administrative Guidance and Control (Bindalmin) application enables the tracking of travel document requests, Immigration Stay Permit applications, and potential Immigration Non-Tax State Revenue (PNBP) based on various criteria such as application type, gender, region, day, month, or year. The Immigration Division, operating within the Regional Office of the Ministry of Law and Human Rights, is responsible for executing certain tasks delegated by the Directorate General of Immigration at the regional level. To align with the Ministry's strategic plan, the Immigration Division implements the strategic directions and policies set by the

Directorate General of Immigration. These policies, outlined in the strategic plan, focus on key areas such as Immigration Law Enforcement, State Security, Immigration Services, Community Welfare Development Facilitator, and Management Support, emphasizing quality law enforcement and services.

The Immigration Division of the Bangka Belitung Islands Regional Office of the Ministry of Law and Human Rights has 2 (two) Immigration Units, namely:

- 1) Class I Immigration Office of TPI Pangkalpinang.
- 2) Class II Immigration Office of TPI Tanjungpandan.

The work area of the Immigration Division of the Bangka Belitung Islands Regional Office of the Ministry of Law and Human Rights includes Bangka Island and Belitung Island. From a geographic location point of view, the Class I Immigration Office of TPI Pangkalpinang is in the Bangka Island area and the Class II Immigration Office of TPI Tanjung Pandan is geographically in the Belitung Island area. Meanwhile, the Bangka Belitung Islands Regional Office of the Ministry of Law and Human Rights is in Bangka Island.

This geographical distance causes the technical guidance, control, and supervision for the UPT, especially the Class II Immigration Office of TPI Tanjungpandan cannot be carried out quickly. To monitor the performance of the two UPTs administratively, it is deemed necessary to apply an information technology approach through the development of an application that can be used by the Immigration Division of the Bangka Belitung Islands Regional Office of the Ministry of Law and Human Rights to monitor and obtain the latest data. With the application of technology, the Head of the Immigration Division can make policies quickly and effectively by the data presented in the application. The legal basis for using this application is the Decree of the Head of the Regional Office of the Ministry of Law and Human Rights for the Bangka Belitung Islands Number W.7-3651.TI.05.04 of 2022 dated 29 September 2020 concerning the Use of Bindalmin Application in the Work Unit Development System at the Regional Office of the Ministry of Law and Human Rights of Bangka Belitung.

In endorsing the enforcement of Law Number 21 of 2007 on Eradication of Human Trafficking, this application is deemed highly efficient in monitoring the surge in passport applications, particularly for young women who may be vulnerable to exploitation abroad. This Bindalmin application maps passport applicants based on the applicant's area of residence and based on the applicant's gender. In its implementation, early detection indications are carried out at the passport applicant interview stage. Although it seems like a simple thing to do, answering passport interview questions as clearly as possible is the key to a smooth interview. In order for the immigration officers to confirm that an applicant can receive a passport, he/she needs to explain the purpose of applying for the passport, the country he/she wants to go to, and the parties involved.

All the consideration above is for the security of the applicant itself. The state is also responsible for controlling Indonesian citizens abroad, and valid information is very helpful for that. In addition, with detailed answers, the officers can give directions if there are additional documents or other

requirements that the applicant needs to have. If you don't answer in a straightforward and clear manner, the officers will actually become doubtful and question the answers. It is also emphasized that passport applicants who provide incorrect information to obtain a passport can be subject to criminal sanctions.[12]

The applicant who is suspected of being exploited abroad will be made into an official report to cancel his/her passport application and printing. The question is what if the applicant's mode (Individual/Corporate) succeeds in tricking the officers and exploitation has occurred? The answer is the passport will be included in the online blocked application and the passport holder is banned from leaving Indonesian territory if he/she is still in Indonesian territory and if he/she is already abroad, the victim will be returned to Indonesia by the Indonesian Embassy to fulfill his/her citizenship right.

4 Conclusions

The answer to the question of whether or not the Bindalmin application is an effective measurement tool in preventing women trafficking Bangka Belitung Islands is according to the results of the research, this application is very effective in mapping and detecting the presumption of passport applicants who intend to work abroad, especially young women who will be exploited abroad as female workers (TKW). The answer to the question of what the follow-up action of the research results regarding the legal sanctions imposed on individuals and corporations who should be suspected of being involved in human trafficking is Article 89 of Law Number 6 of 2011 concerning Immigration states, "The Minister or the appointed Immigration Officers take preventive and repressive measures against the criminal act of human trafficking and People Smuggling."

This means that Immigration is obliged to detect early the crime of human trafficking that occurs in its territory and one of these efforts is by utilizing the Bindalmin Application at the Regional Office of the Ministry of Law and Human Rights in the Bangka Belitung Islands. The imposition of sanctions has been explained in Law number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking which explains that for the perpetrators who transfer people into the country to be exploited in their own country or bring people to be exploited abroad can be subject to imprisonment for a minimum of 3 (three) years and a maximum of 15 years and a fine of a minimum of IDR 120,000,000 and a maximum of IDR. 600,000,000.

The state, in combating human trafficking, forms a coordinating Task Force through Regulation Number 69 of 2008. However, the Task Force has limitations, particularly in the placement system for migrant workers, requiring enhanced measures due to the transnational nature of this crime. Synergy among agencies is vital for integrated efforts, and the Directorate General of Immigration, under Law Number 6 of 2011, can delay passport issuance to prevent trafficking. Public awareness campaigns on human trafficking laws are lacking, particularly in remote areas, with socialization led by the Task Force and ministries. Law enforcement faces challenges, with few arrests and lenient decisions attributed to unscrupulous officials. The Directorate General of Immigration must intensify control, collaborating with various entities, and regional governments should empower

citizens seeking employment abroad through skills training and extensive socialization on human trafficking risks.

References

- [1] “Permohonan Paspor Baru untuk Masyarakat Umum - Direktorat Jenderal Imigrasi.” Accessed: Nov. 06, 2023. [Online]. Available: <https://www.imigrasi.go.id/id/permohonan-paspor-baru-untuk-masyarakat-secara-umum/>
- [2] “Pemkot Pangkalpinang Bentuk Satgas Berantas Tindak Pidana Perdagangan Orang – Pemerintah Kota Pangkalpinang.” Accessed: Nov. 06, 2023. [Online]. Available: <https://website.pangkalpinangkota.go.id/pemkot-pangkalpinang-bentuk-satgas-berantas-tindak-pidana-perdagangan-orang/>
- [3] Derita Prapti Rahayu and Sulaiman, *Metode penelitian hukum*. Yogyakarta: Thafa Media, 2020.
- [4] Irwansyah, *PENELITIAN HUKUM : Pilihan Metode & Praktik Penulisan Artikel*. Yogyakarta: Mirra Buana Media, 2020.
- [5] C. Wulandari, ; Sonny, and S. Wicaksono, “TINDAK PIDANA PERDAGANGAN ORANG (HUMAN TRAFFICKING) KHUSUSNYA TERHADAP PEREMPUAN DAN ANAK : SUATU PERMASALAHAN DAN PENANGANANNYA DI KOTA SEMARANG,” *Yustisia*, vol. 3, no. 3, pp. 15–26, Apr. 2014, doi: 10.20961/YUSTISIA.V3I3.29272.
- [6] Ramadhan and Abrar Yusra, *Lintas sejarah imigrasi Indonesia*. Jakarta: Direktorat Jenderal Imigrasi Depkumham RI, 2005.
- [7] Moh Arif, *Suatu Pengantar Keimigrasian Di Indonesia*. Jakarta: Depkeh, 1997. Accessed: Nov. 06, 2023. [Online]. Available: <http://library.stik-ptik.ac.id>
- [8] Negara Kesatuan Republik Indonesia, *UU No. 6 Tahun 2011 Tentang Keimigrasian*. Negara Kesatuan Republik Indonesia, 2011. Accessed: Nov. 06, 2023. [Online]. Available: <https://peraturan.bpk.go.id/Details/39140/uu-no-6-tahun-2011>
- [9] Negara Kesatuan Republik Indonesia, *Undang-undang (UU) Nomor 21 Tahun 2007 tentang Pemberantasan Tindak Pidana Perdagangan Orang*. Negara Kesatuan Republik Indonesia, 2007.
- [10] Q. Zaman and Q. Zaman, “Sanksi Pidana Perdagangan Perempuan (Women Trafficking) (Studi Komparatif antara Undang-Undang No. 21 Tahun 2007 tentang Pemberantasan Tindak Pidana Perdagangan Orang dan Hukum Islam),” *Raheema*, vol. 4, no. 1, pp. 17–31, Jun. 2017, doi: 10.24260/raheema.v4i1.828.
- [11] Y. Chandrawaty, “PENEGAKAN HUKUM DAN TANGGUNG JAWAB NEGARA TERHADAP PEREMPUAN KORBAN HUMAN TRAFFICKING SEBAGAI WUJUD PERLINDUNGAN HAK ASASI MANUSIA,” *Jurnal Legislasi Indonesia*, vol. 17, no. 4, pp. 459–476, Dec. 2020, doi: 10.54629/JLI.V17I4.755.
- [12] “6 Hal Penting yang Perlu Diperhatikan Saat Akan Wawancara Paspor - Direktorat Jenderal Imigrasi.” Accessed: Nov. 06, 2023. [Online]. Available: <https://www.imigrasi.go.id/id/2021/11/11/6-hal-penting-yang-perlu-diperhatikan-saat-akan-wawancara-paspor/>