A Legal Protection Model For Handling Human Trafficking in West Kalimantan Border

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Abstract

Although it is a highly serious human crime, people trafficking still occurs, particularly in West Kalimantan’s border region. West Kalimantan’s border region has seen a variety of attempts to reduce human trafficking, yet the practice persists still. There is a need for a solution or model that can lessen instances of human trafficking in the West Kalimantan border region, carried out so that the parties involved are unaware of it. This study aims to develop an appropriate model for legal protection to deal with human trafficking at the border West Kalimantan. Methods of the Research, The research will be conducted at the Polres in the Sajingan and Biawak border regions, as stated in the research title. The Sajingan Besar sector’s Resort Police and Border Communities are two sources of crime prevention strategies based on legal requirements, The study’s findings serve as a model for public protection from human trafficking activities from the perspective of the role of law enforcement officials, the police in the border regions of Sajingan and Biawak, in particular, to combat the crime of trafficking in persons, conduct investigations, and look into cases of human trafficking that happened in the border regions of Sambas Regency, particularly Sajin. The criminal law (penal) is used by the authorities as a model of legal protection to stop human trafficking. However, there is still human trafficking that takes place. Because there are still several barriers to sentencing that do not take into account the elements of a crime. The unlawful behavior in place does not yet constitute the TIP factor. Using criminal law policies and

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I. Introduction

Recruiting, transporting, transferring, holding, or receiving someone through compulsion, threats, force, servitude, debt bondage, or other methods of egregious kinds of exploitation is known as human trafficking, according to the United Nations. The issue of trafficking is a phenomenon that has occurred internationally; trafficking cases can occur between countries or only within a country (Peluso & Vandergeest, 2020). This can happen because of an organized system owned by actors and groups of actors. The facts show that in regions and countries with low economies, more and more people are being trafficked and abused (Palmer, 2020).

Areas that are physically contiguous to neighboring countries are referred to as borders. In the same direction that Bappenas indicated, West Kalimantan is a region that is immediately adjacent to Malaysia. Geographically, the border region typically possesses natural resource potential and market prospects due to its proximity to neighboring countries, making it a strategic and important territory for a nation (Sollund, 2020). There are several issues that frequently arise in border regions, including shifting state boundaries, the introduction of illegitimate items like essentials, and people trafficking, which is a particularly complicated issue in the border region of West Kalimantan, Sambas Regency. There are only a few (unofficial) border crossing points in West Kalimantan Province that are fewer than 60 (Sixty) lanes in width that can be used to enter and exit another country (East Malaysia) between Entikong and Tebedu. West Kalimantan Province’s geographic location has facilitated the practice of international trafficking, which is common (Hamid et al., 2019).

Human trafficking is encouraged by a number of reasons, particularly those that favor women; one such aspect is economics, which frequently occurs when it does, particularly when the global economic crisis strikes. Particularly, many women are compelled to work a variety of occupations to support their families. Aside from that, another significant element is the abundance of new job openings in the service sector, where women make up the majority of the labor force. As a result, women are more prone than men to suffer from human trafficking. This supports the sale of women as prostitutes or other types of victims of human trafficking (Kosandi et al., 2019).

Its strategic location, where the flow of human traffic has no trouble getting in and out, cannot be isolated from the worldwide criminal trafficking syndicate network’s involvement in the journey through transnational border crossing. The various modes of

cultural norms to carry out criminal crimes like human trafficking, protecting the public, and implementing coordination with illegal law enforcement policies all help to enhance efforts to combat corruption.
operation included visiting the sending centers for Indonesian migrant workers in the villages in the area in order to recruit and send individuals (particularly women and children) starting at the lower level. Starting with the route, brokers visit localities directly, frequently with the assistance of local authorities and Officials from the village or hamlet who serve as liaisons between the families of mothers and children. The broker then convinces the parents or other family members; if this proves challenging, the broker enlists the help of an intermediary (Rahayu & Fatoni, 2019). Considering that organized trafficking is discreetly carried out, it is challenging to determine the precise number of victims. Quantitative facts sometimes exceed the statistics or reports that have been made public. Given that human trafficking is an organized crime, preventing and dealing with it will become more challenging without intense and effective cooperation between the government, pertinent authorities, and the general public (Sugito et al., 2019b).

Human trafficking is now among the top five most serious crimes committed worldwide. This ranks higher than the unlawful sale of drugs, illegal trade in weapons, crimes against intellectual property, and money laundering. Apart from East Nusa Tenggara, West Nusa Tenggara, and the central provinces in the Java island region, West Kalimantan is one of the top 5 (five) provinces for victims of human trafficking. Since 2007, when the International Organization for Migration started paying real attention to the subject of crime, West Kalimantan has experienced statistics that have tended to continue in human trafficking, with reports being released on an annual basis (Suhiwan & Prakoso, 2019).

Person trafficking constitutes a crime against humanity. This is because crimes of this nature rob victims of their rights as human beings or take away their freedom, independence, and free will. As a result, this crime also violates the Civil, political, economic, social, and cultural rights of individuals (freedom of choice in those areas) as well as their right to independence. This concept crucially conveys the idea that transporting, purchasing, and selling specific individuals to use them for financial gain is slavery. In prison trafficking operations, victims are lured in by kidnapping or deception with the promise of certain rewards, and they are afterward exploited for the gain of the offenders (Rahman, 2023).

The Indonesian government already has there are several essential safeguards in place to stop human trafficking. The three central national policies in the context of battling trafficking in persons in 2024 are the creation of a Task Force for the Prevention and Handling of TIP (Presidential Regulation No. 69 of 2008), Law No. 21 of 2007 concerning the Crime of Trafficking in Persons, and the National Action Plan for the Eradication of TIP for 2009-2014, 2015-2019, and 2020. However, in the process, these laws have not worked as well as desired. From the table below, it can be seen that trafficking cases are still relatively high every year.
The victims' small-scale participation in one of the problems is the criminal activity of human trafficking. Due to victims being susceptible to being recruited by deception and bondage, trafficking victims, particularly women and children, do not feel like they are victims of trafficking. Trying to avoid law enforcement agents who will take action to give legal protection due to debt. Policies that place a strong emphasis on victim rehabilitation and reintegration Government officials prioritize victim rehabilitation, trauma treatment, and post-rehabilitation for immediate reintegration (return of victims to their place of origin) to defend those who are the targets of human trafficking. As a result, until the victim has been brought back to his own country, the legal counseling process will not begin. Third, the limitations of the criminal justice system in handling human trafficking as a transnational and organized crime. Due to the criminals who engage in human trafficking operating at international borders, legal protection for victims of this crime frequently encounters this challenge. This is due to the fact that trafficking is a transnational crime syndicate and organized crime, and the perpetrators are syndicates made up of brokers who bring and recruit victims into the syndicate network, as well as brokers who recruit victims from rural areas and profit from the victim's family's poverty. In addition to the aforementioned, a number of occurrences, such as the Indonesian National Police discovering criminal acts of human trafficking, highlight the importance of developing a legal handling model for trafficking cases. (TPPO/human trafficking) crimes committed in Malaysian border regions. This occurs due to the fact that there are still no strong penalties for traffickers, crimes are still committed in an organized manner, and lucrative criminal enterprises continue to operate (Sulisdiani, 2022).

These industries are a prerequisite for both political stability and national resiliency, making developing nations prime targets for people trafficking. In addition, when a pandemic hits, human trafficking continues due to several factors, including the economy. Even though the government has plans to issue various forms of law, it still needs to be improved. There must be a transparent law enforcement model (Sugito et al.,...
2019a). These things become the background for researchers to form an appropriate model for legal protection to deal with human trafficking at the Sambas border in West Kalimantan so that it becomes a solution for this phenomenon in the future.

Because the numbers from IOM data and enforcement are thought to be one of the factors causing the not-yet-optimal reduction in human trafficking in West Kalimantan, researchers conducted research based on this need to build an appropriate model for legal protection in dealing with human trafficking. Human trafficking continues to occur, and there is no proper model for legal protection to deal with it at the Sambas border, West Kalimantan. Using such information as a foundation, the goal of this article is to develop and put into practice a legal protection model to address human trafficking along the Sambas border in West Kalimantan.

2. Research Method

With a focus on applying law enforcement through investigations and investigations as required by laws and regulations, this research was conducted using a constructivist paradigm (Sundari et al., 2023). The interaction of investigators with more experienced investigators and a review of understanding (verstehen) of the conditions on the ground for handling crime at the West Kalimantan border by the Polres in the border area to seek and discover the creation of order and security to defend the public through the enforcement of criminal law. The approach method used in this study’s execution leads to a qualitative approach method, namely the findings of qualitative analysis of inquiries and investigations into how law enforcement professionals applied criminal law (Kurniawan et al., 2023).

This study’s objective was to detail measures made to stop human trafficking between Sajingan and Sarawak through an inquiry and investigation procedure carried out by law enforcement authorities, in this case, the police in the border region of West Kalimantan. As well as to track and evaluate the progress of investigators and investigators. To provide security and public order to protect the general people. As the article’s title suggests, the research will be carried out at the Polres on the border region between West Kalimantan and Sarawak. Specifically, the Indonesian National Police is a provider of cultural standards and crime prevention strategies. The primary and secondary data were gathered during the course of this study project. Open interviews were used to collect preliminary data from researchers and researchers at the research site. Investigations into the primary or follow-up crime of Secondary information were concluded in the border region of Sambas Regency, West Kalimantan, and Sarawak regarding human trafficking and other transnational crimes. Following data collection, the following steps are taken in data processing: editing and looking through the data on the research tool that the objectives have addressed. Data tabulation: displaying data by inputting data in certain tables, giving distinct identities, calculating them, and explaining them to be completely understood. Data coding: classifying data by providing a specific identity to have significance when evaluated. Following data processing, data analysis is performed using deductive and inductive reasoning based on theory and concepts.
3. Results and Discussion

Human trafficking

In Article 1 of Law Number 21 of 2007, Concerning the Eradication of the Crime of Trafficking in Persons, the act of recruiting, sheltering, conveying, transporting, transferring, or receiving a person is defined as human trafficking.

Article 3 of the UN Human Rights Protocol defines human trafficking as any act of enlistment, relocating, transferring, receiving, selling, or purchasing human beings under duress to subject the victims to forced labor, also known as servitude or slavery. When work (victims) is procured using physical or non-physical coercion, extortion, deceit, fraud, threats, physical assault, and psychological pressure, crime conditions arise. In order to ensure community safety and respect for every person's human rights, this crime must be handled immediately and completely removed from the area on a national and international level (Rauf et al., 2020).

Article 1 Point 1 of Law Number 21 of 2007 defines the act of recruiting, transporting, harboring, sending, transferring, or accepting a person as an element of action that is alternative, not cumulative; these acts each stand-alone and are carried out using violence, the threat of violence, the use of force, or kidnapping, or confinement, or forgery, or deception, or the abuse of power or a position of vulnerability, or debt bondage, or by providing paternity.

Numerous reasons contribute to crime, which is a humanitarian and societal issue. Crime-causing elements are incredibly complicated and outside the purview of criminal law. Naturally, criminal law can only deal with it to a limited extent. The geographical characteristics of the border region, where there are numerous footpaths known as rat roads in the jungle and even now, The expansion of the human trafficking crime that occurred on the border of West Kalimantan and Sarawak cannot be separated from the highways that connect the districts in West Kalimantan. There are no border posts or checks in the border region. However, it is possible to drive your car close to the border.

Because of this circumstance, it is simpler for West Kalimantan residents to enter and exit Sarawak for various reasons, including the shipping, transfer, or admission of individuals—primarily women and kids—to work as female migrant workers from Indonesia. The land border between West Kalimantan and Sarawak serves as the Locus Delicti for the crime of human trafficking, which involves the movement of women and children for exploitation. Due to the numerous border gaps, a large number of unauthorized immigrants go from and through West Kalimantan to Malaysia. West Kalimantan, particularly Entikong and Pontianak, is frequently used as a holding place by illegal agents and traffickers to process fraudulent paperwork or asphalt that is original but false for Indonesian migrant laborers. Agents profit from Indonesia’s open borders and lax immigration regulations. Agents, mostly young guys, can be seen in Entikong waiting for possible migrant workers arriving by bus in front of the border's immigration or customs office. By promising to assist them in crossing the border and finding employment in Malaysia, these brokers deceive migrant workers. They also operate as a hub for the exchange, transfer, or acceptance of women and children from one trafficker to another. By promising to assist them in crossing the border and finding employment in Malaysia, these brokers deceive
migrant workers. They also operate as a hub for the exchange, transfer, or acceptance of women and children from one trafficker to another (Suratman et al., 2020). These individuals deceive migrant workers by promising to assist them in crossing the border and finding employment in Malaysia. They also serve as a hub for exchanging, transferring, or accepting women and children from one human trafficker to another.

Contrary to Law Number 39 of 1999 Concerning Human Rights, human rights are violated in several ways when trafficked. According to Article 3:

"Everyone has the capacity for reason and conscience, enabling them to coexist peacefully in societies, nations, and states. Additionally, they are born free and of equal value and human dignity. Everyone has a right to legal clarity and equality before the law, as well as to recognition, protection, and a fair trial. Everyone, without exception, has a right to maintain their fundamental human rights."

Next, Law No. 39 of 1999’s Article 4 states:

"Human rights that cannot be diminished under any circumstances or by anyone include the right to life, the right to be free from torture, the right to personal freedom, thought, and conscience, the right to practice one's religion, the right not to be sold into slavery, the right to be treated equally before the law, and the right not to be charged under a law that was passed in the past."

No one may be forced into servitude or enslaved, as stated clearly and explicitly in Article 20 of Law No. 39 of 1999. Slavery, servitude, the trade in enslaved people, the trafficking of women, and any other activity with a similar goal are all forbidden.

It is feasible to connect the many elements of the crime, including 1. Acts like recruitment, transportation, lodging, transfer, concealment, or receiving. 2. Examples of means (means) to control the victim include using threats, coercion, assault, kidnapping, fraud, abuse of authority, preying on the victim’s weakness, or giving or receiving money or benefits in exchange for the victim's consent from those who control them. 3. Exploitation is the planned goal, which includes at least prostitution or other forms of sexual exploitation, forced labor, slavery, servitude, and organ harvesting (Bariyah, 2020).

To subject the victims of human trafficking to violent treatment, acts involving human trafficking always aim to exploit or abuse the victims. The International Labor Organization (ILO) notes that there are numerous ways that human trafficking, particularly trafficking in children, takes place:

a. Children may be sold through any act or transaction that involves giving them to another person, whether it’s done for money or another reason.

b. Human smuggling, often known as smuggling of individuals, is the illegal admission of a person into a group of countries when that person is neither a citizen of those countries nor a permanent resident.

c. Migration is a process in which people freely leave one place and move to another, both legally and illegally. Trafficked children are recruited and relocated to another location forcibly under the threat of violence or fraud. This is a form of forced migration. This can happen during both legal and unauthorized migration.

d. Prostitution of girls and boys (prostitution of child) is using a child as a prostitute or as a sexual object for monetary gain or other purposes. Children offered, acquired, or provided for prostitution fall under this category. Child prostitution
that is currently being practiced does not look at the sex of the child, which used to be based on women, but also on boys. According to article 1.2 of the KHA, additional protocol prohibits the use of other people's bodies for sexual exploitation and human trafficking.

The various meanings attached to the aforementioned human trafficking behaviors serve to underline the fact that this crime falls within the umbrella of international organized crime. Transnational various offenses are included in transnational crime. Illegal drug trafficking is the primary (core) form of corruption. Then come related crimes (follow-up crimes), including money laundering, the prostitution of women (white slavery), the smuggling of illegal immigrants (alien smuggling), the transfer of toxic waste between nations (stamping), and currency fraud. Finances, credit card theft, gambling, and other issues.

**Integrating community norms and legal requirements to combat human trafficking at the Sajingan District, Sambas Regency border**

Border management shows how committed a country is to efficiently managing its borders. The border regions of the Unitary State of the Republic of Indonesia are some of the nation's most strategically significant locations, offering both economic and political protection as well as a nation's defense and security to ensure the survival of the Indonesian people and state.

There are problems with the way the Indonesian state's border regions are currently governed that need to be fixed:

a) Despite the great resource potential, the socioeconomic situation and general condition of the people in the border regions remain poor;

b) The infrastructure is in poor shape, and there aren't enough posts in the border regions. Therefore, control over those areas is still insufficient;

c) There have been instances of Indonesian people violating neighboring countries' borders and vice versa;

d) In the border regions of the country, there is a socioeconomic divide that can breed envy and
e) Many maritime and land boundaries with neighboring nations remain unresolved.

This issue affects the frequency of locus delict crimes involving human trafficking in the nation's border regions, such as what occurred at the border between Malaysia's Sambas Regency and the State of Sarawak.

To comprehend efforts to combat people trafficking at international borders, one can use the theoretical concept of social norms, which are regulations characterized by complete standards. In addition to formal agreements made by the state, both are governed by law and various rules from the National Border Management Agency and the Regional Border Management Agency.

In , Rai Yuliartini et al., (2020) raised the issue of human trafficking. Four interrelated steps can be used to manage border areas, particularly at land borders, and they are anticipated to result in policy outcomes. They are:

a) Allocation (allocation): Both domestic and foreign laws are used to set the area's boundaries. The Dutch-inherited uti possidetis juris principle is applied in Indonesia by the Indonesian territory.

b) Delamination (determination of boundaries): Once the scope has been established, it is
necessary to identify any overlapping territories or borders with nearby nations.
c) Demarcation (affirmation of boundaries): Boundary markers are erected along the established border lines with adjacent nations during this step.
d) Administration (development management): At this stage, reintegration planning from different disciplines, including political, social, defense and security, economy, culture, and environment, is used to develop the border region.

Using the Uti Possidetis Juris Principle to establish the borders of a nation, such as Indonesia, where colonialism once existed on its soil. In other words, Indonesia’s territorial borders were established when the country was still part of the Dutch East Indies, meaning they were shown after the territorial boundaries were established when the country’s territory was still colonized.

Boundary determination (Delamination) through international agreements, areas that overlap or overlap on the border of the Sambas Regency area with the state of Sarawak, need to be reaffirmed, such as in the ‘Guagu Bulan’ area to determine the authority to act legally in enforcing the law against people-trafficking perpetrators. The jurisdiction of a nation affects the authority to implement criminal legislation in that nation, surpassing the authority of law enforcement, particularly eradicating criminal activities of trafficking in persons, leading to illegal law enforcement.

It is crucial to confirm boundaries (Demarcation) based on a joint agreement between the governments of the Republic of Indonesia and Malaysia in order to make sure that there is no backlog of criminal law enforcement, which is understood by the criminal law enforcement system in Indonesia to be different from the criminal law enforcement system that applies in Malaysia. However, this contradiction can be resolved by applying the principles of international law.

The multi-sector planning, management, and implementation of regional development in border regions can improve community socio-culture, community security, and national defense, all of which have a direct or indirect impact on combating the illegal activity of human trafficking along the border between Sambas and Sarawak districts and the protection of the environment.

The border of the Unitary State of the Republic of Indonesia runs through Sambas Regency, which has strategic value for Indonesia’s national interests. These strategic values cover economic and political aspects as well as socio-cultural aspects, defense aspects, and security aspects, all of which are fundamentally linked to the welfare of the populace and the survival of the Indonesian nation and state. It is hoped that these strategic values can support the success of national development (Ramadhan et al., 2020).

It will be challenging for the idea of a legal protection model to deal with human trafficking at the Sambas border, West Kalimantan, if the policies for combating and combating the crime of trafficking in persons have not been adequately determined and implemented, starting from the determination and affirmation of the boundaries of the two countries to the planning and implementation of the development of all sectors, despite the fact that Law Number 21 of 2007 about the eradication of the crime of trafficking in persons established the rule on eradication of the crime, run effectively and successfully.

Without community involvement and the implementation of coordinated countermeasures, it is challenging to eradicate the crime of human trafficking. In this
case, the Sambas district's residents, particularly those in the bordering Sajingan Besar, Sambas Regency, are particularly vulnerable. Criminal law enforcement was subject to Law Number 21 of 2007's requirements, which are classified as a repressive measure.

The implementation stage of criminal law enforcement follows the stage of criminal policy formulation, according to theoretical classification. Application. Particularly in the border region of Sajingan, Sambas Regency, law enforcement must be carried out against criminals in accordance with the legitimacy stated in laws and regulations and the application of official criminal law enforcement.

The application of criminal law enforcement is carried out through a number of formal criminal law stages, starting with an investigation, prosecution, trial court examination, and judge's decision, before moving on to the execution stage of those accountable for the crime of human trafficking. This process is an embodiment of substantive criminal law resulting from policy formulation. It's important to include human trafficking victims as part of the effort to create social walkers for the entire society.

Law enforcement officials, such as investigators, investigators from the Republic of Indonesian police institution, public prosecutors, judges at courts, and officers in correctional facilities, cannot fully pursue the welfare of the community in the area where the crime of human trafficking occurs (locus delicti). Furthermore, it cannot be absolutely guaranteed that there are no other perpetrators in the border region of Sambas Regency than those who have been found guilty of the crime of human trafficking once the criminals responsible for the crime have served their sentences. Once released, they might go on to trafficking people at the border.

All stakeholders, not only law enforcement personnel, must work together to combat the criminal act of border crossing human trafficking. In order to combat the crime of human trafficking, the community must get involved and educate the populace. Communities in the border region of West Kalimantan and Sarawak, particularly in the border region of Sambas Regency, have a set of customary norms known as "customary law," which apply to community members and both regulate how social life is to be conducted and forbid actions that should be avoided. For the residents of Sambas Regency, breaking the law is a taboo topic.

The majority of the West Kalimantan-Sarawak border region is governed by Dayak and Malay customary law, including the Sambas Regency. The Dayak and Malay ethnic groups make up the majority of the population in the West Kalimantan-Sarawak border region, and they uphold traditional traditions and customary law. In a book titled Law and Modern Society: Toward a Criticism of Social Theory, it is said that some schools of thought believe that law is a universal phenomenon that exists in all societies. These institutions are unable to understand the idea that the law may or may not appear as a result."

Society needs conceptual norms to distinguish between universal phenomena; in this case, law has specific characteristics based on the nature of society, notably in terms of religious, moral, and cultural values. Through an approach to societal values and norms that are categorized as non-trafficking penal to support the development of policies in the establishment of Legal Protection, the Dayak and Malay communities on the border of Sambas Regency in Sarawak have the potential to be used as a means of combating the
crime of human trafficking in order to provide legal protection for potential victims of human trafficking. The integration of the Sambas Regency people's customary law regulations with the provisions in Law Number 21 of 2007 for the eradication of the crime of trafficking in persons is regarded to be one of the initiatives to protect society from the crime of human trafficking.

Community disputes are always resolved through the use of accepted social norms in the Sambas Regency, particularly in the Sajingan and Paloh Districts. Discussions to settle disputes, including those in border regions between communities in Sambas Regency as well as between communities in Sayangan District and Paloh District, Sambas Regency and the Community of the Biawak Region, Sarawak, rely on customary norms that are frequently asserted to be customary law. Generally speaking, Sambas Regen's Sajingan and Paloh sub-districts Indonesian population adhere to certain societal conventions.

The police in the Sajingan border area, particularly against the crime of trafficking in persons or human trafficking with locus delicti at the border, must provide community participation in upholding order and security within their sub-districts, villages, and hamlets in order to foster and uphold social norms and culture while enforcing criminal law against crimes committed in the border region.

According to Law No. 21 of 2007, it is unlawful to enforce laws that prohibit exploitative practices in any way, including those that involve threats of violence, the use of force, kidnapping, forgery, fraud, abuse of power, or a vulnerable position, or the provision of benefits in exchange for the victim's consent. Working conditions that resemble slavery forced labor, or forced service, as well as other forms of exploitation, such as forced labor or forced service, develop as a result of strategies, plans, or routines intended to make someone completely believe they are not being exploited while also causing them to suffer physically and psychologically.

The crime of human trafficking, notably the trafficking of women and children, has become increasingly prevalent, according to the General Explanation of UU No. 21 of 2007. Human trafficking involves all parties, including people, organizations, and public servants, who misuse their positions of power and influence. The criminal network involved in people trafficking carries out a variety of operations both inside and outside the nation. Since they can easily enter and exit the Sambas District and the State of Sarawak, Malaysia, through legal and illicit means, community members who live close to the border are at risk.

According to the definition of the crime of trafficking in persons in Law No. 21 of 2007, measures to end trafficking in persons or human trafficking are pursued criminally (penalty), raising the danger of criminal sanctions against those who violate or participate in acts of trafficking in persons. According to Packer, criminal sanctions are still required in the context of fighting crime because humans cannot survive now or in the future without punishment, which is the best tool or means currently available to deal with the great danger of crime quickly and criminal sanctions are the 'best guarantor' otherwise practically in the field in society there are still people who are committing crimes. Of course, there have been instances of unlawful human trafficking. This is because criminal sanctions have not entirely and effectively eliminated illegal human trafficking or the trafficking of people in border regions, and if criminal sanctions are
applied carelessly and arbitrarily, it will have an effect on the human aspect, leading to even more illegal acts. Trafficking in individuals who have evaded police authority.

When compared to the size of the border area in West Kalimantan, especially the border in Sambas Regency, the number of law enforcement personnel on the ground is still insignificant. Sarawak, making the community’s participation in preventing human trafficking important. Communities are allowed to employ the social norms that are prevalent in border regions as long as they abide by the pertinent statutory provisions. In compliance with the law and within the limits of their authority, police officers perform their jobs.

In the border areas of the Sajingan and Paloh subdistricts and the Biawak region, people have norms and customary regulations that are in force. Community members have the same ethnic group and set of values because of ties, fraternity, and kinship among people despite distinctions in nationality; as a result, they are not greatly dissimilar from one another. Polri is in a great position to handle a new case as an investigator because of its function in the criminal justice system. There, the police were posted and serving "as gatekeepers." It is also believed that the prosecution stage serves as the "main administrative office in the processing of cases," giving the prosecutor’s office jurisdiction.

The police act as both investigators and the foundation for the implementation of illegal law enforcement when it comes to enforcing criminal laws. The coordination with the prosecutor’s office that took place during the preliminary investigation stage is a crucial element that cannot be separated from the other. According to informants at numerous Polres in border areas and other sources, another form of collaboration is the implementation of criminal legislation against crimes in border areas, particularly in the Sajingan and Biawak border areas. The prevention and prevention of human trafficking offenses, particularly cross-border crimes, must be prioritized.

In this case, investigators were given the legal authority to carry out a series of activities starting with investigations and investigations, followed by other actions, and given the authority to detain, confiscate, and other powers to reveal the criminal acts that occurred. The informant claimed that police investigators were law enforcement officers who first attempted to address cross-border crime in border areas, particularly the problem of human trafficking. To make sure that every border-area police officer tries to stop crimes involving cross-border human trafficking (Nugrahaningsih et al., 2020).

Police officers assigned to the Resort Police in the Sajingan and Biawak border areas should act in accordance with the authority granted by statutory regulations. "Trafficking in persons to prevent the crime of trafficking in persons in border areas," whether such conduct has been recognized as illegal or has not yet been classified as such, is the legal expression for a range of cross-border crimes, including human trafficking. There were many cross-border crimes committed at the Sajingan-Biawak border, including people entering and exiting as illegal immigrants from the Sajingan-Indonesia border area or vice versa from the Biawak district-Malaysia border area, according to informants from various Polres investigators in the border area. As it is known in the legal system, human trafficking is an act that leads to more criminal activity. The crime of human trafficking is treated in the same way as other crimes, such as those involving drugs and psychoactive substances, as well as "smuggle or smokeless" offenses, which use illegal ways (beyond
the border) as their mode of operation. Locals call the road, which runs through thickets and jungle connecting communities in the region where the states of Malaysia and Indonesia meet, "rat paths."

Community members have the power to fight it in cooperation with law enforcement, but they are inevitably involved in criminal activity, especially criminal conduct involving human trafficking. Human trafficking crimes are more likely to be committed in border regions when dishonest members of the public are involved. This benefits the criminals who commit these crimes (the daggers), who act as route guides and assist in the recruitment of potential victims by receiving payment for their services.

The informant detailed the various crimes that were committed in the Sajingan and Biawak border regions, including human smuggling, which is classified as a crime of human trafficking. One of these offenses was for potential Indonesian laborers who intended to work as migrant workers in Malaysia to regularly cross the border without an official document, such as a passport or Cross Border Pass, to work. Human rights violations are a big problem since the state cannot monitor people whose lives are being transferred unlawfully. It is challenging to deal with if there is ever a problem with someone because there is no official documentation demonstrating that they are employed in Malaysia.

Indonesian employees are attempting to take advantage of a chance that plantation owners have here. Indonesian laborers are seen as being in the illegal labor force in Malaysia, which presents chances for businesses. This is especially true for people who enter Malaysia's border region illegally through either the Sajingan Subdistrict or Paloh Subdistrict border areas in the Sambas Regency. Because plantations in Malaysia are concerned about the possibility of being identified as employing illegal laborers by the police, it is easier for employers to take advantage of migrant workers from Indonesia through their brokers. Workers may put in excessive overtime hours, do not receive adequate pay, or all three.

The border of Sajingan has poor amenities, infrastructure, and social conditions, which might encourage a range of illegal activities. To tackle the crime of human trafficking and conduct preventive or repressive actions to end the crime in border regions, adequate facilities and infrastructure are required. The frequent occurrence of cases of human trafficking entails the exploitation of victims and the participation of dishonest members of the public who support human traffickers. Integrating societal norms accepted and managed by the community with laws governing the crime of human trafficking is an effective way to eradicate human trafficking in border regions, notably in the border regions of Sambas district. This is due to the fact that community members on the border are familiar with and understand the social norms in their environment, known as customary law and that these social norms have evolved into the culture and values that are inherent in the daily lives of community members, as opposed to the law on eradicating criminal acts of trafficking in persons derived from Law No. 21 of 2007, to carry out prevention and eradication of the crime of human trafficking.
Human Trafficking Legal Protection Model at the Sambas Border, West Kalimantan

In order to lessen the exploitation of victims of the criminal crime of trafficking in persons, it is hoped that the human trafficking situation in the border region between Sajingan, Indonesia, and the Biawak District, East Malaysia, would be adequately managed. The incorporation of societal norms approved and governed by the citizens of Sambas Regency’s border regions may have an impact on the elimination of illegal acts from the elements of the crime of human trafficking under Law No. 21 of 2007.

Law enforcement agents don't waste time talking with the community to assist them in understanding and combating human trafficking since the cultural norms that regulate the border regions of the Sambas Regency are believed to be customary law that rules order and harmony in society. The police are the sole members of the legal system in charge of disclosing information regarding the observance of standards in this situation.

The understanding and conviction of the people living in the border regions of Sambas Regency, especially those in the border regions of the Sajingan sub-district and the Paloh sub-district, which serves as the regional capital, play an active and significant role in the implementation of the eradication of the crime of human trafficking. Given how frequently people cross the Indonesia-Malaysia border on foot, it is crucial to uphold border crossing security at both the formal border and along public pathways. In order to do this, signaling will be erected in each border hamlet, and law enforcement agents will patrol alongside the ordinary populace.

Community leaders and traditional leaders must actively participate in signaling and patrol coordination with law enforcement personnel and the community in the border zones of Sajingan District and Paloh District. The main basis for functioning as their leaders is that they are held in very high regard by the community members. According to William J. Chambliss and Robert B. Seidman’s theory presented in Hoffstaedter et al., (2021) community members play a crucial role in upholding legal standards.

The law enforcement diagram scheme above provides an understanding of the role of social forces besides influencing society as the target of applying legal norms as well as
institutions that make legal norms and institutions implementing sanctions threats so that social values and norms become social forces for law enforcement which plays a role in regulating behavior and actions that are required and prohibited in community life.

The operation of legal norms in law enforcement mechanisms that are integrated with societal norms specifically needs to be formulated as a model of legal protection for overcoming and handling human trafficking in border areas, especially in the border areas of Sambas Regency, namely:

1. The method of the role occupant or law enforcement apparatus taking action in harmony with societal norms in the border areas of Sambas Regency;
2. Methods of role holders or law enforcement officials responding to legal norms, threats of sanctions, activities of implementing institutions, components of social and political power, and all matters aimed at border communities in the Sambas district;
3. The strategy for implementing institutions will take into account legal requirements, threats of sanctions, activities of implementing institutions, sources of social and political power, all issues brought to their attention, as well as input from traditional leaders and community leaders in the border regions of Sambas Regency;
4. The method for drafting laws responds to legal requirements, threats of sanctions, actions taken by implementing institutions, elements of social and political power, and all issues directed at it, as well as input from role holders and the bureaucracy, which offers a separate assessment for society through the participation of figures. Traditional and community leaders in the Sambas Regency’s border region.

As a result, by aligning with cultural norms, community leaders and traditional leaders can help Law No. 21 of 2007’s legal standards for banning human trafficking become a reality. According to Saptono et al., (2021), applying punishment through criminal means is impractical if the main motivation is vengeance. If you utilize punishment, you must abide by the restriction principle, which includes:

a. Avoid using the criminal justice system to condemn people for doing good deeds.
b. Avoid using criminal law to accomplish a greater aim that can be accomplished more successfully through other, less drastic measures.
c. Avoid using the criminal justice system if the loss or danger caused by the crime is higher than the loss or danger caused by the crime itself.
d. Criminal law restrictions shouldn't go beyond what is necessary to stop the intended offense.
e. Prohibitions that lack broad public support should not be included in criminal laws.

A provision of a criminal law cannot be unenforceable.

Walker believes that because the border communities of the Sambas district are seen as part of societal norms in the creation of legal protection, the implementation of the policy of integrating legal norms formulated in Law No. 21 of 2007 concerning the eradication of the crime of trafficking in persons and the societal norms that apply there will become ”steady actions” and daily habits, become guidelines for behavior, and serve as role models for norms.

The community's participation in enforcing cultural norms at the Border of Sambas Regency significantly helps law enforcement, in this case, the police, in their
investigational work. Along with law enforcement personnel, a strategy for integrating cultural norms to combat human trafficking near the border of the Sambas Regency incorporates community participation, community leaders, and traditional leaders. To protect the general public from acts of human trafficking, Law No. 21 of 2007 about the eradication of the criminal act of trafficking in persons is being implemented effectively as expected.

Using criminal means to partially combat the crime of human trafficking without involving the border communities of Sambas Regency and enforcing social norms through community leaders and traditional leaders is likely to fail because there are still human trafficking crimes on the West Kalimantan border. This is in contrast to the border regions in West Kalimantan and Sarawak, where the Sarawak-West Kalimantan boundary spans an area of 23,741 km² and has a borderline of 857 km. Other than that, there are a number of official entries (official borders), as well as entry and exit points, among other things, along the West Kalimantan-Sarawak border region. There is an entrance at the level of the Cross Border Post in the Aruk Region, Sambas Regency, Entikong Region of Sanggau Regency, and other regions, including PPLB Jagoi Babang, Bengkayang Regency, PPLB Badau, and Kapuas Hulu Regency. Then, for a variety of reasons, anyone can quickly travel to Sarawak, Malaysia. The purpose is, among other things, Because transportation is relatively inexpensive, Indonesian or female workers often host or relocate migrant labor (Fathurrohman & Bichler, 2021).

The legal protection model for handling human trafficking on the border of Sambas Regency can be put into practice by applying a variety of approaches in a structured manner, including the application of an institutional approach, application of an international migration approach, and application of a transnational smuggling approach. This model was developed as a result of Law Number 21 of 2007’s incorporation of societal norms and legislation aimed at combating the crime of human trafficking.

4. Conclusion

The model of legal protection for countermeasures both preventing and prosecuting traffickers in persons carried out by the authorities can be put into practice by incorporating societal norms in the border regions of Sambas Regency in Sarawak with legislation on the eradication of criminal acts of trafficking in persons formulated in Law No. 21 of 2007 with the application of criminal sanctions (in penal terms), involving community leaders and local traditional leaders. Making a list of the societal norms that the community in the border area of the Sambas district upholds with the assistance of community leaders and traditional leaders is the first step in creating and devising a community protection strategy against human trafficking. In order to achieve harmony and consistency between the principles and norms of law enforcement, legislation that governs the elimination of criminal acts involving human trafficking will continue to be integrated with society’s standards. The integration of societal norms known as customary law with legislation on the crime of eradicating trafficking in persons, and the cooperation of law enforcement officials with community leaders and traditional leaders must be carried out by community cultural values as a model and point of reference for preventing and eradicating criminal acts of trafficking in persons in the border regions of Sambas Regency.
References


