



Position Strengthening of Cross-Border Posts as a Filter to International Crimes of Human Trafficking

Rika Erawaty

Faculty of Law, Universitas Sebelas Maret, Surakarta, Indonesia
Kentingan, Jl. Ir Sutami No.36, Kec. Jebres, Kota Surakarta, Jawa Tengah, Indonesia 57126
rika_erawaty@student.uns.ac.id

Hartiwiningsih Hartiwiningsih

Faculty of Law, Universitas Sebelas Maret, Surakarta, Indonesia
Kentingan, Jl. Ir Sutami No.36, Kec. Jebres, Kota Surakarta, Jawa Tengah, Indonesia 57126
hartiwiningsih@staff.uns.ac.id

Mahendra Putra Kurnia

Universitas Mulawarman, Samarinda, Kalimantan Timur, Indonesia
Jl. Sambaliung No.1, Sempaja Sel., Kec. Samarinda Utara, Kota Samarinda, Kalimantan Timur 75119
mp_sheva@yahoo.com

Abstract— Between 2019 and 2022, there will be a continuous rise in the number of Indonesian nationals who become victims of human trafficking abroad. According to data, there were up to 752 victims in 2022. Naturally, the state bears the responsibility of upholding the law and shielding victims of human trafficking. Institutions must work together to monitor people's movements into and out of the state, particularly in border areas, to reduce the incidence of human trafficking. The role that national border posts play as a screening mechanism for transnational human trafficking offenses is the main topic of this essay. Is it necessary to rewrite international cooperation legislation to address the issue of human trafficking at state borders? This essay takes a theological stance and draws its source from secondary data. The study's findings indicate that the PLBN is leading the way in reducing the incidence of human trafficking at state borders and that the persistence of traditional border posts is a challenge to state and local governments in their efforts to combat human trafficking. To fight human trafficking and enforce the law against international criminal acts of human trafficking, legal reconstruction is necessary. This is especially true for building global cooperation with adjacent countries.

Keywords— Human Trafficking, Country Borders, International Cooperation.

I. INTRODUCTION

Human rights are inalienable and are frequently essential to all people. These human rights include freedom from persecution and discrimination, security, and life. While everyone must respect these inalienable rights, human rights breaches—like human trafficking—often occur in the course of daily life. The issue of human trafficking has spread around the world and now affects people of all social classes, ages, and genders. Human trafficking is seen as a crime against humanity since the victims are deprived of their rights and oppressed.[1]

The numbers for 2019–2022 show how many people in Indonesia are victims of human trafficking each year. Women comprised 80% of the victims, with 225 victims in 2019, 422 victims in 2020, 638 victims in 2021, and 752 victims in 2022. These numbers show how the problem of human trafficking in Indonesia is becoming more and more serious each year. These situations are becoming more common, especially in border areas. Particular worries and issues exist in some areas of the state border; these are primarily related to problems transcultural among border dwellers, human trafficking, illegal logging, poverty, desertion, remoteness, and other social issues.[2] Human trafficking crimes can be committed for a variety of reasons, including a lack of international cooperation in the fight against human trafficking, economy, education, and a lack of strict law enforcement and oversight.[3] The prevalence of the transnational crime of people trafficking is directly associated with the existence and function of state-cross border posts, often referred to as Pos Lintas Batas Negara (PLBN), in monitoring individuals entering and exiting Indonesian territory.

By 2024, the government wants Indonesia to have 26 PLBNs in border areas with Malaysia, the Democratic Republic of the Timor Leste (RDTL), and Papua New Guinea (PNG). To establish integrated posts from some traditional border posts, the components of CIQS (Customs, Immigration, Quarantine, and Security) will be

blended with elements of contemporary infrastructure. The question at hand is whether the PLANes construction goal can lower the prevalence of human trafficking.

This study employed a socio-legal or non doctrinal research approach, which is a study that describes intellectual, sociological, and juridical issues through the examination of laws and policies. This research employs an interdisciplinary methodology, particularly in the social sciences, to shed light on certain legal occurrences. This study aims to provide a legal justification for the truth or falsity of an event and how it ought to be interpreted in light of specific legal provisions. This research will also employ a comparative analysis of the legal frameworks used in various nations to address human trafficking cases.

II. FINDINGS AND DISCUSSION

A. Human Trafficking as A Form of Crime to Humanity

Human trafficking is defined as the act of enlisting, accommodating, transferring, receiving, or threatening someone with the use of violence, kidnapping, strangulation, counterfeiting, fraud, abusing authority or putting oneself in a vulnerable position, entangling oneself in debt, or providing payment or benefits in exchange for permission from the person in charge of those other people. This can be done domestically and internationally with the intention of exploitation or the resultant exploitation of others.[4]

One type of transnational organized crime is human trafficking (TOC). Every activity or occurrence outside of a nation's borders is governed by international law. In general, human trafficking is characterized as an unlawful method of exploiting people for personal gain. Human trafficking, in which women and children make up the majority of the victims, is a crime against humanity that breaches human rights since it involves the coercion or even torture of an individual or group of individuals solely for exploitation or sex. It is profitable for just one side.[5] Crimes involving human trafficking seriously violate human rights since they infringe upon people's rights and dignity. Human rights are inalienable fundamental rights that are bestowed onto people by God via a body of established legal norms. Since human trafficking involves forced labor, abuse, violence, and exploitation of its victims, it is said to be the modern equivalent of human slavery, which diminishes a person's dignity. To ensure that the number of victims does not keep rising, preventative efforts and firm action against those who engage in human trafficking are therefore required.[6]

B. Position Strengthening of State Cross Borders Posts (PLBN)

Between the Pacific and Indian oceans, as well as between the continents of Asia and Australia, lies the island nation of Indonesia, which is part of an island chain. Malaysia, Singapore, PNG, Limor Leste, Philippines, Vietnam, Australia, and Thailand are the nations Indonesia borders. The countries enclosed by Indonesian boundaries may be connected by rivers, in the province of Nort Kalimantan, or by the sea. Naturally, Indonesia's border with multiple surrounding nations brings with it a host of intricate issues, such as welfare and poverty, smuggling of goods, trafficking in illicit labor, and human trafficking.[7]

The purpose of guard posts is to protect state cross-border posts, also referred to as PLBNs. While some checkpoints at the state borders have undergone integration, others remain conventional. The Indonesian National Army guards them, and stamp books—rather than passports—are the only means of entry and exit into Indonesian territory. In addition to serving as guard posts, PLBN promotes the development of new economic hubs, enhancing the welfare and prosperity of the local populace.

Table 1: The List of PLBN in Indonesia

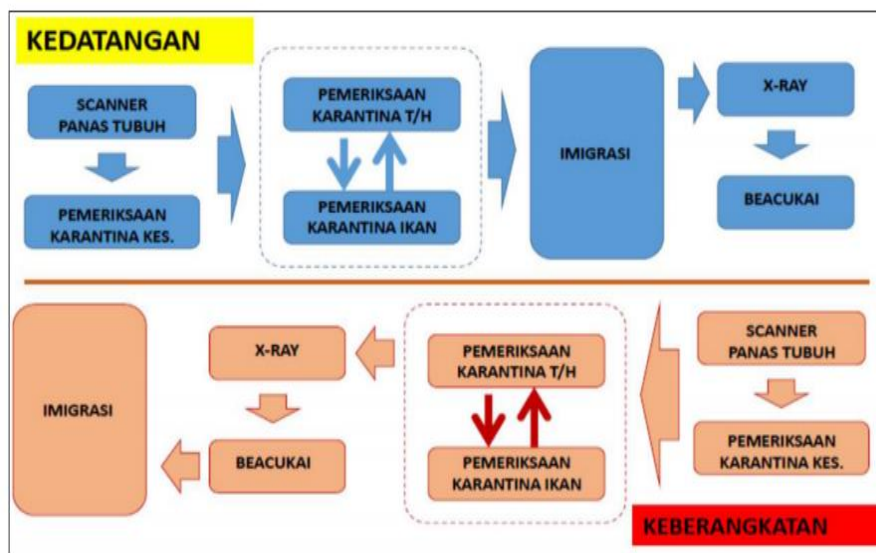
No	Name	Location	Bordering State
1	PLBN Aruk	Sambas, Kalimantan Barat	Indonesia - Malaysia
2	PLBN Entikong	Sanggau, Kalimantan Barat	Indonesia - Malaysia
3	PLBN Nanga Badau	Kapuas Hulu, Kalinatan Barat	Indonesia - Malaysia
4	PLBN Motaain	Belu, Nusa Tenggara Timur	Indonesia - Timor Leste
5	PLBN Motamasin	Malaka, Nusa Tenggara Timur	Indonesia - Timor Leste
6	PLBN Wini	Timor Tengah Utara, NTT	Indonesia - Timor Leste
7	PLBN Skouw	Kota Jayapura, Papua	Indonesia - Papua Nugini
8	PLBN Sota	Merauke, Papua Selatan	Indonesia - Papua Nugini
9	PLBN Yetetkun	Boven Digoel, Papua Selatan	Indonesia - Papua Nugini
10	PLBN Serasan	Natuna, Kepulauan Riau	Indonesia - Malaysia
11	PLBN Jagoi Babang	Bengkayang, Kalimantan Barat	Indonesia - Malaysia
12	PLBN Sei Kelik	Sintang, Kalimantan Barat	Indonesia - Malaysia
13	PLBN Sei Nyamuk	Sebatik, Nunukan, Kalimantan Utara	Indonesia - Malaysia
14	PLBN Labang	Nunukan, Kalimantan Utara	Indonesia - Malaysia

15	PLBN Long Midang	Nunukan, Kalimantan Utara	Indonesia - Malaysia
16	PLBN Long Nawang	Nunukan, Kalimantan Utara	Indonesia - Malaysia
17	PLBN Oepoli	Kabupaten Kupang, NTT	Indonesia - Timor Leste
18	PLBN Napan	Timor Tengah Utara, NTT	Indonesia - Timor Leste

These PLBNs were first constructed between 2015 and 2020, and according to official targets, by 2024, Indonesia will have 26 PLBNs dispersed among its border regions. The PLBNs are built with structures that serve as checkpoints, access roads, monuments, utility buildings, buildings for confiscating commodities, and buildings for departure and arrival inspections. All of these buildings are equipped with computerized technology equipment.

In state border areas, the PLBN monitors human and commercial traffic. PLBN collaborates with the Ministry of Finance of Directorate's Custom elements, the Ministry of Law and Human Rights Immigration element, the Ministry of Agriculture's Agricultural Quarantine Agency, the Ministry of Marine Affairs and Fisheries, and the Ministry of Health to provide an integrated service. All three of these cross-border service components are coordinated by the Ministry of Home Affairs through the National Agency for Borders Management, which is under the charge of the Head of the PLBN Management/Administration Division.[8] Regarding human trafficking, the immigration component plays a significant role in controlling who enters and leaves state border regions. To completely eradicate and significantly reduce the incidence of human trafficking, this component shall rigorously verify the travel documentation of Indonesian nationals who are leaving the country. A flowchart of human and commodities traffic service processes is provided below.

Picture 1: The Flow of Procedure of Cross Border Service of Human and Goods



Every individual entering or leaving Indonesian territory must have proper travel documentation, and any foreign national joining the Indonesian must have a valid visa. Passports and visas are examples of travel documents issued by the Republic of Indonesia. In addition to displaying the travel documents, the PLBN inspection must show a guarantee letter for Indonesian nationals who would be employed abroad. This guarantee letter is meant to assure that the person going to work overseas will be assigned to the promised position and won't be breaking any laws. The PJTKI (Indonesian Labor Providers Organization) oversight of many institutions, including the Ministry of Manpower, provides assurance documents to Indonesian nationals who plan to work overseas. It ought to be displayed later during the PLBN inspection.

Indonesia's border regions are guarded by approved and traditional cross-border posts (Pos Lintas Batas/PLB) and PLBN. The Indonesian National Army, which is in charge of border defense and security, guards these installations. It is straightforward to pass through "rat holes" to travel from West Kalimantan to Kuching, Sarawak, or from North Kalimantan to Tawau, Sabah, as well as the borders between the provinces of Sumatera Island and Singapore, as well as between Peninsular Malaysia and East Malaysia (Sarawak and Sabah). Similar to how the station is situated near the frontiers of Papua and Papua New Guinea, people in these border regions of both states customarily pay each other courtesy visits.[9]

Naturally, because travel documents cannot be electronically detected, traffic lanes that do not pass through PLBN are highly susceptible to people trafficking. Only cross-border passes, stamped by border guards, are shown by those who use these lanes. Identifying the establishment of "rat holes" is challenging because these

border areas typically traverse through forested areas, which are subsequently used by a group of individuals who cross the border illegally.

In addition to modern inspection, strengthening PLBN includes overseeing the conventional PLBs within a specific PLBN's operational region. When all traffic, including humans and commodities, passes via the closest PLB, there is a synergy between the PLBN's duties and functions and those of the classic Posts. The consequences of inoperable cross-border posts include an increased risk of security disruptions and unmonitored and unserved foreign and Indonesian nationals entering and leaving the country. Then, a gang of individuals uses it as a point of entry for any illegal cross-border activity, including the trafficking of people, drugs, and terrorists.

These locations should be heavily fortified and guarded to demonstrate Indonesia's existence, authority, and sovereignty in border areas with other nations. As a result, the cross-border post, a governmental institution at the forefront and faces foreign countries directly, plays a crucial role in developing border regions and preserving national sovereignty.

C. International Cooperation in Handling Human Trafficking

The Protocol of Palermo, also known as the Protocol to Prevent, Suppress and Punish Trafficking in Person, Especially Women and Children, Supplement the United Nations Convention Against Transnational Organization Crime, is a 2000 United Nations Convention on Transnational Organizational Crime-equipped protocol on preventing, suppressing, and punishing (the perpetrators) of human trafficking, particularly on women and children. Law Number 14 of 2009 ratified this convention in Indonesia. The protocol's confirmation indicates Indonesia's strong commitment to combating human trafficking offenses.[10] Because of several factors, including an uneven economy that leads to poverty and low welfare, its strategic location near several international trade routes, and cultural norms that encourage people to believe that pursuing employment abroad will make them more prosperous, Southeast Asia is a hotspot for human trafficking. Southeast Asia remains susceptible to the practice of people trafficking. In addition, there is insufficient commitment from Southeast Asian nations to law enforcement.[11]

Since ASEAN is a platform for Southeast Asian regional integration, it makes sense that it creates and upholds regional security, in this case combating the crime of human trafficking. The ASEAN Declaration Against Human Trafficking in Persons, Particularly Women and Children, was implemented in 2004. The ASEAN Political-Security Community published a blueprint in 2015. The ASEAN Intergovernmental Commission on Human Rights (AICHR) was established. The 2004 declaration, ACTIP (ASEAN Convention Against Human Trafficking in Persons, especially Women and Children), was renewed in 2015. The Bohol TIP Work Plan 2017–2020 was then established. Bilateral cooperation between bordering nations, like Indonesia and several neighboring countries, is crucial in addition to ASEAN's efforts. A commitment to combat human trafficking offenses between the two nations may result from this bilateral collaboration. Using this bilateral cooperation, each government will oversee the border gates in a conventional or integrated manner. Similarly, every country must work with Interpol to enforce the law against human trafficking organizations.

III. CONCLUSION

Human trafficking has grown to be a worldwide problem that affects everyone, irrespective of social class, age, or gender. Because the victims of human trafficking are deprived of their right to security and often even abused inhumanely, it is considered a crime against humanity. To ensure that the number of victims of human trafficking does not rise, specific preventative measures and rigorous prosecution of perpetrators are necessary. In addition to contemporary inspection, the PLBN's position is strengthened by overseeing the traditional PLBs inside its work area. When all traffic in both persons and things passes via the closest PLBN, there must be a synergy between the responsibilities and functions of PLBN in traditional posts. There is an urgent need for collaboration among the nations in the Southeast, especially in bolstering bilateral ties between Indonesia and its neighbors. Institutions and neighborhood organizations may cooperate in this way, making it possible to enforce the law against people trafficking.

IV. REFERENCES

- [1] A. D. Renteln, "Human Rights," *Encycl. Violence, Peace, Confl.*, pp. 276–298, Jan. 2022, doi: 10.1016/B978-0-12-820195-4.00227-2.
- [2] S. Ulasoglu Imamoglu, "Anti-Trafficking Efforts and Civil Conflicts," *J. Hum. Traffick.*, vol. 9, no. 4, pp. 491–512, Oct. 2023, doi: 10.1080/23322705.2021.1940777.
- [3] S. Eviningrum, Hartiwiningasih, and M. Jamin, "Strengthening human rights-based legal protection on victims of child trafficking in Indonesia," *Int. J. Adv. Sci. Technol.*, vol. 28, no. 20, pp. 296–300, 2019.
- [4] E. W. Y. Putri, M. A. Sari, and M. A. Hamdi, "Optimization of Immigration Functions on Human Trafficking Through Selective Policy," *J. Law Bord. Prot.*, vol. 3, no. 2, pp. 13–22, Dec. 2021, doi:

- 10.52617/jlbp.v3i2.276.
- [5] A. Bhagat, "Trafficking borders," *Polit. Geogr.*, vol. 95, p. 102598, May 2022, doi: 10.1016/j.polgeo.2022.102598.
- [6] C. Schafers and J. S. Wormith, "Criminality," in *Encyclopedia of Mental Health*, Elsevier, 2023, pp. 526–537.
- [7] E. Sulaksono, "The Patterns of Human Trafficking on Indonesian Migrant Workers: Case Study of Riau Islands and Johor Border Crossing," *Masy. J. Sociol.*, vol. 23, no. 2, Aug. 2018, doi: 10.7454/mjs.v23i2.6562.
- [8] G. Tefa and F. P. Thaal, "Kinerja Pos Lintas Batas Negara (PLBN) Terpadu Wini Di Kawasan Perbatasan RI - RDTL Kabupaten Timor Tengah Utara Provinsi Nusa Tenggara Timur," *J. Pemerintah. Dan Keamanan Publik (JP dan KP)*, pp. 11–24, Feb. 2019, doi: 10.33701/jpkp.v1i1.711.
- [9] I. Firdaus, "Optimalisasi Pos Lintas Batas Tradisional dalam Pelaksanaan Fungsi Keimigrasian Studi Kasus Imigrasi Entikong," *J. Ilm. Kebijak. Huk.*, vol. 12, no. 1, p. 57, Mar. 2018, doi: 10.30641/kebijakan.2018.V12.57-71.
- [10] L. V. Sitania and E. Suponyono, "Akomodasi Pemberantasan Tindak Pidana Perdagangan Orang dalam Aspek Hukum Internasional dan Nasional," *J. Pembang. Huk. Indones.*, vol. 2, no. 1, pp. 38–54, Jan. 2020, doi: 10.14710/jphi.v2i1.38-54.
- [11] N. F. Khairi, "Upaya ASEAN dalam Menangani Masalah Perdagangan Manusia di Asia Tenggara," *Anterior J.*, vol. 20, no. 2, pp. 84–93, Apr. 2021, doi: 10.33084/anterior.v20i2.1795.

Open Access This chapter is licensed under the terms of the Creative Commons Attribution-NonCommercial 4.0 International License (<http://creativecommons.org/licenses/by-nc/4.0/>), which permits any noncommercial use, sharing, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons license and indicate if changes were made.

The images or other third party material in this chapter are included in the chapter's Creative Commons license, unless indicated otherwise in a credit line to the material. If material is not included in the chapter's Creative Commons license and your intended use is not permitted by statutory regulation or exceeds the permitted use, you will need to obtain permission directly from the copyright holder.

