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Strengthening International Cooperation to Tackle Indonesian Women Trafficking

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ABSTRACT

Problem of trafficking and people smuggling is very difficult to solve. Trafficking and smuggling of people in China for instance, involve routes that are not easy to track, managed by highly organized networks, and long travel distances to cover. Stakeholders searched and found it difficult to find their mode of transportation, which changes over time and very well planned. This research is qualitative in nature by trying to understand the situation in the research subject. This research used a case study in the design and employed primary data that is interviewed in almost 90 (ninety) percent with key persons that are directly or indirectly linked to the main finding of the research. By using concept combating Indonesian women trafficking, this research concluded that the Indonesian state through Interpol Indonesia has a national interest in combating the number of human trafficking in China district by strengthening international cooperation in providing, liaising, and facilitating the Indonesian women nationals under the international humanitarian crime.

Keywords: *Interpol Indonesia, women trafficking, international cooperation.*

A. INTRODUCTION

This problem of trafficking and people smuggling is very difficult to solve. Trafficking and smuggling of people in China for instance, involve routes that are not easy to track, managed by highly organized networks, and long travel distances to cover. Stakeholders searched and found it difficult to find their mode of transportation, which changes over time and is very well planned (Nizmi, 2016). As quoted from a newspaper written by Liu and Pappas in 2000 that Fujian, a province in Southern China, became a center of trade and smuggling in China. For more than a century, Fujian residents moved to the West both legally and illegally. The Fujian people are well-known in the history of emigration, and it became the main province on which China was based, a predicate for trafficked and smuggled people (Melinda & Liu, 2000).

There are multitude cases of human trafficking in China. Several countries have established bilateral organizations with China to deal with this case. The United States, Canada and Australia for instance, sent representatives to China to discuss this issue. The United States Immigration and Naturalization Service and the Chinese Ministry of Public Security formed a Liaison Group which regularly held meetings in Beijing. The United States set up official offices in major Chinese cities such as Shanghai and Guangzhou, and frequently traveled to Fujian province to observe the situation. At the same time, the Australian Department of Immigration and Multicultural Affairs dispatched special agents to Beijing and Guangzhou to investigate several persons related to this border issue (Skeldon, 2000).

As for Indonesian case, Ju or DW (17 years old) from Pontianak was a victim of human trafficking, namely by marrying a man from China who was promised a stable life to DW and his family by traffickers. The perpetrator brought DW to meet with Cheng Liu (a man from China) in order to be matched then DW and his family agreed with the matchmaking then the perpetrator prepared documents regarding DW. There was an agreement on stamp duty between the perpetrator, Cheng Liu and DW itself which made the family more and more trust in Cheng Liu. According to *Tribun Pontianak*, Cheng Liu gave all the money to the DW family as a complement.

Another case came from the Sukabumi Police, who managed to arrest a husband and wife, including the Wanted List (DPO) Indri and Imas the wife of Indri, they were arrested by Team 1 Jatanras Ditreskrimum Bangka Belitung Islands Police on charges of selling women with contract marriage mode which is then handed over to the Sukabumi Police for further investigation. Both of them are looking for women from Sukabumi to be rented out with citizens from China. From Imas and Indri's side, they deny that they did that. According to Imas, he was only asked to help find women for official marriage. Even Chinese men who married the victim were able to show divorce papers. from his wife so that they can be legally married. According to the *Bangka Pos*, most human trafficking targets women who may be underage to be married by Chinese citizens with the temptation of luxury. According to the victim's expectations, the victim will be given wealth and an adequate life but the reality on the ground is that on the contrary they are tortured and even made sex slaves to fulfill the desires of Chinese citizens who deliberately take Indonesians who appear to be from low circles and are easy to manipulate more than that. If the victim is no longer wanted, the victim will be dumped and left alone.

Indonesian police under Interpol Indonesia have disclosed another unwanted finding in 2018. A total of 16 women from Indonesia became victims of human trafficking (Ihsanudin, 2018). They were sent to China and sold to local residents for Rp. 400 million. This case was discovered after the victim's family complained to the Indonesian Solidarity Party (PSI). Muannas Alaidid, chairman of the People's Advocacy Network for the Indonesian Solidarity Party (Jangkar Solidaritas), revealed that this case began in May 2018, when 16 Indonesian women from Purwakarta, Subang, Bandung, Tangerang and Tegal were dispatched to China. They were lured by a job and a big salary as a cosmetic seller there. It turned out that when they got there, the victims were married off to local men, with forged parental consent.

From the three (3) examples of Indonesia human trafficking in China which they are all women cases, it can be concluded that this is a serious issue that must be handled together and find the right formula or solution in handling this case. Therefore, the objectives of this research are identifying the constraints of Interpol Indonesia in handling cases of Indonesian women trafficking and examining the steps or procedures carried out by Interpol Indonesia in handling cases of transnational Indonesian women trafficking. In this research, the case of Indonesian women in China district is taken as a focus place of analysis.

B. CONCEPTUAL FRAMEWORK

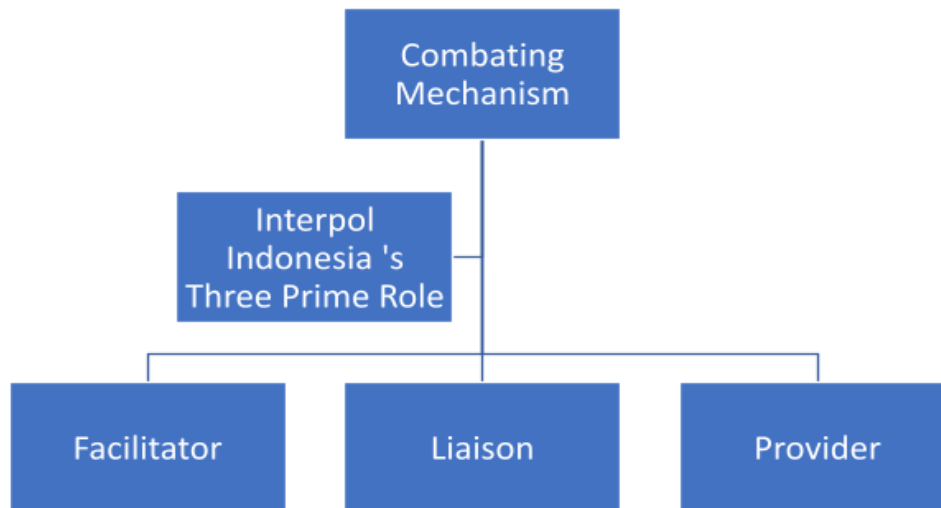
Concept Combating Indonesian Women Trafficking

The Indonesian State has a national interest in reducing the number of human trafficking by assigning the Interpol NCB Set as the agency that handles, human trafficking is the act of recruiting, transporting, sheltering, sending, transferring, or receiving someone with threats of violence, use of force, kidnapping, confinement, fraud, abuse of power in a position of vulnerability, debt bondage or giving payments or benefits, so as to obtain the consent of a person having control over another person, whether carried out within a country or between countries, for the purpose of exploitation or causing people to be exploited (NCB Interpol Indonesia, 2007).

The state according to Miriam Budiardjo is an area whose population is led by officials and through legitimate power has succeeded in regulating its people to comply with laws and regulations. According to Roger F. Soleau, the notion of the state is a means or authority that regulates and controls various problems that are common in people's lives. According to Prof. Soenarko, the definition of the state is the highest organization of the people who have a certain area, where the power of the state is fully enforced. So, the conclusion is an organization or the highest institution of a community group consisting of a group of people in a certain area, having aspirations to live together, and having a sovereign system of government.

Interpol Indonesia is one of the bureaus within the organizational structure of the National Police International Relations Division (Divhubinter Polri) which is tasked with fostering, supervising and controlling the implementation of Interpol Indonesia tasks in international cooperation in the bilateral and multilateral scope. In carrying out its duties, the Interpol Indonesia performs the following functions in implementation of international cooperation in the context of overcoming international/transnational crimes, drafting international agreements and holding international, bilateral and multilateral forums, exchanging of criminal intelligence information through the Interpol and Aseanapol network systems, and assisting technical development of police. The Head of Interpol Indonesia revealed that in tackling all crimes of human trafficking in Indonesia, it carried out the following activities. First, cooperation with other states, either by conducting Operational Joins or by conducting staff exchanges. Second, increasing staff skills, in this case increasing the ability of staff by conducting training either with domestic or foreign institutions that are specially called to improve the ability of Interpol Indonesian staff. Third, obtaining personal information both formally and informally. Fourth, receiving and responding quickly and accurately to any required information, whether it is information from other countries or from Interpol informants so that the speed of handling a problem can be resolved properly.

Figure. 1. Operational framework for Interpol Indonesia in combating Indonesian women trafficking in China district.



Methodology

This research is qualitative in nature by trying to understand the situation in the research subject. This research used a case study in the design and employed primary data that is interviewed in almost 90 (ninety) percent with key persons that are directly or indirectly linked to the main finding of the research. In the interview, the role of the BagJatinter (International Crime Section) was discussed, which was part of the Indonesian Interpol NCB Set which helps the Interpol Indonesia NCB Set to handle, prevent, and eradicate international and transnational crimes such as case studies that have been determined on trafficking in persons across countries in particular human trafficking that occurs between Indonesia and China. The Interpol Indonesia NCB Set Office is headquartered on Jl. Trunojoyo No. 3 Kebayoran Baru, South Jakarta. To facilitate this research, this research used interview questions with staff and assistants at the Interpol Indonesia NCB Set by combining two sets of questions, namely open and closed, with details of the questions attached. The timing of the implementation of this research started on May 10, 2019 until May 15, 2019. The data then was analyzed which later answered problems related to the research's case study.

C. RESULT AND DISCUSSION

Challenges faced by Interpol Indonesia in combating Indonesian women trafficking

Challenges are inevitable. The victims who have valid documents and passports make it seem as if the victims have permits and are legal, not because of coercion. On average, the victims put forward expectations by being lured in by abundant wealth due to economic limitations that require them to fulfill their daily needs without thinking they agree to the offer from the human traffickers and then they will feel regret only when they have gone through all the processes. Another obstacle is the limited number of witnesses in handling this case, not all witnesses who know this are willing to give their testimony even though they know, the witnesses also do not want to be involved in this case so that it makes it difficult for policy

makers to thoroughly investigate this case. In addition to the above constraints that also made this case quickly resolved, there are many technicalities that require a long time and process through procedures that have been made and agreed upon by the policy makers so as not to get out of the applicable legal discipline because in this case it will occur for policy makers to think about the positive and negative impacts on a case, especially regarding policies between two countries (bipolar) so it must be considered carefully so that what is desired does not happen.

Similarly, in this case, Indonesian women traffickers have been deceived by being married to Chinese people and promised property that will be given to them if later the victim wants to become the legal wife of the Chinese citizen even if the money that is later given to the victims is only as a marriage dowry, not to continue and be accepted by the victim every month. This method is only to be able to trick the victim so that the victim does not appear suspicious in advance of the perpetrator's bad intentions. Until now this case has been handled, the perpetrators have been arrested in coordination with the Indonesian Embassy and the Indonesian Consulate General staff in China. The main problem is that the victims have not been able to return all of them because there is a regulation in China that the victim is bound by a legal marriage with a Chinese citizen, so everything the wife, including her rights and obligations, is the husband's responsibility and must follow the husband.

Efforts of Interpol Indonesia in combating Indonesian women trafficking

In order to be able to act quickly in eradicating crimes that often do not recognize national boundaries, the Interpol Indonesia often communicated with the International Criminal Police Organization. For example, in an effort to eradicate crime. Interpol Indonesia often circulated arrest orders to all member countries, thus enabling all Interpol Indonesia to member countries in finding the accused or wanted criminal and arrest the indicated individuals. In China district's case, however, Interpol faces various problems and limitations in overcoming this problem. First of all, the boundaries of countries and jurisdictions. The authority of law enforcement officers in carrying out law enforcement activities is limited by a country's territory as the limit of its legal jurisdiction. On the other hand, the perpetrators of these crimes can move freely across national borders as long as they are equipped with adequate immigration documents. Second, the National law differences. The existence of differences in national laws from Interpol member countries, for example in certain countries in other countries the same act is not considered a crime. This often creates problems in conducting inter-state investigations.

Third, the pace of response. With advances in the fields of transportation, communication and informatics, criminals can move quickly to move from one country to another while law enforcement officers face long bureaucratic problems. In addition, there is a need for speed in exchanging information with countries that become the target of criminals.

Fourth, the identification. Before law enforcement can exchange information with other countries, they are able to carry out accurate identification of criminals. During this time, the perpetrators of the crime are able to flee to another country. Fifth, the treaty. After the perpetrators of these crimes are known to be in a certain country, there will be an extradition treaty which is required to bring the perpetrators back to Indonesia. Meanwhile, Indonesia does not have an extradition treaty with all countries in the world until now, except Malaysia, Philippines, Thailand and Australia.

Sixth, the mutual assistance in investigation. In addition to the extradition agreement, in the context of investigation (searches, confiscation of evidence, arrests of suspects, examinations and others) an agreement is still needed in the implementation procedure which is internationally called "Mutual Assistance in Criminal Matters". Finally, the liaison officer. In the context of cooperation in overcoming international crimes based on the resolutions of the Interpol general assembly and the Joint Communique of the Aseanapol Session, it is highly recommended to place the National Police Liaison Officer (LO) in other countries selectively based on the interests of the country. However, at this time the National Police has only placed a Liaison Officer (LO) only in Malaysia, while in other countries the status of "diplomatic" is still in the process of being resolved. Interpol Indonesia does not have full authority in the arrest and investigation of criminals. What Interpol Indonesia can do is maximize it in order to facilitate and provide information about the perpetrators/victims needed in investigations, become a liaison to foreign police, and become a consultant for regional investigators who will investigate perpetrators/victims to be in line with existing regulations and not to violate norms, laws, and values between countries.

Therefore, in accordance with the first and second main functions of Interpol Indonesia in providing secure global police communication services as well as operational data and police database services, they put efforts to increase cooperation among its member countries through "Sharing and exchange information" by utilizing advanced telecommunications technology called the Interpol Global Communication System (IGCS) or better known as "I-24/7". The name "I-24/7" means that the Interpol communication network system works 24 hours a day and 7 days a week without stopping which is connected to all member countries with the aim of facilitating the exchange and sharing of information in the context of international crime prevention and enforcement. law. This is the reason that Interpol Indonesia has developed a global police communication system. This system links the ICPO-INTERPOL General Secretariat (IPSG) in Lyon, France, the National Central Bureau (NCB) in member countries and Regional Offices, which form a global network for exchanging police information and provide law enforcement agencies in member countries to access databases and other services automatically, with the motto "connecting police securing the world".

With China's case, actually this case is not the first time that has appeared, but there are also other similar cases involving both countries between Indonesia and China. This is because this crime is a serious issue that is in the spotlight of the world which also has a very wide

network that makes it difficult for the parties involved who handled this case. International trafficking in persons involves all existing international networks with very careful planning and operations. An international cooperation carried out by a state with other states cannot be separated from the national interests of each state that underlies the cooperation. Every state relies on its national power to carry out a foreign policy that serves the national interest. ¹⁰ The national interest is a fundamental goal and the final determining factor that directs the decision makers of a country in formulating its foreign policy.

So far, the relationship between Interpol Indonesia and Interpol Beijing/China is quite good between the two of them exchanging information if there are criminal cases that need to be handled together. It is because the two parties previously also collaborated a lot in handling existing crime cases. According to Dipo Ramadhanu, there is no significant written collaboration between Interpol Beijing and Interpol Indonesia, but there is an agreement in the Mutual Legal Assistance (MLA) book which each Interpol member has agreed to and agreed to the collective agreement. The cooperation between the two has been going on for a long time by exchanging information and informing each subject of the notice that when there is a fugitive from China to Indonesia, Indonesia will notify China and vice versa, therefore because of their good relationship, Indonesia and China are able to penetrate in other crimes such as money laundering, illegal fishing, cybercrime, murder and terrorism.

Interpol Indonesia has important mechanisms in this case, some of the roles of Interpol Indonesia include facilitator. Interpol Indonesia became a facilitator to provide data information on victims and perpetrators to facilitate the West Java Police in the process of investigating criminals. Interpol Indonesia also coordinates with Interpol Beijing to carry out this task so that the data obtained can be valid and there are no errors in it. Because what usually happens is that the police are confused with the many pseudonyms of the perpetrators because the perpetrators are classified as already skilled in carrying out their crimes. Second is liaison. Interpol Indonesia is also a liaison so that the victim's family and those who handle this case know the condition and condition of the victim after being entangled in this case, ensuring that the victims are okay before the case is resolved. The victim is always awake and can be ascertained in good condition. If the victims later experience violence, it will make it easier for them to contact those who help them. Thirdly is the provider. As already mentioned, Interpol Indonesia task is to be a facilitator to make it easier to resolve a case as well as to provide advice to victims so that every action or step they take does not violate existing procedures, so that the problem does not become more complicated and does not violate the applicable rules.

The Interpol Indonesia has finally also settled some cases although it did not reach a perfect solution. For instance, on 8 May 2018 all victims married off to Chinese people on a contractual basis and promised an established life before being sent and accommodated in the Kelapa Gading apartment in Nias, North Jakarta, waiting for the arrival of the bride and groom from China. This case uses a settlement with the mechanism of the central authority as

explained in the previous chapter regarding the central authority, namely where this case includes assistance from relevant institutions or policy makers in handling this case because if it is necessary to intervene from that party to facilitate the repatriation of victims of trafficking Indonesian women. Among the relevant institutions that contribute and have been formulated in order to resolve this case are ¹⁹ the Ministry of Foreign Affairs and Ministry of Law and Human Rights. The Ministry said that the Henan police were investigating the case and the results in writing would be submitted to IP Beijing. Henan Police said that the condition of the victim in China was good, but the Indonesian Embassy in Beijing denied it with photographic evidence of the victim's injuries. The safety of victims is a priority, and the Ministry of Foreign Affairs will hold a meeting to coordinate so that victims can be quickly withdrawn from China to Indonesia.

IOM stated that IOM's main contribution in this case was the provision of translators. IOM Indonesia has coordinated with IOM Beijing and IOM Beijing has expressed its willingness to assist in the process from start to finish. ³ The Directorate General of Immigration at the Indonesian Ministry of Law and Human Rights said that they were interested in the statement from the West Java Police that there were two underage victims whose documents in their passports stated that they were willing to follow up on this matter because it was related to identity falsification. ³ The Directorate General of OPHI at the Ministry of Law and Human Rights of the Republic of Indonesia stated that they are ready to follow up on MLA, but if there is a non-formal mechanism, the sooner the meal will be better.

The West Java Police gave additional information about ²² the victim's cell phone. The victim's cell phone was not confiscated by her husband and family in China because the victim had to communicate with the help of Google Translate. Therefore, the Indonesian government does not have a concern which the relationship with the victim will be severed. Interpol Indonesia said that the efforts that had been made by Interpol Indonesia where to contact 11 victims directly using cell phones to ascertain the condition of the victims and to create a WhatsApp group consisting of 11 (eleven) victims and one person from Interpol Indonesia staff to exchange news with each other quickly.

Interpol Indonesia hopes that the Indonesian Embassy and the Indonesian Consulate General can visit the victims directly, and so that Chinese law enforcement officers want victims directly. The Indonesian Ministry of Foreign Affairs responded to the proposal regarding the Indonesian Embassy visiting the victim that assistance from Chinese law enforcement officers was very important because the Indonesian Embassy representative could not immediately intervene due to the condition of the victim who was married, causing some things to fall into the domestic sphere. The Indonesian Ministry of Foreign Affairs considers the proposal from Interpol Indonesia to be a good proposal. ³ The Directorate General of OPHI, Ministry of Law and Human Rights, said that in looking at this case, it cannot only use a humanitarian point of view, but must also be balanced with a legal and diplomatic point of view. The Indonesian side cannot immediately act without a solid basis, so first it must be clear

whether the 11 Indonesian women are really victims of TIP and their husbands are the perpetrators, there must be a statement that actually states that, then the RI side can follow up on the case so as not to damage diplomatic relations with China.

In the opinions expressed by each institution, it can be concluded to determine the next steps to be taken. Key points include first, the West Java Regional Police as investigators really need information from the victims, there are two ways to get that information, namely: investigators who go directly to China, and repatriate the victim to make a BAP in Indonesia. Second, because the situation is getting worse and the victim is still an Indonesian citizen who must be defended, the current mission that must be carried out is rescuing and repatriating the victims without violating the law. Third, the first step that must be taken is to coordinate with the Chinese immigration authorities regarding what visas the victims are using. The Interpol Indonesia handed over this task to the Directorate General of Immigration, Ministry of Law and Human Rights.

D. CONCLUSION

Interpol, as stipulated in the constitution of the Interpol organization, carries out the function as a coordinator related to the national level in the context of overcoming international crimes both at home and abroad. Thus, Interpol Indonesia has a close relationship with all relevant agencies in the country, because in its implementation procedures the tasks of Interpol Indonesia concerning the authority of various agencies. In this regard, based on the Decree of the National Police Chief No. Pol.: Skep/203/V/1992 On 9 May 1992 an Interpol Coordination Team was formed.

International cooperation between states through the involvement of Interpol Indonesia played an important role in arresting and repatriating these perpetrators. With all the extraordinary steps and the spirit of cooperation between states in fighting crime, the hunt for criminals who fled abroad, although slowly but surely, is expected to produce the expected results. Currently, the public is just waiting, pressing, and watching the perpetrators of criminal acts who escape can be arrested and imprisoned in Indonesia. The case handled by Interpol Indonesia has actually been resolved. Some of the victims have been repatriated. Of the 11 Indonesian citizens who became victims of human trafficking, there are 4 who have been returned to their country of origin, namely Indonesia, while 7 who have not been repatriated by the state are still there but they are well controlled and monitored by the Indonesian state. The obstacle for the 7 people who have not been repatriated is because for China, if they are still legally married to their husbands, the husband's full rights are not allowed to interfere with outsiders. The Chinese side can only blame what has happened to Indonesian citizens who are victims of domestic violence there. Until now, Interpol Indonesia and China are still on good terms even though there is no written cooperation between the two states.

In this case, the Indonesian side is making full efforts to fight for and protect its citizens who are affected by cases in accordance with Law Number 21 of 2007 concerning the

Eradication of the Crime of Trafficking in Persons, which is the government's effort to provide legal protection, both directly and indirectly to potential victims and victims. in relation to Law Number 13 of 2006 concerning Protection of Witnesses and Victims. Therefore, to prevent and enforce the law whose purpose is to protect human rights, it can be done by starting from identifying the causes of the criminal act of trafficking in persons. The issue of human trafficking has now become a concern for the international community. This is because a number of human rights violations (and hereinafter abbreviated as HAM) are considered to be both the cause and the result of human trafficking. The human rights violations referred to include post-work, exploitation, sexual and labor, violence, and ill-treatment of workers. victims. The state remains the primary provider of security.

There are several proposals related to steps and procedures that can be taken by the Republic of Indonesia to carry out the mission. First, the proposal from the Interpol Indonesia to revoke the visas of the victims so that the Chinese were forced to deport them. Second, a proposal from IOM Indonesia should use the role of the media to report the case on a large scale so as to encourage the husbands of the victims to no longer carry out confinement (to prove that the news circulating is not true). Once the victims were allowed to leave their homes, IOM Beijing was able to rescue them. From the results of the association of related institutions, it was agreed to carry out rescue and repatriation missions, and create a WhatsApp group and there were representatives from the Ministries/Institutions who handled this case in order to facilitate the completion of the mission.

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