

Efektifitas implementasi Keputusan Presiden RI No. 88 tahun 2002 tentang rencana aksi penghapusan perdagangan perempuan dan anak: kasus TKW ilegal

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Abstrak

The research is talking about implementation of the effectiveness of Presidential Decree No. 88 Year 2002 about the action planning for erasing the women and girls trafficking in Indonesia. The point in this research are: 1) How about the effectiveness of Implementation of this policy in society, so in the reality this policy can do as the purpose, 2) How about the solution is law for the trafficker and what kind of help for all the trafficking victims and also about what the procedure and system like which government can do. So the policy in that Presidential Decree can give better solution about this matter. This research using qualitative approach with using research methods deep interview with decision maker in Depnakertrans and PJTKI illegal, she is not want to tell real identity, with informant: Primer Data from 2 informant from decision maker in Depnakertrans and 1 informant from PJTKI Regal, Secondary data getting from newspapers Kompas, Media Indonesia, Suara Pembaharuan, Sinar Harapan, Journal book, and Website. Interview had been done with Direktur Sosialisasi Penyuluhan can Pencegahan TKI Regal on Wednesday 4th Mei 2005 and on 15th June 2005, and interview with PJTKI Regal Kenanga, Mrs Roro as alone and the owners PJTKI Regal on 12th May 2005. In interview writer concerned constraint, which is: Mrs. Fifi Arianti had been meeting and bright red that interview with Mrs Widuri Andarini Kasubdit in Direktur Sosialisasi Program Pencegahan TKI Regal Average interview with Mrs Widuri impressed any closed and most not answer questions from the writer different interview with PJTKI Regal Kenanga Mrs Roro, she won't tell real identity, but she tell all about that company.

This research using 3 basic theories for analyze data from the field. These theory are: 1) The Social Control Theory from Strain, which is focus in technical and strategy for the government to control all the action of human being and take them to the Hale in society, 2) The Sociological Jurisprudence Theory from Pound and Holmes, which said that the law determining process and makes the law's effective which suitable with the needs of society, 3) The Implementation of the Policy from Anderson, which contents is about the government policies that-implication that policies have some purposes, and have the action which oriented to the purpose and the government act based on the fasten and force regulation.

There are so many problems about the human trafficking especially for women and girls because two factors. The factors are consisting of economic factor in Family and the job opportunities are limited. So this matter makes some people in this country sold by like commodity, which can give a lot of profit for the trafficker that, had promised to them for a better job and better salary if they want to work in overseas. But in reality, they have nothing; all the illegal women employment had deport and pushed to back to Indonesian. This reality comes from 1) Weakness in the diplomatic and cooperation between Indonesian with place state women employment, 2) Weakness in control system for getting out or incoming the women employment which will send by PJTKI illegal as the trafficker, 3) Less understanding about the system and procedure for the TKW to take care ail their needs so they can work in overseas in legal way, 4) there is no strict regulation which can punish the trafficker and also the regulation to protect the trafficking victim's.

The regulation, which is not complete, can make many chance to do the criminal thing. Because of that, the government needs to: 1) strengthen the diplomatic and cooperation between 2 (two) countries, so that the right of women employment can be protected by Law and also the government, 2) strengthen the control system for the getting out and incoming all women employment by the PJTKI illegal as the trafficker, 3) makes the strict regulation to punish the trafficker and the regulation to protect the trafficking victims, 4) give the direction to all the person in change about the system and procedure to find a job in other country in legal way for all the women employment which board to work to overseas, 5) more selection and give the women employment the various skill which appropriate with their talent and interested in.