

Optimalisasi perlindungan hukum bagi korban tindak pidana perdagangan anak : berdasarkan Undang-Undang nomor 23 tahun 2002 tentang perlindungan anak dan Undang-Undang nomor 21 tahun 2007 tentang pemberantasan tindak pidana perdagangan orang = Optimizing legal protection for victims of crime of trafficking in children under Act no. 23 of 2002 on child protection and under Act 21 year 2007 on eradication of the trafficking crime in persons

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Abstrak

Dalam tindak pidana perdagangan anak, anak sebagai korban sangatlah dirugikan baik secara kejiwaan, fisik, dan mental. Seharusnya mereka mendapatkan perlindungan, pengawasan dan kasih sayang dari kedua orang tuanya dan orang-orang disekelilingnya. Sebelum ditetapkannya UUPA dan UUTPPO, sanksi pidana terhadap pelaku/trafficker perdagangan anak dengan menggunakan Kitab Undang-Undang Hukum Pidana (KUHP). Dengan ditetapkannya Undang-Undang tersebut telah memunculkan aspek-aspek hukum terhadap anak, khususnya bagi perlindungan hukum bagi korban perdagangan anak diantaranya bentuk perawatan medis, psikologis dan konseling termaksud penampungan dan pemulangan ke daerah asal korban, sanksi pidana yang lebih berat bagi pelaku/trafficker, serta mendapatkan ganti rugi/restitusi terhadap korban. Dengan menggunakan metode penelitian yuridis-empiris berupa studi kepustakaan yaitu meneliti dokumen berupa literatur buku-buku, peraturan-peraturan dan pedoman-pedoman, dan juga melakukan wawancara dengan narasumber. Penelitian ini bertujuan untuk menjawab permasalahan: perlindungan hukum dan penanggulangan terhadap tindak pidana perdagangan anak dalam peraturan perundang-undangan, praktek dalam penegakan hukum terhadap tindak pidana perdagangan anak, upaya dalam mengoptimalkan perlindungan hukum dan penanggulangan terhadap tindak pidana perdagangan anak. Terdapat sejumlah pasal didalam KUHP terhadap tindak pidana perdagangan anak, serta dalam UUPA dan UUTPPO kemudian memberikan Rehabilitasi, konseling, psikologis, dan pemberian retitusi/kompesansi terhadap korban, Praktek perlindungan hukum tindak pidana perdagangan anak Kepolisian mengeluarkan Peraturan Kapolri Nomor 10 Tahun 2007 Tentang Organisasi dan Tata Kerja Unit Pelayanan Perempuan dan Anak MABES POLRI membentuk Pelayanan Perempuan dan Anak (PPA) di Kepolisian Daerah (Propinsi), KPAI melakukan pengawasan terhadap kinerja penegak hukum, individu masyarakat, maupun institusi pemerintahan dalam penyelenggaraan perlindungan hukum terhadap anak dalam kasus tindak pidana perdagangan anak serta bekerjasama dengan instansi lembaga penegak hukum dan lembaga setingkat dengan KPAI. LPSK memberikan perlindungan hukum kepada saksi dan/atau korban (Perdagangan anak) seperti perlindungan fisik/non fisik dan penjagaan kepada saksi dan/atau korban (Perdagangan anak) sampai ke pengadilan, sedangkan gugus tugas TPPO Menko menetapkan Peraturan Menteri Koordinasi Bidang Kesejahteraan Nomor 25/KEP/MENKO/KESRA/VIII/2009 Tentang Pemberantasan Perdagangan Orang (PTPPO) dan Eksploitasi Seksual Anak (ESA) 2009-2014, dengan disusunnya RUU KUHP 2013 diharapkan memberikan perlindungan yang lebih baik terhadap korban perdagangan anak, baik secara konkret dimasa yang akan datang.

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In the crime of child trafficking, child as a victim is harmed either psychologically, physically, and mentally. They should have gotten the protection, control and affection from both parents and the people around them. Prior to the enactment of the BAL and UUTPPO, criminal sanctions against perpetrators / traffickers of Child Trafficking were using the Criminal Code (Criminal Code). With the enactment of the Act has led to the legal aspects of the child, particularly the legal protection for victims of trafficking. Such as medical treatment, psychological counseling and referred to the shelter and repatriation of victims to their hometown, more severe criminal sanctions for perpetrators / traffickers, as well as the redress/ restitution to the victim. By using the method of a juridical-empirical study of literature that examined the documents in the form of literature books, regulations and guidelines, as well as conducting interviews with sources. This study aims to answer the problems: legal protections and countermeasures against child trafficking crime in legislation, practice in law enforcement against child trafficking crime, in an effort to optimize the legal protection and countermeasures against the crime of trafficking in children. There are a number of articles in the Criminal Code against the crime of trafficking in children, as well as articles of criminal sanctions for perpetrators / traffickers in BAL and UUTPPO. Such as medical treatment, psychological counseling and referred to the shelter and repatriation of victims to their hometown, more severe criminal sanctions for perpetrators / traffickers, as well as the redress/ restitution to the victim, Police Chief issued Regulation No. 10 Year 2007 on the Organization and Work of Women and Children's Services Unit. Police Headquarter established Women and Children Services (PPA) at the Regional Police (province), KPAI to supervise the performance of law enforcement, individual communities, and government agencies in the implementation of the legal protection of children in cases of Child Trafficking and cooperate with law enforcement agencies and with institutions in the same level with Witness and Victim Protection Agencies (LPSK) protection of physical/non-physical and safeguard to witness and/or victim (Trafficking) goes to court while the task force of TPPO sets by Coordinating Minister for People's Welfare with Regulation No. 25/KEP/MENKO/KESRA/VIII/2009 By On Combating Trafficking in Persons (PTPPO) and Exploitation Child Sexual (ESA) from 2009 to 2014, with the formulation of the Criminal Code Bill 2013 is expected to provide better protection to victims of child trafficking, both in concrete terms in the future.