

JURIDICAL ANALYSIS OF THE ROLE OF IMMIGRATION IN PREVENTING THE CRIME OF TRAFFICKING IN PERSONS (RESEARCH STUDY AT THE SPECIAL CLASS I IMMIGRATION OFFICE OF TPI BATAM)

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Abstract

The crime of trafficking in persons (TPPO) is a form of transnational crime that continues to grow and threatens human rights, especially in border areas such as Batam, which is one of the strategic routes to neighboring countries. The Immigration Office, as a law enforcement institution in the field of immigration, has a vital role in preventing the practice of trafficking through its supervisory functions and administrative actions at the entrances and exits of Indonesian territory. This study aims to analyze legal arrangements and implementation, as well as obstacles and solutions to immigration's role in preventing trafficking, with a focus on the Special Class I Immigration Office of TPI Batam. This study uses normative and empirical juridical methods, with a statute approach and a socio-legal approach. Data was collected through literature studies, observations, and interviews with Immigration officials and officers. The theories used in the analysis include the Theory of the State of Law, the Theory of the Legal System, and the Theory of Legal Certainty. The results of the study show that national and international legal arrangements have provided an adequate basis for the role of Immigration in the prevention of trafficking. However, its implementation in the field still faces a number of obstacles, including limited administrative authority, a lack of data integration between agencies, limited human resources, and a lack of optimal understanding of trafficking indicators. For this reason, it is necessary to update more technical SOPs, increase cross-sector and international cooperation, provide continuous training for officers, and strengthen information systems and surveillance technology as an integrated solution strategy.

Keywords: *Role of Immigration, Crime of Trafficking in Persons, Prevention, Legal Certainty, Batam Immigration Office.*

INTRODUCTION

Human trafficking is a form of transnational organized crime that continues to grow with increasing globalization and the mobility of people between countries. This crime not only violates positive law but also violates humanitarian values and human rights (ILO, 2022). The modus operandi of human trafficking (TPPO) includes recruitment, transportation, harboring, and exploitation of victims, the majority of whom are women and children (UNODC, 2023). Indonesia, as an archipelagic nation with a strategic location, is highly vulnerable to TIP. This is due to the numerous entry and exit routes, both official and unofficial, that are frequently exploited by human trafficking syndicates. Batam City, which directly borders Singapore and Malaysia, is one of the most vulnerable and strategic areas due to the high flow of international traffic through its ports and airports (Nasution, 2025). In this context, the role of the Immigration Office, as the state institution authorized to oversee the movement of people, is vital. Based on Law No. 6 of 2011 concerning Immigration, the immigration office has the authority to monitor the movement of people, prosecute immigration violations, and take administrative action against individuals suspected of transnational crimes, including human trafficking (Law No. 6 of 2011). Furthermore, Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking affirms the state's obligation to prevent, protect victims, and prosecute perpetrators of human trafficking. Therefore, the Immigration Office holds a strategic position as the vanguard of human trafficking prevention.

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However, in practice, this role still faces several obstacles. The main obstacles include limited human resources, weak integration of information systems between agencies, and a lack of understanding among officers in detecting indicators of human trafficking (Anggraini, 2020; Fauzan, 2021). Furthermore, challenges arise from external factors, such as the existence of unofficial ports ("rat ports") frequently used by syndicates to smuggle victims illegally (Monica & Prasetyo, 2025). As a state party to the Palermo Protocol (Protocol to Prevent, Suppress, and Punish Trafficking in Persons), Indonesia has an international obligation to strengthen its national legal system, enhance border control capacity, and establish international cooperation in preventing human trafficking (UNODC, 2023). Therefore, evaluating the effectiveness of the Batam Class I Special Immigration Office (TPI) is crucial to determine the extent to which regulations and legal implementation are in accordance with the principles of the rule of law and legal certainty. Against this backdrop, this article aims to analyze the legal role of Immigration in preventing human trafficking in the strategic area of Batam, identify implementation barriers in the field, and propose policy solutions to strengthen a more effective human trafficking prevention system.

RESEARCH METHOD

This research uses both normative and empirical juridical approaches. The normative juridical approach is used to examine laws and regulations related to immigration and the eradication of human trafficking, such as Law Number 6 of 2011 concerning Immigration, Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking, and international instruments such as the Palermo Protocol (Protocol to Prevent, Suppress, and Punish Trafficking in Persons). This approach allows for an in-depth analysis of the legal framework underlying the Immigration Office's role in preventing human trafficking (Soekanto & Mamudji, 2014). Meanwhile, the empirical juridical approach is used to determine the implementation of the law in the field through primary data collection. Data were obtained through direct observation at the Batam Class I Special Immigration Office (TPI) and in-depth interviews with immigration officials and officers involved in border control. This technique was chosen to understand the barriers and actual practices of human trafficking prevention in the field (Sugiyono, 2021). The data used are primary and secondary. Primary data includes interview results, while secondary data includes academic literature, legal documents, reports from relevant agencies, and international publications. Data collection techniques include library research and field studies. Data analysis was conducted using a descriptive-qualitative method, presenting research findings based on relevant theoretical frameworks and legal concepts. This analysis aims to comprehensively describe the Immigration Office's role, obstacles, and strategic solutions in preventing human trafficking, particularly in strategic border areas like Batam.

RESEARCH RESULT

1. Legal Regulations on Immigration's Role in Preventing Human Trafficking

Typically, existing regulations provide a clear legal framework for Immigration to play an active role in preventing the crime of human trafficking.

- a. Law Number 6 of 2011 concerning Immigration affirms Immigration's authority to monitor the movement of people entering and leaving Indonesia, including taking administrative action against individuals suspected of violating regulations.
- b. Law Number 21 of 2007 concerning the Eradication of Human Trafficking provides a specific legal basis for the prevention, protection of victims, and prosecution of perpetrators of human trafficking. Articles in this law position the Immigration Office as one of the primary actors in the prevention mechanism.
- c. International legal instruments, such as the Protocol to Prevent, Suppress, and Punish Trafficking in Persons (Palermo Protocol), which Indonesia has ratified, bind countries to enhance border surveillance efforts and cross-border cooperation.

Thus, legally, the Batam Immigration Office's role has a solid legal foundation from both national and international perspectives. However, its effectiveness still depends heavily on implementation in the field.

2. Implementation of Immigration's Role in the Field

Research results show that the Batam Class I Special Immigration Office (TPI) has implemented a number of concrete steps to prevent human trafficking, including:

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- a. Document inspection: Officers conduct detailed checks of passports, visas, and other supporting documents to detect any indication of forgery or misuse. Many cases are uncovered through discrepancies between identity data and official documents.
- b. Profiling and interviews: Suspected prospective passengers, particularly young women intending to work abroad without proper documentation, are often subjected to further interviews. This profiling often reveals indications of recruitment by unofficial agents.
- c. Inter-agency coordination: The Batam Immigration Office routinely coordinates with the Police, BP2MI (Indonesian Migrant Workers Protection Agency), Customs, and Interpol to monitor crossings. Joint operations have successfully thwarted several attempts by groups of illegal migrant workers to depart.
- d. Utilization of technology: The Immigration Management Information System (SIMKIM) digitally records and monitors people's movements. This data is centrally connected, although integration between agencies remains limited.

Quantitatively, according to a 2023 report from the Batam Immigration Office, more than 50 cases of human trafficking and undocumented migrant workers were successfully prevented. The majority of cases involved prospective migrant workers bound for Malaysia and Singapore, departing through official and unofficial ports.

3. Obstacles Faced

Despite significant achievements, several obstacles still hamper the effectiveness of the Immigration Office, including:

1. Limited human resources. The number of immigration officers in Batam is disproportionate to the very high daily passenger volume. This often results in in-depth inspections.
2. There is a lack of integration of information systems between agencies. Population data, migrant worker data, and criminal records are not fully connected, making early detection of suspected individuals difficult.
3. Rat ports. In Batam's coastal areas, there are numerous unofficial routes exploited by syndicates to smuggle human trafficking victims, making oversight difficult.
4. Increasingly sophisticated modus operandi. Human trafficking syndicates employ new methods such as disguising themselves as tourists, using high-quality forged documents, and even bribing certain parties.
5. Lack of public awareness. Many prospective migrant workers do not understand the official procedures for departing abroad and are easily tempted by promises from illegal recruiters.

4. Solutions Taken

In response to these obstacles, the Batam Immigration Office has pursued several solution strategies, including:

1. Increasing cross-sectoral cooperation, particularly through joint operations with the Police, BP2MI (Indonesian Migrant Workers Protection Agency), and the Indonesian Navy (TNI AL) to disrupt illegal channels.
2. Strengthening officer capacity through regular training on profiling, document investigation, and insight into human trafficking indicators.
3. Modernizing surveillance technology, such as developing an Integrated Border Control Management system that is expected to unify data across agencies.
4. Public education and outreach, particularly in areas prone to recruitment, to ensure prospective migrant workers understand legal procedures and the risks of becoming victims of human trafficking.
5. International cooperation, particularly with Singaporean and Malaysian authorities, to strengthen cross-border detection mechanisms.

5. Field Case Study

For example, in 2023, the Batam Immigration Office successfully thwarted the departure of 15 prospective illegal migrant workers who were destined for Malaysia through official channels at Batam Center International Port. The case came to light after officers discovered discrepancies between their travel documents and the prospective passengers' statements during interviews. The investigation revealed that the victims were recruited by illegal agents with the promise of high-paying jobs. Similar cases recurred several times throughout 2023, indicating a systematic pattern in the recruitment of victims.

DISCUSSION

1. Legal Regulation of Immigration's Role in Preventing Human Trafficking

The results of this study confirm that, from a legal perspective, the legal framework governing the role of Immigration is quite adequate. Law Number 6 of 2011 concerning Immigration grants the Immigration strategic authority to conduct supervision, administrative action, and prevent immigration violations. Meanwhile, Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking explicitly emphasizes prevention, victim protection, and prosecution of perpetrators. The synergy between these two regulations demonstrates that Indonesian legislation has integrated Immigration and the eradication of human trafficking (Nasution, 2025). This finding aligns with the theory of the Rule of Law proposed by Asshiddiqie (2006), which states that every government action must be based on law to ensure justice and protect citizens' rights. In the context of preventing human trafficking, the existence of clear regulations is a manifestation of the principle of the rule of law, which guarantees legal certainty. However, this legal certainty does not stop at the normative level; it must be followed by consistent implementation in the field. Previous research by Monica and Prasetyo (2025) also showed that Indonesia's legal framework regarding human trafficking is comprehensive, but remains weak in technical implementation. This confirms that the existence of laws alone is not enough; successful prevention depends heavily on consistent, professional implementation and freedom from abuse of authority.

2. Implementation of Immigration's Role in the Field

The implementation of human trafficking prevention in Batam involves various strategies, ranging from document inspections, interviews, profiling, and cross-agency collaboration. Field findings indicate that the Batam Immigration Office successfully prevented more than 50 cases of attempted illegal departures throughout 2023. This demonstrates Immigration's role as a gatekeeper in preventing human trafficking practices (Batam Immigration Office, 2023). Analyzing this with Friedman's (2009) Legal System theory, this implementation includes:

- a. Legal substance: adequate regulations are in place, namely Law No. 6 of 2011 and Law No. 21 of 2007.
- b. Legal structure: The Immigration Office, as the implementing agency, has authority, but the number of officers and facilities is inadequate.
- c. Legal culture: weaknesses remain in the attitudes of officials and public awareness of the dangers of human trafficking.

Thus, although the legal substance is strong, the weakness of the legal structure and culture are factors that limit the effectiveness of implementation.

Previous research supports these findings. Aini (2018) found that weak inter-agency coordination and limited human resources were the main obstacles to preventing illegal labor at the border. Anggraini (2020) emphasized the importance of cross-agency collaboration in strengthening law enforcement. This aligns with the situation in Batam, where coordination with the police, BP2MI (Indonesian Migrant Workers Association), and maritime authorities was key to the success of joint operations in preventing human trafficking.

3. Barriers to Human Trafficking Prevention

Barriers encountered in Batam include limited staff, weak data integration between agencies, and the prevalence of illegal ports. These obstacles allow many human trafficking syndicates to find loopholes to carry out their activities. From a theoretical perspective, this situation demonstrates the weak application of the theory of legal certainty (Mertokusumo, 2010). Legal certainty requires a legal system that is clear, consistent, and enforceable without discrimination. However, weak oversight in informal channels and limited information technology mean that regulations that are clear on paper cannot consistently be enforced in practice. Furthermore, the syndicates' increasingly sophisticated modus operandi, for example, using fake documents and disguising themselves as tourists, makes early detection difficult. This fact confirms the UNODC's (2023) opinion that human trafficking is a crime that continues to adapt to technological and policy developments.

4. Solutions and Prevention Strategies

To overcome these obstacles, this study identified several strategies that have been attempted, namely:

- a. Increasing cross-sectoral collaboration. Joint operations with the Police, BP2MI, Customs, and maritime authorities have proven effective in shutting down illegal routes. This aligns with Dewi's (2020) findings, which emphasize the importance of inter-agency collaboration in handling illegal migration at the border.

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- b. Strengthening officer capacity. Regular training on human trafficking profiling and insights is an urgent need so officers can detect indications of human trafficking early.
- c. Utilizing surveillance technology. SIMKIM and integrated border control management (IBCM) need to be maximized to support real-time detection systems. Fauzan (2021) emphasized that data integration is key to strengthening Indonesia's immigration system.
- d. Public education. Prevention can be achieved not only through law enforcement but also by raising public awareness. Anti-human trafficking campaigns are one of the Batam Immigration Office's efforts to engage the community.

5. Analysis of Assumptions and Implications

This study assumes that stronger regulations and better oversight implementation will lower the risk of human trafficking. However, the reality on the ground shows that socioeconomic factors also play a significant role. Many victims are recruited due to economic incentives and a lack of understanding of official migration procedures. This emphasizes the need for a holistic prevention approach, encompassing legal, economic, and social aspects. The implication of this study is the need for a more responsive reformulation of human trafficking prevention policies. The state must not only focus on prosecution but also strengthen aspects of community protection and empowerment. This multidimensional approach is crucial so that prevention efforts not only block criminal pathways but also reduce the vulnerability of potential victims.

CONCLUSION

Based on the previous discussion, the following conclusions can be drawn:

1. Legal provisions regarding the role of Immigration in preventing human trafficking are stipulated in various national regulations, such as Law Number 6 of 2011 concerning Immigration, Law Number 21 of 2007 concerning the Eradication of Human Trafficking, and technical regulations such as Ministerial Regulation Number 33 of 2018 in conjunction with Ministerial Regulation Number 1 of 2019. Furthermore, Indonesia's commitment to international law through the ratification of the Palermo Protocol and the UNTOC strengthens the state's obligation to prevent human trafficking through immigration supervision. These regulations provide an adequate normative basis, but still require technical elaboration and inter-agency harmonization for effective and comprehensive implementation.
2. The implementation of Immigration's role in preventing human trafficking at the Batam Class I Special Immigration Office (TPI) has been carried out through a series of steps, including travel document checks, departure interviews, profiling, utilization of the IBCM system, and coordination with the BP2MI (Indonesian Agency for Migrant Workers' Protection), the Police, and other relevant agencies. Although administrative measures have been implemented with a preventive purpose, their effectiveness is greatly influenced by the readiness of human resources, an understanding of the social indicators of human trafficking, and an incompletely integrated coordination system. A legal approach in the field requires a contextual understanding of evolving social patterns so that the authorities' response can be adaptive and equitable.
3. The main obstacles faced by Immigration in preventing human trafficking include limited administrative authority, a lack of data integration between agencies, a lack of human resources and supporting infrastructure, and officers' limited understanding of the characteristics of human trafficking victims. To overcome these obstacles, solutions that can be implemented include updating technical and specific SOPs, strengthening cross-sectoral and international cooperation, ongoing training for officers, and the development of technology-based information systems and risk profiling. These strategies need to be developed within a legal framework that ensures certainty, accountability, and the protection of human rights.

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