

INVESTIGATING THE HUMAN CAGE CASE, WITNESS AND VICTIM PROTECTION ORGANISATIONS CALLS THE REGENT OF LANGKAT TO ENTER JAIL, TRAFFICKING IN PERSONS, AND ILLEGAL REHABILITATION IN INDONESIA

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ABSTRACT

Human rights are legal instrument that must be respected, upheld, and protected by the state. Within human rights itself, there are rights to life, the right not to be tortured, and the right not to be enslaved. With the regulation of Human Rights and the Crime of Trafficking in Persons, everyone gets legal protection from acts that degrade human dignity. The consequences of criminal penalties for the perpetrators absolutely must be strictly enforced against those who have injured humanity. The human cage itself was built at the initiative of the Regent of Langkat in 2010, which was originally intended for the development of members of community organizations. But in its development, the human cage became a 'rehabilitation place', but there were no medical records related to drug rehabilitation during the victims' inhabitation of the cage. The last condition of the cage that was called unfit was inhabited by 57 people, two of whom were suspected to be high school students. Forms of torture and violence include being beaten, taped, kicked, thrown into fish ponds, and ordered to hang on the cooler like monkeys or what they know as "hanging monkeys". In addition, there was also torture such as being beaten with hammers or hammers, fingernails removed, forced to sleep on nettle leaves, and forced to eat chili. Human Right Comission found that there were 18 tools used to carry out the violence such as hammers, chili, cigarettes, matches, to hot irons. In addition to physical suffering, there are also traumatic impacts due to violence, one of which causes one of the residents to attempt suicide. The cage residents were not only employed in oil palm plantations owned by the Regent of Terbit, but also in oil palm plantations owned by other people, Victims were also employed as parking workers, and construction workers in Terbit's house, including dredging the land around the cage. The residents get no remuneration from their work and are only given extra pudding. Residents also cannot refuse not to work because they are afraid and vulnerable to violence from cage administrators.

Keywords: Legal Protection. Human Rights. Human Slavery. Human Trafficking

INTRODUCTION

Slavery and human trafficking are global phenomena that occur especially in many developing countries of the world. In addition to poverty and unemployment, globalisation also encourages people to immigrate and look for work. Modern slavery has become a form of human rights violation of human rights. The agricultural sector is the sector most prone to modern slavery most prone to modern slavery perpetrated against agricultural workers the form of modern slavery that is carried out in the form of worker exploitation.

Respect for the noble values of human rights is increasingly showing a positive value. That Human Rights must be upheld an upheld has become an awareness that continues to grow and develop in society. It is no longer easy to treat others arbitrarily without ignoring the human side. Since the end of the year New Order era, Indonesia has begun to recognize the important value of Human Rights. Just after the New Order died, Indonesia passed Law No. 39 concerning Human Rights. Article 1 of the Human Rights Law clearly states the definition of human rights, and how these rights come from God and are attached to humans since their existence. These rights must be respected, upheld, and protected for the sake of honor. In the following articles, it is explained in detail what constitutes basic rights, whether absolute or not, but in reality, constitutes something that becomes human dignity. However, in the mindset of this increasingly civilized situation, there are still people/groups of people who have the heart to treat other humans badly, under the protection of the rules and position they occupy. The case that occurred in Langkat, Nort Sumatra, which was carried out by an inactive district head, was published on the Wind War Plan, which suddenly made a big statement that eroded the human side. How is it possible that in modern times, there are still barbaric practices that are even carried out by the authorities using rules? The Inactive Regent of Langkat, Publishes the Pengin- Angin Plan has a cage-like building in his house.

The cage is to lock up people who (are considered) to have made mistakes such as using drugs, disturbing the community, or punishing members of mass organizations. Here, apart from having their freedom taken away, they also carry out daily activities such as working in oil palm plantations owned by private companies, putting up campaign billboards, and other jobs, without receiving a penny of wages or compensation. They only get extra pudding (snacks) after doing their job. Due to this treatment, the owner of the building, namely the Non-Active Regent Publishing the Pengin- Angin Plan, was indicated to be carrying out human slavery, which is part of the Crime of Trafficking in Persons. At present, a Human Rights approach is urgently needed to become a guideline for eradicating acts of trafficking in persons. The elements of human rights itself emphasize that human rights are rights that belong to humans by nature, are inherent in every human being, are an offering from God, must be defended, and are holy and noble. Therefore, the fulfillment of human rights should not be dependent on conditions that result in unequal treatment from discrimination either by differences in ethnicity, religion, race, gender, political status- social status, etc. The promotion, respect, protection, guarantee, and protection of human rights is the responsibility of the state, in this case, the government (state obligation)

Based on the legal facts behind this writing, we determine the formulation of the problems that will be discussed in this writing area. What is the Government's action in responding to this caged human slavery and What are the sanctions against the perpetrators of this caged human slavery.

RESEARCH METHOD

This article is the result of research conducted in 2023. This research is legal research with normative research methods. Legal research is doctrinal research because it is prescriptive. Prescriptive means providing instructions on what should be done or required by law. This research will produce findings regarding the effectiveness of law enforcement in Indonesia related to slavery. This research also provides prescriptions regarding legal efforts that Indonesia can take to ensure the protection of human rights. This research is also conducted using a statutory approach. Some of the laws and regulations reviewed are Article 4 and Article 20 of Law Number 39 of 1999 concerning Human Rights. The results of the study of some of the above legal rules are used as arguments in answering the formulation of the problems that have been determined.

DISCUSSION

1. Regulation Of Modern Slavery And Human Rights

Human Rights are rights that naturally belong to humans since their existence in this world. This view assumes that humans have rights not because the social construction of society gives these rights, or the existence of positive legal rules that give them, but purely based on their nature as humans. Legal protection for victims of violence and criminal acts of human slavery as an act to protect, and bind tightly, the social life of the community, with legal rules, carried out by the state, government, and authorized officials.

The term slavery is closely related to exploitation. Convention United Nations (UN) convention on slavery, known as the 1926 Slavery Convention, defines slavery as a form of exploitation. The 1926 Slavery Convention defined slavery as "the status or condition of a person over whom any or all of the powers of the United Nations are in control of with "the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised" (United Nations Slavery Convention 1929). Slavery is also defined in Law Number 21 of 2007 on the Eradication of Human Trafficking. 2007 on the Eradication of the Crime of Trafficking in Persons, according to this law what is meant by slavery can also be interpreted as exploitation, exploitation is often defined as exploitation, exploitation is often defined as an act that is carried out without the consent of the victim, for example, from exploitation is often defined as an act that is carried out without the consent of the victim. examples of such acts include rape, forced labor services, slavery, and similar practices, where the victim is oppressed, blackmailed, exploited physically, sexually, and also sold. Physically, and sexually, as well as selling the victim's organs without the victim's consent for the victim's benefit. without the consent of the victim for the benefit of the perpetrator both materially and immaterially (Sylvia Dwi Andini, 2022).

The regulation on the prohibition of slavery has also been approved by the United Nations (UN) with the Universal Declaration of Human Rights, therefore human rights can be protected. Human Rights, so that the human rights inherent in human beings can be protected by law, with the intention that the bodies in society can be protected by law. with the law, with the aim that the bodies in society International human rights law acknowledges the rights and freedoms of life. The prohibition of slavery under international human rights law contained in Article 8, paragraph 1 of the Covenant on Civil and Political Rights states that "No one shall be enslaved; no one shall be held in slavery. civil and political rights explain that "No one shall be enslaved; slavery and the slave trade in all their forms shall be prohibited.

2. Law Enforcements On Slavery Cases In Indonesia

This context creates the concept of legal protection in a function to regulate and guarantee legal certainty that applies in society. Legal protection can also be said as a form of guaranteeing services that must be provided by a legitimate government in order to provide a sense of security. Based on the 1945 Constitution, the state is clearly responsible for providing protection for human rights for every citizen, in accordance with what is written in Article 28. This is concrete as a concept that the Indonesian state is a constitutional state that can truly implement, strive for, and always provide legal protection for every citizen. The government must provide preventive and repressive legal protection for every citizen to guarantee and protect the rights and dignity of the Indonesian people (Apriani Riyanti, 2023). Preventive legal protection has a function for prevention. The government makes a rule of law to anticipate potential violations that will occur.

This type of legal protection can be seen in the formation of a law. In this case, there is also a limit and a number of obligations as a sign. All of this is to provide corridors and efforts to prevent an action that will result in a violation, while repressive legal protection is a type of legal protection that aims to resolve conflicts, especially when a violation has occurred. Since there is no guarantee that the rules that have been set will work properly, or that all parties will comply, there is a need for legal protection to guarantee justice for the victims. This form of legal protection can be seen in the judicial process. This is a sort of last resort for creating a sense of justice in society. The consequences of this legal protection are fines, sanctions, prison sentences, and additional sentences given. Researchers have conducted a legal and human rights analysis related to the human cage case that occurred in Langkat, North Sumatra. Taking into account some of the facts that have been presented, analyzing the news, and looking at several legal instruments, there has been human slavery, violence, and the potential for human trafficking. Violations or unlawful actions that become a common thread are violations related to laws relating to human rights. Laws against torture, laws abolishing forced labor, and so on.

This is stated in Article 351 of the Criminal Code. Persecution is punishable by imprisonment for a maximum of two years and eight months or a maximum fine of four thousand five hundred rupiahs If the act results in serious injury, the offender shall be punished by a maximum imprisonment of five years. Apart from that, the officers involved in the torture have also violated

the law on the police and it is necessary to uphold the discipline of members within the organizational structure. The police are prohibited from committing violence while on duty, except to prevent crime. This prohibition is contained in Article 10 letter c of the Chief of Police Regulation Number 8 of 2009 concerning the Implementation of Human Rights Principles and Standards in Carrying Out Police Duties. In addition to taking the rights to freedom and exploitation of the victims, there are also indications of a violation of Article 304 of the Criminal Code, namely threatening a crime against someone who deliberately places or allows someone to be in a miserable condition, especially in a state of death or illness, even though according to the law that applies to them, namely based on customary law or regulations. Because the cage has been established since 2012 and was only revealed 10 years later, namely in 2022.

The Langkat Regent also violated the provisions of Article 17 of Law Number 30 of 2014 which reads that government bodies and/or officials are prohibited from abusing authority (Kompas, 2022). Slavery has clearly violated paragraph I of the Preamble of the 1945 Constitution, Article 4 and Article 20 of Law Number 39 of 1999 concerning Human Rights, Article 2 of Law Number 2 of 2007 concerning the Crime of Trafficking in Persons, Law Number 13 of 2003 concerning Employment. Talking about the motives in the offense against life, especially in the murder case which is regulated in Article 340 of the Criminal Code, the elements of the offense are intentional and premeditated to kill other people's lives. Because since 10 years of existence, it has been counted that 6 victims died in the cages due to the torture they experienced. i. Forms of Legal Protection for Victims of Violence and Criminal Acts of Human Enslavement. Legal protection can also be said as a form of guarantee. services that must be provided by a legitimate government in order to provide a sense of security Based on the 1945 Constitution, the state is clearly responsible for providing protection for human rights for every citizen, in accordance with what is contained in Article 28. This is concretely a concept that the state of Indonesia is a state law that can truly implement, strive for, and always carry out legal protection for every citizen. ii. Forms of Violation in Human Cage Cases In the human cage case that occurred in Langkat, North Sumatra, there have been several practices of violence and acts of slavery or practices similar to slavery. Internationally, regulations regarding slavery are regulated in the Slavery Convention and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (Komisi Nasional Hak Asasi Manusia Republik Indonesia, 2022).

The practice of slavery or similar to slavery that occurred, in this case, can be seen when the victims did not have free will to regulate themselves and were in a situation of hegemony by the guard of the cage. There was a kind of command-to-order relationship that occurred without any volunteerism. Victims do not have the power over themselves to control their lives. In human rights law and international conventions on civil rights, politics opposes them firmly the concept of slavery and practices similar to slavery. No one can be enslaved, enslaved, or become a victim of the slave trade, women, and the like. Next, there is also the potential for forced labor practices (Rahman, 2019). The victims of the cages also experienced a kind of forced labor practice. Inside the cage, they carry out routine activities every day, both under verbal and physical threats. There are consequences for punishment if they do not carry out a task that has been given. This indicates, there is no willingness to carry out the task. The victims also did not get proper wages or compensation for the work they did. We have ratified ILO Convention No. 29 on Forced Labor of 1930 and ILO Convention No. 105 on Abolition of Forced Labor where countries that have ratified must expressly eliminate all forms of forced labor. Victims also experience cruel violence and torture. b. In this case, the perpetrators of human slavery in cages can be subject to sanctions under the law on threats of slavery and human trafficking.

Slavery and human trafficking, have been regulated in detail in Law Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons. This law was signed by the 6th President of the Republic of Indonesia. Susilo Bambang Yudhoyono on 19 April 2007 The law states that slavery or acts similar to slavery are included in acts of exploitation. Exploitation is an act with or without the consent of the victim which includes but is not limited to prostitution, forced labor or services, slavery or practices similar to slavery oppression, extortion, exploitation of physical, sexual, and reproductive organs, or illegally removing or transplanting organs and/ or tissues body or utilizing a person's energy or ability by another party to gain both material and immaterial benefits," reads Article 1 point 7 of Law Number 21 of 2007 (Willa, 2022). Meanwhile, referring to Article 1 point 1 of the same law, trafficking in persons is an act of recruitment, transportation, shelter, sending, transferring, or receiving a person with threats of violence, use of force, kidnapping, confinement, counterfeiting, fraud, abuse of power or a position of vulnerability to debt bondage or giving payments or benefits, so as to obtain the consent of the person who has control over the other person, whether committed within countries and between countries, for the purpose of exploitation or causing people to be exploited "Trafficking in persons is a modern form of human slavery. The penalty for the criminal act of trafficking in persons is regulated in Article 2 which reads. Everyone who commits an act of trafficking in persons for the purpose of exploiting them will be punished with a minimum imprisonment of 3 years and a maximum of 15 years, as well as a minimum fine of IDR 120 million and a maximum of IDR 600 million.

Specifically, laws and regulations Number 21 of 2007 also contain criminal sanctions for state administrators who commit criminal acts of trafficking in persons. It is stated in Article 8 that every state administrator who abuses his power resulting in the criminal act of trafficking in persons shall be subject to an additional 1/3 of the criminal penalty. In addition to criminal sanctions, perpetrators can be subject to additional punishment in the form of dishonorable discharge from their positions. Then, Article 9 stipulates, anyone who tries to mobilize other people to commit the crime of trafficking in persons and the crime does not occur, shall be punished with imprisonment for a minimum of 1 year and a maximum of 6 years, then a fine of at least IDR 40 million and a maximum of IDR 240 million. i. Protection of Witnesses and Victims Law Number 21 of 2007 also contains the protection of witnesses and victims in cases of criminal acts of trafficking in persons.

It is regulated in Article 44 Paragraph (1) that witnesses and/ or victims of criminal acts of trafficking in persons have the right to confidentiality of identities. To protect witnesses and victims, each province and district/ city is required to establish a special service room at the local police office. "In the event that witnesses and/ or victims and their families receive threats that endanger themselves, their lives and/ or property, the Indonesian National Police are obliged to provide protection, both before, during, and after the case examination process" reads Article 47 of Law Number 21 of 2007 Victims the crime of trafficking in persons is also entitled to receive health and social rehabilitation, repatriation, and social reintegration from the government if the person concerned experiences physical or psychological suffering. If the victim experiences trauma or a dangerous disease as a result of the criminal act of trafficking in persons so that immediate assistance is needed, the minister or agency that handles social health issues in the region is obliged to provide first aid no later than 7 days after the request is submitted.

CONCLUSION

The human cage case that occurred in Langkat, North Sumatra is a barbaric crime against humanity. Practices of violence, torture, deprivation of rights, and practices similar to human slavery were clearly experienced by the victims. Reports and facts on the ground show evidence that leads to systematic and structured crimes, carried out consciously by government officials. The perpetrators had violated the articles that it's in the law. Number 39 of 1999 concerning Human Rights as well as contained in Law Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons. In accordance with Article 1 of Law No. 21 of 2007, explicitly, this action is in accordance with the meaning of trafficking in persons. Regarding the actions that occurred in this case, the perpetrators received threats. seriously from Law number 21 of 2007. The perpetrators can be punished layered with snared articles 2, 7, and 10. The maximum penalty for this article can be in the form of maximum imprisonment or a maximum fine. As a result of the actions of the actors who are state authorities, there is a big question whether these regulations still have loopholes. Moreover, this crime was committed by a person/ group of people who should be aware of the law. There needs to be an effort to weigh or ballast punishment if the perpetrators of this crime are officials. Because the function of the state apparatus is to protect and protect the people. Of course, it is a big enough homework for the government to do inflame the discourse of human rights in society. Inevitably, necessary massive campaign on knowledge about slavery and human trafficking. Because, unconsciously anyone can potentially become a perpetrator or victim

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