

Legal Review of the Investigation of Human Trafficking Crimes by a Baby Selling Syndicate in the Jurisdiction of the Pekanbaru Police

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ABSTRACT

Rising economic needs and weakening social conditions have triggered an increase in crime, one of which is human trafficking (TPPO). The phenomenon of baby selling syndicates using illegal adoption as a method is a serious problem that requires strict law enforcement. Law Number 21 of 2007 concerning the Eradication of Human Trafficking Crimes provides a formal and material legal basis for prosecuting perpetrators, but implementation in the field faces various obstacles. This study aims to analyze law enforcement in the process of investigating TPPO cases by baby selling syndicates in the jurisdiction of the Pekanbaru Police and identify the inhibiting factors. The type of research used is sociological juridical, with a law-in-action approach through literature studies, interviews, and concrete case analysis. The results of the study indicate that the investigation of the baby selling case in Pekanbaru was carried out based on Article 2 of Law No. 21 of 2007 concerning Human Trafficking and Article 83 in conjunction with Article 76F of Law No. 35 of 2014 concerning Child Protection, with a maximum penalty of 15 years in prison. Adoption practices that do not comply with legal procedures are proven to be a form of illegal baby trafficking. The main obstacles to the investigation include fragmented syndicates, victims' lack of knowledge regarding legal rights, intimidation from perpetrators, limited budgets for handling human trafficking, and inadequate numbers and capacities of police personnel. This research emphasizes the importance of synergy between law enforcement officials and strengthening institutional capacity to increase the effectiveness of human trafficking eradication. Furthermore, broader legal outreach is needed for the public so that potential victims can protect themselves from baby trafficking practices.

Keywords: *Crime of Human Trafficking, Child Protection, Investigation Process.*

1. Introduction

Currently, the development of crime is increasing, especially in Indonesia. Economic demands are often the main reason and path for someone to commit a crime. A crime is an act prohibited by a legal rule, which is accompanied by a threat (sanction) in the form of a specific penalty for anyone who violates the prohibition.¹ There are two types of criminal offenses: general criminal offenses and special criminal offenses. A general criminal offense is a criminal act regulated by the Criminal Code. A special criminal offense, on the other hand, is defined as a specific offense, defined by law as the type of offense, its resolution, its sanctions,

¹ Moeljatno, *Asas-Asas Hukum Pidana* (PT Rineka Cipta, 2008).

and even its procedural law. Some of these are specifically regulated in the law and generally adhere to the Criminal Procedure Code (KUHP).²

With the weakening economy and the ever-increasing economic needs, it has resulted in many criminal crimes, one of which is the crime of human trafficking (hereinafter referred to as TPPO). Henny Nuraeny is of the view that human trafficking is a violation of human rights and obligations according to the nature given by the creator (God) where they should not be treated like other creatures (animals), and should not even be considered as goods even though they are tangible.³

Phenomenon of the crime of human trafficking is a serious problem that must be addressed immediately by the government and other state apparatus within the legal umbrella that specifically regulates the elimination of the crime of trafficking (human trafficking).⁴ The practice of human trafficking will endanger the lives of the wider community, especially for poor people with low incomes and who have not received an education and therefore do not have sufficient knowledge.⁵

Government is actually very active in creating several basic policies related to human trafficking. There are three main policies at the national level to combat human trafficking, including Law No. 21 of 2007 concerning the Crime of Human Trafficking (TPPO), the establishment of the Task Force for the Prevention and Handling of Criminal Acts of Human Trafficking (Presidential Regulation No. 69 of 2008), and the establishment of the National Action Plan for the Eradication of TPPO for 2009-2014, 2015-2019, and 2020-2024.⁶

Crime of human trafficking (TPPO) is categorized as a material crime under Law No. 21 of 2007, which requires the fulfillment of the defined elements of the act and does not necessarily result in consequences. Human trafficking is categorized based on the victims, including women, children, and men. Furthermore, babies are also traded for illegal adoption. Babies are a gift from Allah SWT, the Almighty, entrusted to some humans to be raised and cared for so they can become the nation's next generation.⁷

Strong desire to have children can be a compelling reason for someone to marry so that their offspring can be preserved. However, not everyone is blessed with

² Renggong Ruslan, *"Hukum Pidana Khusus Memahami Delik-Delik Di Luar KUHP"* (Prenadamedia Group, 2016).

³ Henny Nuraeny, *Tindak Pidana Perdagangan Orang Dalam Perspektif Hak Asasi Manusia* (Rajawali Pers, 2016).

⁴ Bastianto Nugroho dan M. Roeslis, 'Analisa Hukum Tindak Pidana Perdagangan Orang (Human Trafficking)', *Jurnal Bina Mulia Hukum*, Vol. 2, No (2017), p. hlm. 107.

⁵ M. Jodi Setianto Kadek Novi Darmayanti, Komang Febrinayanti Dantes, Si Ngurah Ardhya, 'Tindak Pidana Perdagangan Orang (Human Trafficking) Sebagai Transnational Crime', *Ganesha Law Review*, Volume 4.Issue 2, p. hlm. 34.

⁶ Heni Susanti. Syafrinaldi. Wira Atma Hajri, 'Perbandingan Aturan Hukum Tentang Tindak Pidana Perdagangan Orang Di Indonesia Dan Malaysia.', *Kodifikasi*, Vol. 4 No. (2022), p. hlm. 93-94.

⁷ Triyanto, *Negara Hukum Dan HAM* (Penerbit Ombak, 2013).

children. Some have to wait years, some undergo medical treatment, and some are even completely childless, depending on the medical records of the married couple.⁸

Forms of exploitation themselves include treating victims to work which leads to practices of sexual exploitation, slavery or forms of modern slavery, organ transplants for commercial purposes, to the sale of babies which is intended for the purpose and interest of obtaining large profits for human traffickers.⁹ The advancement of technology has created a new avenue for some people to engage in baby trafficking through social media. Typically, baby trafficking syndicates lure their victims with promises of loans to cover all childbirth costs. Eventually, when the parents are unable to repay the debt, they are forced to give up their baby.¹⁰

Article 20 paragraphs (1) and (2) of the Law of the Republic of Indonesia Number 39 of 1999 concerning Human Rights explains that no one may be enslaved or enslaved and Slavery or servitude, slave trading, trafficking in women, and all acts of any kind which have a similar purpose.¹¹ In relation to the problem of child trafficking, it has been explained in the provisions of Article 1 number 2 of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection that "Child protection is all activities to guarantee and protect children and their rights so that they can live, grow, develop, and participate optimally in accordance with human dignity and honor, and receive protection from violence and discrimination."¹²

1945 Constitution regulates children's rights, which can be seen in paragraph 2, Article 28 B. Guarantees for the protection and fulfillment of children's rights are stated in the 1945 Constitution and several provisions of national and international laws and regulations.¹³ This guarantee is strengthened by the ratification of the international convention on children's rights, namely the ratification of the Convention on the Rights of the Child by Presidential Decree Number 36 of 1990 concerning the Ratification of the Convention on the Rights of the Child.

According to R.A Kosnan, children are young people who are young in their souls

⁸ Ismail Lubis, 'Tinjauan Yuridis Tindak Pidana Perdagangan Bayi Berdasarkan Undang- Undang Nomor 21 Tahun 2007', *Jurnal Keadilan*, Vol. 1, No (2021), p. hlm.72-73.

⁹ Linda Amalia Sari, "Prosedur Standar Operasional Pelayanan Terpadu Bagi Saksi Korban Tindak Pidana Perdagangan Orang" (Deputi Bidang Perlindungan Perempuan, 2010).

¹⁰ 'Wawancara Oleh Iptu Murniati, Kanit PPA Polresta Kota Pekanbaru, Tanggal 5 Maret 2025, Pukul 10.10 Wib'.

¹¹ Pasal 20 Ayat (1) Dan (2) Undang-Undang Republik Indonesia Nomor 39 Tahun 1999 Tentang Hak Asasi Manusia.

¹² Pasal 1 Angka 2 Undang-Undang Republik Indonesia Nomor 35 Tahun 2014 Tentang Perubahan Atas Undang-Undang Republik Indonesia Nomor 23 Tahun 2002 Tentang Perlindungan Anak.

¹³ Putri Alda Feramarta. Abdul Latif Mahfuz. Romli SA. Saefuddin Zahri, *Penegakan Hukum Terhadap Kasus Jual Beli Bayi Yang Dilakukan Ibu Kandung Pada Studi Kasus Perkara NOMOR: BP/196/VII/ 2021/ (RESKRIM, 2021).*

and life journey because they are easily influenced by their surroundings.¹⁴ Furthermore, Article 76F of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection regulates the prohibition of human trafficking in children, stating that "Everyone is prohibited from placing, allowing, carrying out, ordering or participating in the kidnapping, sale or trafficking of children."¹⁵ However, in its implementation, Law Number 35 of 2014 has not been able to provide guarantees of protection for children as expected, because until now there are still many violations due to the lack of understanding of children as victims of criminal acts who are equated with adult victims by providing different legal interpretations, which are not in accordance with the principles of child protection.

Recently, a baby trafficking case also occurred in Pekanbaru City. From 2022 to 2025, this baby trafficking case was the first case of Human Trafficking (TPPO) in a baby trafficking syndicate. Six suspects in a baby trafficking syndicate in Pekanbaru City were arrested by police after selling a baby girl for 25 million Rupiah. This case was uncovered thanks to a report from the victim's biological parents who came to the Pekanbaru Police. The Head of the Criminal Investigation Unit of the Pekanbaru Police, Commissioner Bery Juana Putra, explained that according to the victim's parents, this case began 10 days before the birth. One of the perpetrators, a midwife, and perpetrator R, visited them. Perpetrator R claimed to have been married for 10 years without children.¹⁶

With coaxing, the perpetrator convinced the victim's parents, who were experiencing financial difficulties, that their baby would be cared for by R. The perpetrator even provided money for the needs during the pregnancy and covered all the costs of delivery at PMC Hospital, including post-natal recovery costs. However, after the baby was born, the perpetrators began to show pressure. The victim's parents initially refused to hand over the baby, but the perpetrator intimidated them, claiming they had already incurred large expenses. The victim's parents were unaware that the baby would be sold, and the perpetrator guaranteed this by making a legal adoption letter, which the victim's parents did not know was made illegally.¹⁷ They only realized this after the case went viral on social media platforms like TikTok and Facebook. The investigator in the case, Aipda Rinto Tarihoran, also revealed that the syndicate deliberately targeted pregnant women from low-income families.

The police have successfully arrested six suspects with the initials EJ, AT, TH, Z,

¹⁴ R.A Koesnan, *Susunan Pidana Dalam Negara Sosialis Indonesia* (Sumur, 2005).

¹⁵ *Pasal 76F Undang-Undang Republik Indonesia Nomor 35 Tahun 2014 Tentang Perubahan Atas Undang-Undang Republik Indonesia Nomor 23 Tahun 2002 Tentang Perlindungan Anak.*

¹⁶ www.cakaplah.com, 'Cakaplah.Com', 2025

<<https://www.cakaplah.com/berita/baca/119397/2025/01/20/modus-sindikate-perdagangan-bayi-di-pekanbaru-bujuk-rayu-hingga-intimidasi#sthash.iZ4ivJ3a.dpbs>>.

¹⁷ 'Wawancara Oleh Aipda Rinto Tarihoran, Penyidik PPA Polresta Kota Pekanbaru, Tanggal 5 Maret 2025, Pukul 11.30 Wib'.

JB, and SP. From the results of the preliminary investigation, this baby trafficking network does not only involve the six suspects who have been arrested. The police are still hunting for two more people who are suspected of being involved in this case, namely TA and RS. The suspects are charged with multiple articles, namely Article 2 of the Republic of Indonesia Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking (TPPO) and Article 83 in conjunction with Article 76F of Law Number 35 of 2014 concerning Child Protection. The threat of punishment that awaits the perpetrators is very severe, namely 15 years in prison.

Regarding baby trafficking, it can be seen that many international instruments and laws and regulations are aimed at combating human trafficking. These essentially serve as the legal basis for eradicating human trafficking. Therefore, the government must act seriously to prevent, prosecute, and punish perpetrators of human trafficking, both infants and women, as well as provide assistance and rehabilitation to victims.

The policy in criminal law regarding restitution for victims of criminal acts, especially victims of human trafficking as regulated in Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking (PTPPO) provides a formal and material legal basis. The granting of the right to restitution as regulated in Article 48 of the Law on the Eradication of the Crime of Human Trafficking is a concrete manifestation of the state in terms of paying attention to and protecting the interests of each victim, especially victims of the crime of human trafficking.¹⁸

2. Research Method

This research is empirical or sociological legal research. Sociological legal research is research conducted directly on-site or in the field to obtain data to provide a complete and clear picture of the problem being studied.¹⁹ Meanwhile, the nature of the research in this study uses descriptive research by revealing problems and conditions as they are, there is a disclosure of facts with research results that are emphasized on providing an objective picture of the actual condition of the object being investigated.²⁰ In this way, it will be clearly described how law enforcement is provided by the relevant agencies regarding the problems being studied so that it can reveal the facts of actual law enforcement.

3. Result and Discussion

3.1. Law Enforcement of the Investigation Process into the Criminal

¹⁸ M. Fahru Reza Dinsie, 'Pemenuhan Hak Restitusi Terhadap Korban Tindak Pidana Perdagangan Orang (Studi Putusan Nomor 85/Pid. Sus/ 2018/PN. Soe)', *Fakultas Hukum, Universitas Hasanuddin*, 2021, p. hlm. 53.

¹⁹ Soerjono Soekanto, 'Pengantar Penelitian Hukum' (Universitas Indonesia, 2010).

²⁰ Ishaq, *Metode Penelitian Hukum*, Alfabeta (2020).

Case of Human Trafficking by a Baby Selling Syndicate in the Jurisdiction of the Pekanbaru Police

Trafficking or human trafficking, especially against women and children, has long been a national and international problem for various nations in the world, including Indonesia.²¹ The rapid development of telecommunications and computer technology has resulted in a multi-functional internet.²² Moreover, with the existence of electronic social media such as WhatsApp, Facebook, TikTok, and the like, it makes it more comfortable for perpetrators to find victims by deceiving victims, giving false oaths to victims, giving false information to victims, and making threats to victims so that victims fall into the perpetrator's trap.²³

Human trafficking is another form of human slavery, an act of perversion of human dignity.²⁴ Human Trafficking (TPPO) is a type of crime specifically regulated by its own law. Human trafficking can have three basic elements that form the basis for the crime of human trafficking:²⁵

- a. Action
Melibatkan aktivitas atau perbuatan yang melibatkan pemindahan, penahanan, penjualan, rekrutmen, atau pengangkutan orang dengan menggunakan ancaman, kekerasan, penipuan.
- b. Intention/Purpose
Done with the aim of obtaining financial, economic or other benefits.
- c. Exploitation
Involves the use of people involved in trafficking for exploitation, such as sexual exploitation, forced labor, slavery.

These elements form the primary basis of human trafficking cases, and they are the primary focus of prevention, law enforcement, and protection efforts for victims of human trafficking. The main discussion in Criminal Law essentially covers three very important matters: the act, criminal responsibility, and punishment (the sanctions imposed on those who violate the law).²⁶

In criminal liability, there is a monistic view put forward by Simon, who formulated

²¹ Alfitra, "Modus Operandi Pidana Khusus Di Luar KUHP" (Raih Asa Sukses, 2014).

²² M. Musa, *Hukum Dan Teori Dalam Realita Masyarakat* (UIR Press, 2015).

²³ Natasya Revida Putri Junaedi, 'Pertanggungjawaban Pidana Terhadap Pelaku Human Trafficking Melalui Media Sosial (Studi Kasus Putusan NOMOR 915/PID.SUS/2019/PN.SBY)', Skripsi, Fakultas Hukum', (Universitas Bhayangkara Surabaya, 2022).

²⁴ Muhammad Kamal, *Human Trafficking: Penanggulangan Tindak Pidana Perdagangan Manusia Di Indonesia* (Sign, 2019).

²⁵ Aris Susanto dan Edi Setiadi, 'Pertanggungjawaban Pidana Terhadap Pelaku Perdagangan Bayi Bermodus Adopsi Di Kabupaten Bogor Ditinjau Dari Undang-Undang Nomor 35 Tahun 2014 Tentang Perlindungan Anak Dan Undang-Undang Nomor 21 Tahun 2007 Tentang Pemberantasan Tindak Pidana Perdagangan O', *Bandung Conference Series: Law Studies*, Vol. 3. No (2023), p. hlm. 1020.

²⁶ Zul Akrial. Heni Susanti, 'Analisis Terhadap Korporasi Sebagai Subyek Hukum Di Dalam Undang-Undang No. 32 Tahun 2009 Tentang Perlindungan Dan Pengelolaan Lingkungan Hidup', *Uir Law Review*, Vol. 01, N, p. hlm. 142.

strafbaarfeit. The elements of strafbaarfeit include the element of the act, also called the objective element, and the element of the perpetrator. Therefore, strafbaarfeit can also be said to be the conditions for imposing a sentence. If strafbaarfeit has occurred, the perpetrator can be punished.²⁷ Anyone who commits a criminal act and is declared to have violated the rules of criminal law if the act is not in accordance with and contradicts the legal norms that have been stated in the statutory regulations.

The existence of law in a country is absolutely necessary, because law can be a guideline or guideline in organizing life in society, nation and state.²⁸ Laws are coercive regulations that determine human behavior within a social environment, created by authorized institutions. Laws serve to protect human interests. To protect these interests, laws must be enforced and implemented properly. Article 297 of the Criminal Code does not explicitly define human trafficking and provides sanctions that are too light and disproportionate to the impact suffered by victims of human trafficking crimes.

Furthermore, on April 17, 2007, the Indonesian government finally ratified and enacted Law of the Republic of Indonesia No. 21 of 2007 concerning the Eradication of Human Trafficking, which specifically regulates the crime of human trafficking. Law No. 21 of 2007 concerning the Eradication of the Crime of Human Trafficking is an effort to provide legal protection, both directly and indirectly, to victims and/or potential victims so that they do not become victims in the future.²⁹

The Law on the Crime of Human Trafficking (TPPO) is contained in Law Number 21 of 2007, which contains many articles aimed at perpetrators of the Crime of Human Trafficking (TPPO) so that every person who is going to commit this criminal act must think about the effects and also make the perpetrators who have committed this act become deterred by the actions they have committed, apart from harming others, they also violate moral norms.

The human trafficking business currently often ensnares children, especially infants. This type of business is contrary to human dignity and violates human rights. Child trafficking is defined by the Office for Drug Control and Crime Prevention (ODCCP) as the recruitment, transfer, transportation, placement, or receipt of minors for the purpose of exploitation, using threats, violence, or other forms of coercion, such as kidnapping, fraud, deception, or abuse of authority or position of authority.³⁰

In this case, babies are categorized as children in Law Number 21 of 2007, because babies are children under the age of 18 years or in other words are not yet adults

²⁷ Yudi Krismen, 'Pertanggungjawaban Pidana Korporasi Dalam Kejahatan Ekonomi', *Jurnal Ilmu Hukum*, Vol. 4, No (2014), p. hlm. 149-150.

²⁸ Heni Susanti dan Riadi Asra Rahmad, 'Pidana Mati Perspektif Filsafat Keadilan (Kajian Putusan Nomor 5642 K?Pid.Sus / 2022)', *Desiderata Law Review*, Vol. 1, No (2024), p. hlm. 49.

²⁹ Henny Nuraeny, "Tindak Pidana Perdagangan Orang: Kebijakan Hukum Pidana Dan Pencegahannya", (Sinar Grafika, 2011).

³⁰ Ismail Lubis, 'Tinjauan Yuridis Tindak Pidana Perdagangan Bayi Berdasarkan Undang- Undang Nomor 21 Tahun 2007', *Jurnal Keadilan*, Volume 1 N, p. hlm. 85.

according to the law. The definition of a child according to Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking in Article 1 Number 5 is a person who is 18 years old, including children who are still in the womb.³¹

Regarding child trafficking, the adoption and sale of newborn babies, which frequently occurs under Law Number 21 of 2007, are prohibited and subject to criminal sanctions. The sale of babies has become widespread in the form of organized and disorganized crime networks. The denial of a child's human rights occurs when someone no longer views a child as a subject equal to themselves, but rather as an object to be bought and sold for personal gain.

In Law No. 35 of 2014 concerning Child Protection, Article 59 states that the Government and State Institutions are obliged and responsible for providing special protection to children in emergency situations, children in conflict with the law, children from minority and isolated groups, children who are exploited economically and/or sexually, and children who are trafficked.³²

Baby Sales Data Table in Indonesia

No.	Case Year	Number of Babies Sold
1	2023	59
2	2024	72
3	2025	1

Sumber: Bank Data KPAI 2025

The *modus operandi* of baby trafficking in Indonesia is becoming increasingly sophisticated, with numerous online baby trafficking cases occurring. The table above, based on data from the Indonesian Child Protection Commission (KPAI) database, shows an increase in the number of baby trafficking cases in Indonesia from 2023 to 2024, representing a significant increase in human trafficking cases, particularly in Indonesia. The majority of baby trafficking cases occur in Yogyakarta.

In its implementation, the law can run effectively or not depending on how the community can accept the law and implement it in their lives.³³ However, pressing economic problems are the primary reason many women, especially mothers, fall into the cycle of baby selling. Economic hardships drive people to seek quick and easy solutions to meet their every need. Methods used to lure potential victims promise abundant pleasure and luxury to trap them. Another method is to force mothers to knowingly sell their unborn babies to meet their own needs.

³¹ Pasal 1 Angka 5 Undang-Undang Republik Indonesia Nomor 21 Tahun 2007 Tentang Pemberantasan Tindak Pidana Perdagangan Orang.

³² Pasal 59 Undang-Undang No. 35 Tahun 2014 Tentang Perlindungan Anak.

³³ Yudi Krismen, 'Dilema Penegakan Hukum Pidana Terhadap Prajurit TNI', *Jurnal Selat*, Vol. 2, No, p. hlm. 147.

3.2. Obstacles to Law Enforcement in the Investigation Process Faced by the Pekanbaru City Police Resort in Overcoming the Crime of the Baby Selling Syndicate in Pekanbaru City

Cybercrime in Indonesia faces many challenges that are difficult to overcome because cybercrime continues to develop and is dynamic.³⁴ The emergence of the internet in cyberspace today has rendered national borders meaningless. The world has become a single, borderless entity. As a result, organized crime, carried out by criminal organizations, has become easier to commit across national borders.³⁵ These crimes then developed into international crimes.

With the unlimited influx of foreign culture through online media, the rise of sexual harassment, online gambling, pornography leading to sexual harassment, cybercrime, and more recently the practice of selling babies online through social networks or other websites. The aspects of powerlessness, poverty, incompetence, and unemployment have become pressing problems, causing them to feel they have no other choice and join the flow of baby trafficking, neglecting the principles of human rights.

The crime of human trafficking does not stand alone, like theft, murder, and assault, but involves the participation of others in carrying out this crime. The word participation (*deelneming*) means the participation of one or more people when another person commits a crime. *Deelneming* comes from two words: *deel* (part) and *neming* (taking). Therefore, *deelneming* means taking part.³⁶

Participation is a term that encompasses all forms of participation or involvement of a person or persons, both psychologically and physically, in carrying out each act, resulting in a criminal act. The essence of participation is close cooperation between those involved in carrying out a criminal act.

The emergence of the first case of human trafficking involving a baby-selling syndicate in Pekanbaru calls for action from law enforcement officials, including determining appropriate punishment for perpetrators of human trafficking via social media. Eradicating human trafficking is not solely the responsibility of the police, judges, and other law enforcement officials, but also of other law enforcement agencies.³⁷

Because children are so important to the continuation of a nation, it is necessary to provide protection for them. This protection should not only come from the child's parents or family, but also from the state to guarantee their rights. After all, the state

³⁴ Karolus Charlaes Bego. Fajar Rahmat Aziz. Riadi Asra Rahmad. Sunarto. Heri Budianto, 'Tindak Pidana Cybercrime: Tantangan Hukum Pidana Dalam Menanggulangi Kejahatan Di Dunia Maya (Desember 2024)', *Jurnal Kolaboratif Sains*, Vol. 8, No, p. hlm. 508.

³⁵ M. Musa. Daniel Pratama. Syafrinaldi. Surizki Febrianto, 'Rekontruksi Penyidikan Terhadap Tindak Pidana Pencucian Uang Hasil Narkotika', *Kontitusi: Jurnal Prodi Magister Ilmu Hukum*, Vol. 15, N, p. hlm. 77.

³⁶ Alfitra, "Modus Operandi Pidana Khusus Di Luar KUHP".

³⁷ Abintoro Prakoso, *Hukum Perlindungan Anak*, (Laksbang Group, 2016).

still holds the greatest power within a country.³⁸

Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking (TPPO), which is the government's effort to provide legal protection, both directly and indirectly, to potential victims and/or victims, is also related to Law Number 13 of 2006 concerning Protection of Witnesses and Victims.

The Witness and Victim Protection Law is somewhat more advanced, as it attempts to include or expand protections for individuals who assist in criminal investigations while still acting as informants or complainants. While it doesn't explicitly state that informants are also protected, the drafters believe that they are already covered by the investigation.³⁹ The Witness and Victim Protection Law is somewhat more advanced, as it attempts to include or expand protections for individuals who assist in criminal investigations while still acting as informants or complainants. While it doesn't explicitly state that informants are also protected, the drafters believe that they are already covered by the investigation.

Despite specific provisions in the law, authorities still struggle to prosecute perpetrators of child trafficking. This presents a significant challenge for law enforcement, particularly the police, in handling child trafficking cases. The Pekanbaru City Police Department continues to report unresolved cases each year. Therefore, legal action is needed against traffickers to ensure a sense of security and safety for the public.

Report this case immediately to the Pekanbaru Police because there are a number of factors that make the case handled and followed up, because there is a special unit that handles human trafficking cases, but in practice it is not that fast and easy. In reality, incidents in the field have difficulty in uncovering cases of baby sales and ultimately do not meet expectations for several reasons. In implementing the prevention of this baby trafficking crime, of course, the Pekanbaru Police Resort found several obstacles, from these obstacles, most of them came from external factors, but it does not rule out the possibility that the obstacles came from internal factors from the police and the victims themselves. Several factors that hinder the Pekanbaru Police Resort in uncovering cases of criminal acts of baby sales in the jurisdiction of the Pekanbaru Police, namely:

³⁸ Zul Akrial, July Wiarti, Moza Dela Fudika, 'Peningkatan Pemahaman Terkait Regulasi Perlindungan Anak Dari Kekerasan Dan Narkotika Melalui Sosialisasi Di Desa Bukit Ranah Kecamatan Kampar, Alkhmad', *Jurnal Ilmiah Pengabdian Kepada Masyarakat*, Vol. 4, No (2021), p. hlm. 101.

³⁹ Yudi Krismen, 'Perlindungan Saksi Dan Korban Dalam Proses Penegakan Hukum Pidana', *Jurnal Kriminologi*, Vol. 1, No, p. hlm. 47.

a. Syndicate is fragmented

A syndicate or group (collaboration) of several people (child traffickers) is not located in one location. There are perpetrators who manage recruitment, perpetrators who manage shelters, and perpetrators who manage documents.⁴⁰ The mechanism of the criminal act of child trafficking begins with the recruitment of workers who will then be sold. They approach the family or parents of potential victims. The victim is enticed by the lure of attractive amounts of money and all the supporting facilities so that the victim is interested and offers himself.

b. Lack of Victims' Knowledge of Legal Provisions That Protect Them

Trafficking is a crime unfamiliar to some. Many people are unaware that they have become victims of trafficking. One reason is the lack of public awareness and legal education provided by the police to communities living in remote areas. Consequently, when someone becomes a victim of trafficking, they are unaware of the next steps due to a lack of understanding of the legal provisions relating to the reporting procedures for their case.⁴¹

c. Fear of Threats from the Perpetrator

The fear experienced by victims and their families, such as threats from perpetrators, prevents victims from reporting their trafficking. Victims are threatened not to report the abuse. The threats typically include death threats. For example, the case of baby trafficking in Pekanbaru City was uncovered due to suspicions raised by someone at a Pekanbaru cafe, who immediately reported it to the police.⁴²

d. Number and Capacity of Personnel

Police personnel are the final obstacle in enforcing the law against human trafficking. As is well known, law enforcement officers also contribute as a supporting factor in law enforcement. In this case, the Pekanbaru Police's Women and Children Protection Unit (PPA) acknowledged a shortage of personnel to conduct social media surveillance or cyber surveillance.

4. Conclusion

Law enforcement in the investigation process of Human Trafficking Crimes in a baby selling syndicate in Pekanbaru City, carried out by the Women and Children Service Unit at the Pekanbaru City Resort Police (Polresta Pekanbaru) refers to the provisions of the Criminal Procedure Code (KUHP) and in accordance with Perkap No. 6 of

⁴⁰ 'Wawancara Oleh Aipda Rinto Tarihoran, Penyidik PPA Polresta Kota Pekanbaru, Tanggal 5 Maret 2025, Pukul 11.30 WIB'.

⁴¹ 'Wawancara Oleh Aipda Jaka Sukma Purnama, Penyidik PPA Polresta Pekanbaru, Tanggal 5 Maret 2025, Pukul 11.35 WIB'.

⁴² 'Wawancara Oleh Aipda Rinto Tarihoran, Penyidik PPA Polresta Kota Pekanbaru, Tanggal 5 Maret 2025, Pukul 11.45 WIB'.

2019 concerning the management of Criminal Investigations. The investigation was carried out after a report was received by the Pekanbaru Police. After the investigation, investigation and arrest by the PPA Unit of the Pekanbaru Police, the case title was carried out to determine the suspect and further efforts will be carried out. The perpetrator was examined and processed until the case file (P21) was handed over to the JPU (Public Prosecutor). For the victim himself, the PPA Unit of the Pekanbaru Police collaborated with the Pekanbaru City Social Service and the Women's Empowerment, Child Protection, and Community Empowerment Service (P3APM) of Pekanbaru City. For their actions, the suspects were charged with multiple articles, namely Article 2 of the Republic of Indonesia Law Number 21 of 2017 concerning the Eradication of the Crime of Human Trafficking (TPPO) and Article 83 in conjunction with Article 76 Letter F of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, with the threat of a sentence of 15 years in prison. Some obstacles to law enforcement in the investigation process mostly come from external factors, but it does not rule out the possibility that these obstacles come from internal factors from the police and the victims themselves. Factors that hinder the Pekanbaru Resort Police in uncovering the criminal case of baby selling in the jurisdiction of the Pekanbaru Police, namely: the syndicate is fragmented; the victim's lack of knowledge of the legal provisions that protect them; fear of threats from the perpetrators; and the lack of number and ability of personnel.

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