



Law Indigenous Peoples Confronting International Fraud and Mafia Cases on the Large Displacement of Rohingya Refugees to Indonesia Aberrant Behavior Violation of Indonesian Law by Rohingya Refugees Causing Societal Harm and Economic Loss

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Abstract

Every day at least 149 to 400 Rohingya refugees come to Aceh and the surrounding Riau islands according to data from local government and UNHCR illegally. The law people confronting international fraud and mafia cases on the large displacement of Rohingya refugees to Indonesia in Aceh and Riau Islands aberrant behavior violation of Indonesia law by Rohingya refugees causing societal harm and economic loss. The international human trafficking syndicate mafia is behind the increase in boat arrivals of Rohingya refugees, with each adult costing around 20 million rupiah and children costing 7 million to 10 million rupiah per person to the international mafia illegally.

Indonesia is not a signatory to the 1951 United Nations Convention on Refugees, but has a history of accepting refugees when they arrive on Indonesian territory. However, the high number of new arrivals has triggered negative reactions on social media as well as in daily life in terms of security and economy of Aceh and Riau Islands and rejection from the community because they are very angry about the deviant behavior and often harm the community as well as damage the environment and economy. Rohingya people have left Myanmar They are generally regarded as

foreign smugglers from South Asia, denied citizenship, and become harassing and insulting behavior to local residents as well as asking for islands for them without ever working and asking and extorting local residents and the government.

This type of research is normative and qualitative research. The type of data used consists of primary and secondary legal materials obtained by library research and analyzed using a qualitative approach presented in descriptive form. The results showed that (1) legal arrangements related to fraud and international trafficking in Rohingya people. The role of international law in the eradication of trafficking in human beings is to ratify the Palermo Protocol through Law Number 14 of 2009 and to strengthen cooperation relationships among countries and international institutions. Increase cooperation from various parties, especially the people living in the border areas of Indonesia, especially Aceh, which are often crossed by asylum seekers or refugees from Rohingya. Not only from border officials but the participation of the community can increase work efficiency in monitoring immigrants entering Indonesian territory. In addition, the local community also needs to be educated on how to deal with refugees who arrive at the border area. Also, the perpetrators of fraud and trafficking under the guise of Rohingya refugees must be strictly prosecuted and Rohingya refugees who violate the rules are prosecuted under Indonesian and international law as well as returned to the country to be legally tried.

Keywords: Rohingya, Human trafficking, Fraud, Law, Government, Economy, Environment.

1. Introduction

Every day at least 149 to 400¹ Rohingya refugees come to Aceh and the surrounding Riau islands according to data from local government and UNHCR illegally. The law people confronting international fraud and mafia² cases on the large displacement of Rohingya refugees to Indonesia in Aceh and Riau Islands aberrant behavior violation of Indonesia law by Rohingya refugees causing societal harm and economic loss. The international human trafficking syndicate mafia is behind the increase in boat arrivals of Rohingya refugees, with each adult costing around 14³ million to 20 million rupiah and children costing 7 million to 10 million rupiah per person to the international mafia illegally.



Figure 1. Source: <https://www.viva.co.id/berita/nasional/1665479-agen-penyelundup-rohingya-ditangkap-punya-kartu-unhcr-hingga-patok-biaya-rp14-juta-per-orang>

The agent who smuggled Rohingya refugees to Aceh, a Bangladeshi national named Husson Mukhtar (70), was arrested by the police. Husson and his two fugitive colleagues, Zahangir and Saber, facilitated Rohingya refugees from Corg Bazar Camp, Bangladesh, to Aceh. They offered the journey on two boats. Each ship, FB SEFA, was skippered by Husson Mukhtar. This ship carried 147 Rohingya people who arrived in Pidie Regency on Tuesday, 14 November 2023. This is the beginning of the Rohingya arrival in Aceh in November. Rohingya Smuggling Agent Arrested, Had UNHCR Card.

The refugees' living expenses where they live are funded by the International Organization for Migration (IOM), IOM also provides living expenses to each Rohingya refugee worth IDR 1,250,000 per month and each child is given IDR 500,000 in Indonesia⁴. The cost of Rp 100 million is spent by the Bireuen Regency Government every month for several needs of 79 Rohingya refugees, detailing that in a day, the cost of food alone costs Rp 3 million or Rp 90 million per month. In addition, the Regency Government must bear the cost of water and electricity on average every month reaching Rp. 5-6 million. "Not to mention other needs, including health costs and officers in the field. We hope that the central government will no longer remain silent. The Rohingya immigrants have been in Bireuen since 20 April. Of the 79 refugees, eight are children. Since the beginning, they have been accommodated in SKB Cot Gapu Village.

Apart from Bireuen, 20 Rohingyas who were stranded in East Aceh on 4 December are currently accommodated in Liposos or sprawling homes owned by the Langsa City Social Service. During their stay, their living expenses are covered by the Aceh Provincial Government or the local government. The increasing number of Rohingya people in Tanah Rencong is increasingly burdening the Aceh Provincial Government and local governments, both morally and budgetarily. He hopes the central government will immediately intervene to deal with the problem. "Even though we have repeatedly

written to the relevant ministries, even the Acting Governor of Aceh, Mr Nova Iriansyah, has also written to the ministries in question, but until now there has been no response.

Some of the ministries that have been written to are the Ministry of Foreign Affairs, the Ministry of Social Affairs, the Ministry of Law and Human Rights, and the Coordinating Ministry for Human Development and Culture. the Ministry of Law and Human Rights through immigration and IOM should be responsible for managing foreign refugees. "While we actually don't have any authority. Moreover, we have no funds to finance their food and needs. Even if there is, it is only because of humanitarian demands⁵. Indonesia is not a signatory to the 1951 United Nations Convention on Refugees, but has a history of accepting refugees when they arrive on Indonesian territory.

However, the high number of new arrivals has triggered negative reactions on social media as well as in daily life in terms of security and economy of Aceh and Riau Islands and rejection from the community because they are very angry about the deviant behavior and often harm the community as well as damage the environment and economy. Rohingya people have left Myanmar They are generally regarded as foreign smugglers from South Asia, denied citizenship, and become harassing and insulting behavior to local residents as well as asking for islands for them without ever working and asking and extorting local residents and the government. The role of international law in the eradication of trafficking in human beings is to ratify the Palermo Protocol through Law Number 14 of 2009 and to strengthen cooperation relationships among countries and international institutions.

2. Theoretical review

2.1. Fraud and International Trafficking of Rohingyas

Law Number 39 Year 1999 on Human Rights, but still has not been able to capture the complexity of the issue of trafficking, especially when only using Article 297 of the Criminal Code which reads: "Trafficking in women and boys under the age of majority shall be punished by a maximum imprisonment of six years". The phenomenon of trafficking is a serious problem that must be addressed by the government and other state apparatus under a legal umbrella that specifically regulates the elimination of trafficking. not many concerned parties and lack of information, trafficking cases continue to protract.

The most important thing to start with everything or to be the basis of the Draft Law on the Elimination of Trafficking Criminal Offences (Trafficking in people) in its discussion, according to the author is the emphasis on the importance of the importance of criminalization in trafficking, in order to find and emphasized the elements of criminalization in order to facilitate the work of council members who who are discussing and drafting the Draft Law on the Elimination of the Crime of Trafficking.

In general, the regulation of a criminal offence of fraud is contained in Article 378 of the Criminal Code. This article does not specifically regulate online fraud, but rather regulates fraud as a whole (in its principal form). Article 378 of the Criminal

Code regulates actions intended to benefit oneself or others by using a false name or dignity, by deception or by deceit to hand over something of value to him, then threatened with committing acts of fraud with a maximum penalty of 4 (four) years.

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The regulation on the prohibition of the dissemination of false news that results in consumer harm is described in Article 28 paragraph (1) which tends to be very close to the dimensions of criminal offences of fraud and consumer protection (Anton Hendrik S, 2019: 67). The criminal offence of fraud is closely related to consumer protection. The protection provided by Article 28 paragraph (1) is only for the losing party who has a position as a consumer. When the party who suffers a loss does not have a position as a consumer or is outside the relationship between producers and consumers, Article 28 paragraph (1) cannot be imposed (Anton Hendrik S, 2019: 67).

The public's right to a sense of security and protection is contained in the 1945 Constitution Article 28G paragraph (1) which explains. "Every person has the right to protection of self, family, honour, dignity, and property under his control, and is entitled to a sense of security and protection from threats of fear to do or not do something that is a human right" According to the theory or understanding of the state of law (*rechtstaat*), the state must guarantee the equality of every citizen including the freedom to exercise their human rights. On this basis, the rule of law should not act arbitrarily against its citizens and its power must be limited, as well as citizens are limited in the use of their human rights by law as a means (M. Arif Amarullah, 2007: 2). In a state of law, the position and relationship between citizens and the state in a state of balance, both have rights protected by law and equally limited by law. Article 1 paragraph (3) of the 1945 Constitution, states that. Indonesia is a state of law. This provision is the basis for the direction of legal politics in the development of national law to always provide public services, so until now people rely on the word *all nations* as the principle of the unity of the entire Indonesian nation. In addition, the word *protect* contains the principle of legal protection to all Indonesians, without exception, so that the state takes part in efforts to raise human dignity as a form of legal protection. This article can be linked to articles regulating criminal offences of fraud (Hendy Sumadi, 2015: 181).

According to Law No. 21/2007 on the Eradication of the Crime of Trafficking in Persons (PTPP), the definition of trafficking in persons is the act of recruiting, transporting, harbouring, sending, transferring, or receiving a person by threat of pressure, use of coercion, abduction, confinement, forgery, fraud, abuse of power or vulnerable position, debt bondage or giving payments or benefits, so as to obtain the consent of the person who has control over the other person, both within the country and between countries, for the purpose of exploitation or resulting in the person being utilized. Exploitation includes the exploitation of another person through prostitution or other forms of sexual exploitation, forced labor or service, slavery or practices similar to slavery, servitude or the removal of organs.⁶

"The definition that explains the crime of human trafficking in relation to the existing definitions explains that this definition

has similarities in the elements of an indictable offence. The act of trafficking in persons is a worldwide crime Human trafficking is a global crime because it's not only an issue for a country, it's a transnational crime.”⁷ The translation is that the definition that explains the crime of human trafficking in relation to the existing definitions explains that this definition has similarities in the elements of an indictable offence. The act of trafficking in persons is a worldwide crime because it is not just a problem for one country, but a transnational crime. Article 3 of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which complements the UN Convention Against Transnational Organized Crime, describes trafficking in persons as follows:

- A. ‘Trafficking in persons’ means the sale, transfer, harbouring or exploitation of persons, by means of threats or other forms of cruelty or the exploitation of persons and persons en masse for profit by a person having power over another person, for the purpose of exploitation. Exploitation or exploitation, such as forced prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or any of the meanings of slavery, servitude or even the forcible removal of human organs.”
- B. “Consent of the victim of trafficking to utilized which has been described internally in subparagraph (a) where the Article is inappropriate as a result of the means in subparagraph (a) having been used”
- C. “The sale, sending, harbouring and utilization or receiving of a minor with the intention of utilization shall be construed as ‘trafficking in persons’ even if this does not entail any of the acts specified in subparagraph (a) of this Article”
- D. “‘Child’ means any person under the age of 18 years”⁸

2.2. Factors of Human Trafficking

There are various causes that lead to human trafficking in Indonesia, which are as follows;

- a. Poverty
- b. Education
- c. Culture
- d. Other contributing factors include financial crises, unexpected natural disasters, ceasefires and internal political conflicts. These calamities lead to instability and mobilisation of people, resulting in a sense of insecurity within the community. This situation naturally triggers many people to flee in search of a situation that is considered safe to live in.⁹

2.3. Rohingya refugees

The Rohingya in Rakhine State have been in Myanmar since the 8th century, even before the British came to power in Rakhine State and Burma between 1824 and 1948. The Burmese presence in Rakhine State around 1870 caused friction between the Rohingya and other ethnic groups in Rakhine State. The Rohingya are an Islamic minority in Myanmar and an isolated minority in Myanmar. The Rohingya are a people formed over a long history of events. They existed in the Rakhine region before the British came to power in Rakhine and Burma between 1824 and 1948. The Burmese presence

in Rakhine State saw conflict between the Rohingya and other ethnic groups in Rakhine State around 1870, which led to the Rohingya conflict. This continued into the 20s and 30s, when the economy experienced a severe recession, until the Burmese population targeted the Rohingya and forced some of them to leave their territory. Some Rohingya refugees fled to nearby countries such as Indonesia, Malaysia and Thailand. The Rohingya influx to Indonesia has been handled by the Indonesian government (Astuti, 2021).

Interfaith dialogue is considered important in maintaining harmony amidst the rise of inhumane religious conflicts as happened to the Rohingya. For this reason, the Indonesian government has encouraged the Myanmar government to consider dialogue as an option to resolve the conflict in the country. The purpose of interfaith dialogue is not the fusion of religions into one, syncretism (creating new religious teachings, learning from existing elements), supremacy of one religion over another, and denial of religious differences, but is intended for dialogue between people. Religion is positive, meaning the rebirth of spiritual realms that are closed by the curtain of separation, because there is no mutual understanding between followers of one religion and another, and encourages a deeper understanding with others, giving rise to Burmese concern for others to ensure the maintenance of harmony and peace among the various ethnic groups in the country.

3. Refugee Protection in International Settings

When we discuss asylum seekers and refugees these are two different things, initially a group of people fleeing from their country to another country are asylum seekers, but they can only be called refugees if they have been determined by a UN agency called UNHCR (United Nation High Commissioner For Refugee). UNHCR (Office of the United Nations High Commissioner for Refugees) applies the Refugee Status Determination (RSD) procedure, which begins with the registration or enrolment of asylum seekers. After registration, each asylum seeker is interviewed by UNHCR individually, accompanied by a competent interpreter. This process results in a decision to either accept or reject an individual's claim to refugee status and provides each individual with (one) opportunity to appeal if his or her claim is rejected. Those identified as refugees are protected while UNHCR seeks a long-term solution, usually in the form of resettlement in another country. To this end, UNHCR maintains close relations with countries that could potentially host refugees. The 1951 Convention and the 1967 Protocol are similar in principle. The contents of the convention are:

1. A basic definition of refugee. It is important to understand the basic definition of a refugee in the 1951 Convention and 1967 Protocol because it is important to determine a person's refugee status (refugee or not). The decision is made by the country where the person is located, in collaboration with the UNHCR (United Nations High Commissioner for Refugees), which deals with refugees.
2. The legal status, rights and obligations of refugees in the country of asylum (rights and obligations apply at the place of asylum).
3. Execution of the treaty, particularly in administrative and diplomatic relations. The focus here is on administrative and diplomatic relations. The focus here is on matters relating to cooperation with UNHCR. Thus, UNHCR can fulfil its mandate and carry out its oversight responsibilities, especially in the countries where refugees are located.

Based on interviews in the field, people who receive status from UNHCR take at least 2 (two) years, during this waiting process they receive assistance. This assistance can be in the form of money, food and medicine, there are also those who provide public kitchens to feed the refugees.

4. Indonesia's Policy on International Refugee Issues

Indonesia has not ratified the 1951 International Convention and 1967 Protocol on the Status of Refugees. UNHCR functions as an international organization, fulfilling its role of monitoring and finding solutions to problems faced by a country. The case of Rohingya refugees who entered Indonesia became a factor of massacre and discrimination due to conflict between other ethnicities in Myanmar. In fact, they are not given citizenship by the Myanmar government because they are considered illegal immigrants in the region. In ASEAN cooperation, it is expected that human rights will be mentioned, especially since respect for human rights is one of the principles of the ASEAN Charter.

5. Aceh's economy

One measure of a region's ability to exercise autonomy is the amount of own-source revenue (PAD) that the region can achieve. Small PAD will make it difficult for the region to carry out the development process and organize the government independently. With the magnitude of the demands on the regions to be able to implement regional autonomy, each region is required to optimize the role of PAD in it. The economic growth that occurred in the westernmost province of Indonesia was still below the national economic growth which reached 6.1 per cent. This is influenced by many factors, including the unbalanced distribution of raw materials or materials, weather or natural factors, and the current investment climate which ultimately causes product delivery to be hampered.

The current investment climate is still not competitive, so investors still do not have the confidence and seriousness to develop large-scale businesses in Aceh. The cost of Rp 100 million is spent by the Bireuen Regency Government every month for several needs of 79 Rohingya refugees, detailing that in a day, the cost of food alone costs Rp 3 million or Rp 90 million per month. In addition, the Regency Government must bear the cost of water and electricity on average every month reaching Rp. 5-6 million. "Not to mention other needs, including health costs and officers in the field. We hope that the central government will no longer remain silent. The Rohingya immigrants have been in Bireuen since 20 April. Of the 79 refugees, eight are children. Since the beginning, they have been accommodated in SKB Cot Gapu Village.

Apart from Bireuen, 20 Rohingyas who were stranded in East Aceh on 4 December are currently accommodated in Liposos or sprawling homes owned by the Langsa City Social Service. During their stay, their living expenses are covered by the Aceh Provincial Government or the local government.

Modern economic growth theories include Rostow and Kunznet's growth theory. According to Rostow, economic development is a transformation from a traditional society to a modern society through five stages, namely the stage of

traditional society, the stage of take-off, the take-off stage, the stage towards maturity, and the high-consumption society. The traditional society stage, the prerequisite stage of take-off, the take-off stage, the stage towards maturity, and the high-consumption society.

Factors Affecting Economic Growth

Production factors are considered the main force affecting growth, the rise and fall of the rate of economic growth is a consequence of changes that occur in the production factors. Some of the factors that affect economic growth can be in the form of economic factors and non-economic factors.

Economic factors that affect economic growth include natural resources, capital accumulation, organization, technological progress, division of labor and scale of production. While non-economic factors that influence economic growth include social factors, human resource quality factors, political and administrative factors.

Government Expenditure

Government expenditure is the entire purchase or payment of goods and services for the national interest, such as the purchase of armaments, weapons, human resources, political and administrative factors. national interests, such as the purchase of armaments and government office equipment, the construction of roads and dams, salaries of civil servants, government forces, and government officials. roads and dams, salaries for civil servants, armed forces, and others. Besides that, government expenditure can be a key determinant of aggregate expenditure, as well as a determinant of short-term real GNP growth. short-term real GNP growth.

Taxes received by the government will be used to finance various government activities. government activities. Part of the government expenditure is to finance the government administration and the other part is to finance development activities, pay salaries to government employees, finance the education system and people's welfare, finance expenditure on the armed forces, and finance various types of infrastructure that are important in development. These are some of the important areas that the government will finance.

These expenditures will increase aggregate expenditure and increase the level of economic activity in the country (Sukirno, 2011). the level of economic activity of the country (Sukirno, 2004). Local Revenue One of the local revenues is derived from local own-source revenues (PAD), funds sourced from local own-source revenues. funds sourced from the original revenue of the region are one of the supporting factors in regional obligations to finance routine expenditures and regional development costs. PAD is also a tool to put as much money as possible into the regional treasury to support the implementation of blood development, as well as to regulate the implementation of blood development support the implementation of blood development, as well as to regulate and improve the social and economic conditions of the service users (Hidayat, 2015). economic conditions of the service users (Hidayat, 2009).

Classification of PAD based on the Regulation of the Minister of Home Affairs Number 13 of 2006 Article 26 consists of local taxes, local levies, the results of local-owned companies and the results of the management of other separated local

assets, zakat, and other local taxes. of other separated regional assets, zakat, and other legitimate regional revenues. The Relationship between Economic Growth and Government Expenditure with PAD An increase in the economic growth of a region is also able to attract investors to invest in the region. to invest in the region so that the sources of PAD, especially those derived from local taxes, will increase. The high PAD will then be used by the local government to provide adequate public services so that this will increase. provide adequate public services so that this will increase capital expenditure.

These expenditures will increase aggregate spending and increase economic activity. With the increase in economic activity, the flow of government revenue through PAD also increases. Government expenditure reflects government policy to improve the welfare of the community. The government must provide public goods, because no private sector is willing to provide goods that are enjoyed by many people. Government activities will shift from the provision of facilities to expenditures on social activities, which in turn can increase economic activity. In this case, the local government imposes taxes and levies so that PAD also increases. In this case, the local government imposes local taxes and levies so that PAD also increases.

6. Research Methods

In order to obtain and collect the necessary data, the author used the following methods: Library study, in the form of collecting data and materials from various sources, mass media clippings about trafficking and various laws and regulations that know the problem of trafficking and fraud, literature and other references randomly from the library. This research was conducted using a qualitative research method, through a literature study approach and a case approach. The author collected data in 2 ways, namely interviewing informants who were able to provide information related to the case and examining and reviewing some literature related to handling in Indonesia.

7. Results and Discussion

7.1. The Vulnerability of Fraud and Human Smuggling in the Rohingya Refugee Issue in Indonesia

People smuggling is the act of seeking, directly or indirectly, financial or other material gain from the unlawful entry of a person into a part of the country where he or she is not a citizen or holds a residence permit. Illegal entry means entering a country without complying with the rules that apply in that country such as the requirements needed to enter the country in the form of carrying official travel documents and so on. The crime of human smuggling is a crime if the elements of *men rea* (evil intent) and *actus reus* (criminal act committed) are found.

Article 6 of the protocol states that in the crime of human smuggling, there must be an 'intention' to obtain profit either directly or indirectly. In addition, based on the human smuggling protocol, the crime must be proven to involve inter-state and transnational organized crime groups. The existence of this smuggling protocol is expected to prevent and combat human smuggling, promote the cooperation of countries, and protect the rights of every smuggled person. So, it can be

understood that the purpose of this protocol prioritizes the protection of people who are smuggled. However, the problem is if the people being smuggled are asylum seekers and due to a lack of understanding of the dangers of human smuggling, they use human smuggling as the only quick way to get to another country because of the threat from the asylum seekers' home country. For those asylum seekers who cross into another country by using smuggling services, there is no other way or no legally legal way to obtain asylum practically and quickly and be able to leave their country and move to another country. Because the legal way must go through a long bureaucratic process and can endanger the lives of asylum seekers if they are in their home countries. So, the act of human smuggling is a step chosen by asylum seekers.

States whose borders are crossed by asylum seekers must still be obliged to fulfil their obligations as states to respect human rights and not expel or repatriate asylum seekers or refugees back to their home countries, which if they are returned can threaten or endanger their lives even though Indonesia is not a signatory to the 1951 refugee convention and 1967 protocol. Therefore, regardless of whether they have legal documents or not when entering a country, law enforcement against asylum seekers and refugees should not jeopardise their safety. However, the application of Das Sein and Das Sollen regarding the issue of smuggled asylum seekers is still not appropriate. If based on Das Sollen, then clearly the act of human smuggling is a criminal act that must be legally enforced. However, in Das Sein, asylum seekers who are a concrete form of human smuggling have received legal protection and the principle of non-refoulement applies. In the Smuggling Protocol, this is still not discussed further.

Measures to prevent the crime of human smuggling are explained in Article 15 number 1 of the protocol that:

"Each State Party shall take measures to ensure that it provides or strengthens information program to increase public awareness of the fact that the conduct set forth in article 6 of this Protocol is a criminal activity frequently perpetrated by organized criminal groups for profit and that it poses serious risks to the migrants concerned."

This means that each state party shall take steps to ensure that it provides or strengthens information programs to raise public awareness of the fact that the conduct set forth in Article 6 of this Protocol is a criminal activity frequently perpetrated by organized criminal groups for profit and that it poses serious risks to the migrants concerned.

This article contains an important meaning that states, such as Indonesia, through stakeholders who handle asylum seekers and refugees in their territory need to provide awareness to asylum seekers or refugees that those who are smuggled to other countries do not guarantee the safety of their lives because the crime of human smuggling is very dangerous. Even immigration officers are involved in monitoring the traffic of immigrants entering Indonesian territory even though it is not part of the duties and authority of immigration in terms of handling the problem of asylum seekers and refugees. Every day at least 149 to 400 Rohingya refugees come to Aceh and the surrounding Riau islands according to data from local government and UNHCR illegally.

The law people confronting international fraud and mafia cases on the large displacement of Rohingya refugees to Indonesia in Aceh and Riau Islands aberrant behavior violation of Indonesia law by Rohingya refugees causing societal harm and economic loss. The international human trafficking syndicate mafia is behind the increase in boat arrivals of

Rohingya refugees, with each adult costing around 20 million rupiah and children costing 7 million to 10 million rupiah per person to the international mafia illegally.

Aceh's Customary Sea Law or Panglima Laot obliges all fishermen in Aceh to help anyone whose life is threatened at sea. This Panglima Laot system has been in place since at least the 17th century (Abdullah et al., 2018). Like other customary laws in Aceh, Panglima Laot is based on Sharia law, which governs all aspects of fishing practices and social life in fishing villages along the coast. (Nisrina and Amin, 2019) Aceh's strong cultural tradition of hospitality, also known as Peumulia Jamee, may explain the kindness shown by residents to refugees once they reach land. Third, Aceh's history of conflict and natural disasters also influences how Acehnese people perceive themselves and others.

Indonesia's geographical location as a transit country for cross-border refugees is very strategic. This is inseparable from Indonesia's geographical location which has many seaports bordering other countries, especially West Kalimantan which borders Sabah, Malaysia, Australia to the south, and Timor Leste to the east. Indonesia has 79 legal border gateways apart from illegal routes. These are the western route and the eastern route. The western route passes through Medan, Jambi, Batam and Lampung while the eastern route passes through Bau-Bau in Southeast Sulawesi.

7.2. Perspective of Immigration Regulatory Framework in Indonesia towards Refugees

The Indonesian government is forced to immediately resolve issues related to refugees entering Indonesia who have stayed for a long time. The Ministry of Law and Human Rights, through the Director General of Immigration, the Regional Office of Law and Human Rights, cooperates extensively with local police and embassies of friendly countries in combating human smuggling and trafficking. The function of the police in society is to protect the community, enforce the law, and have a special responsibility to maintain public order deal with crimes in the form of transnational crimes and prevent transnational crimes. This is not in accordance with the law. Law Number 2 of 2002 concerning the Indonesian National Police. Based on these roles and responsibilities as security forces, Polri's duties include many actions, namely deterrence, prevention and handling, in accordance with police functions in general.

Preventive duties are directed at preventing conditions from becoming more conducive, such as correlative criminogenic factors that have the potential to trigger security disturbances. Meanwhile, repressive duties are efforts to take legal action due to security disturbances so that the situation becomes conducive again. The Directorate General of Immigration plays a role in providing IDCs spread across several regions to provide temporary shelter for refugees. The Directorate General of Immigration's supervisory function is carried out to prevent violations of the law committed by refugees.

The state has a responsibility towards all citizens who are in Indonesian jurisdiction including illegal foreigners. According to the provisions of International Human Rights Law, everyone has the freedom without pressure from other parties to continue their lives. Legal protection for Rohingya refugees in Indonesia has been explained in international human rights law, in which there are several legal bases for international human rights protection. Security protection guarantees for refugees in Indonesia are regulated by Indonesian laws and regulations. Law of the Republic of Indonesia Number 6 Year 2011 on Immigration Article 113: "Every person who intentionally enters or out of the territory of Indonesia who is not

examined by an immigration official at the immigration checkpoint as referred to in Article 9 paragraph (1) year and/or a maximum fine of Rp100,000,000.00 (one hundred million rupiah)."

8. Human Smuggling Cases Modelled as Refugees

Several cases of human smuggling using the name "refugee" as the mode are often found, especially in the Aceh area by Rohingya refugees. In October 2020, the police found a case of Rohingya people smuggling into Aceh which was carried out by an individual who argued that he wanted to help save a sinking refugee boat on humanitarian grounds. After investigating the intention behind the help, it was found that there was a transaction between the two parties. The police confirmed that this case is still related to the previous case of 396 Rohingya immigrants to Aceh some time ago. In this case, there were a total of 5 perpetrators who played a direct role in this human smuggling action, but one of them is still at large and has been put on the wanted list. The fugitive is also one of the Rohingya immigrants who came to Aceh in 2011.

The chronology of the case began with the entry of 99 Rohingya immigrants into Aceh in June 2020. At that time, the perpetrator AR communicated with a person who was on a boat with Rohingya refugees to discuss the human smuggling action they would carry out upon arrival in Aceh. The AR perpetrator then contacted the FA suspect and the two agreed to rent a ship to pick up the Rohingya refugee ship. The perpetrator and other smuggling elements coordinated to use the method of sinking the ship carrying the Rohingya refugees to make it look as if the rescue of the ship should be carried out by prioritising humanitarian aspects. The smuggling process involving more than 900 refugees was carried out by the perpetrator AR and other elements in stages, but in the process of smuggling refugees, one of the perpetrators was prevented by officers in Lhokseumawe. Based on information from local officers, some of the refugees will be transited from Indonesia to Malaysia and are proven to have committed a criminal offence of entering a foreign country without complete documents. The five suspects who committed human smuggling were detained in the custody of the Aceh Police and charged with Article 120 paragraph (1) of Law Number 6 of 2011 concerning Immigration with a maximum penalty of 15 years in prison. (Randi, 2020)

Another human smuggling case also occurred in Jakarta in September 2016 which was carried out by a human smuggling syndicate, Abraham Louhenapessy. Abraham was secured by the police due to his alleged involvement in human smuggling and trafficking cases, namely in the purchase of boats to smuggle asylum seekers to New Zealand and Australia. The perpetrator coordinated asylum seekers from abroad and took them to New Zealand, when returning from New Zealand the perpetrator was arrested by police officers. The perpetrator had been recognized as an expert in human smuggling syndicates for several years and the number of illegal asylum seekers he smuggled into Australia had reached 1,500. Throughout his years of criminal behavior, he has been arrested several times by the police but managed to escape. As a result of the perpetrator's actions that continue to smuggle asylum seekers to other countries, diplomatic relations between Indonesia and Australia are increasingly disrupted. Australia refused to be accused of paying the captain and crew \$30,000 to return asylum seekers to Australia to Indonesia (www.dw.com, 2016).

In the same year, in February the National Police Criminal Investigation Agency arrested a Bangladeshi offender who was smuggling immigrants, in this case asylum seekers, to New Zealand. The perpetrator, MA, was arrested on 13 February in Bogor, West Java. Based on the results of the police investigation, the smuggling case by MA is related to a case in the previous year committed by a perpetrator with the initials TK who is a Sri Lankan national. The chronology of the incident began when two boats carrying immigrants bound for New Zealand were stranded on the island of Rote, NTT. It is known from the results of the investigation between the Criminal Investigation Department and the Rote Resort Police that there are five fugitives from the organizer and ship provider in this crime case. The crew members investigated admitted to being bribed by Australian officials to the tune of US\$5,000 or around Rp 66 million to turn their ships around to avoid entering Australia. (Sofwan, 2016).

Every day at least 149 to 400 Rohingya refugees come to Aceh and the surrounding Riau islands according to data from local government and UNHCR illegally. The law people confronting international fraud and mafia cases on the large displacement of Rohingya refugees to Indonesia in Aceh and Riau Islands aberrant behavior violation of Indonesia law by Rohingya refugees causing societal harm and economic loss. The international human trafficking syndicate mafia is behind the increase in boat arrivals of Rohingya refugees, with each adult costing around 20 million rupiah and children costing 7 million to 10 million rupiah per person to the international mafia illegally in the year 2023.

9. Aberrant Behavior Violation of Indonesian Law by Rohingya Refugees Causing Societal Harm and Economic Loss Impact of the Rohingya

Aberrant Behavior Violation of Indonesian Law by Rohingya Refugees Causing Societal Harm and Economic Loss Impact of the Rohingya¹⁰. Acehnese people warmly welcomed the refugees like family. But that was before their sympathy was eroded by the bad behavior of their guests in Tanah Rencong. The change was reflected in the attitude of some residents in the midst of the Rohingya refugee wave two weeks ago. Unusually, the locals forbade boats from landing on the Porch of Makkah. This was the aftermath of their boredom with the behavior of previous refugees who were accused of ignoring customary norms and Islamic law. Rohingya refugees have been negatively labelled because they often cause trouble and are reluctant to maintain cleanliness. They are known to be reckless and sometimes do not hesitate to act outside the rules, such as running away from the shelter. Apart from behavioral factors, this rejection is also influenced by the limited capacity of the local government.

In fact, the ripples of community antipathy have been visible for a long time. Before Bireuen Regency and North Aceh Regency, a similar protest was filed by residents of Lhokseumawe City in late 2022. The behavior of most Rohingya refugees was considered disturbing and disturbing public order. The Rohingya are an ethnic Muslim minority group in Myanmar. Their lives are oppressed as Buddhist ultranationalists gain strength. Apart from not being recognized as citizens, the Rohingya are also treated cruelly and sadistically. The threat of genocide has forced them to wander the seas, earning them the nickname Boat People. It is said that Rohingya comes from Rahm, an Arabic word meaning mercy. Others argue that it comes from the Sanskrit word for mountain. According to Haradhan Kumar Mohajan, Assistant

Professor at Premier University Bangladesh, the origins of the Rohingya are controversial. The word Rohingya was not recorded in a census conducted by the British in 1824 and only became widely known in the 1950s. However, other opinions claim it existed before the 20th century. The Rohingya are believed to originate from Chittagong, Bangladesh, and began migrating to Myanmar - formerly Burma - in the 19th century. As both neighbours and relatives, Bangladesh has become an important escape route for the Rohingya from the chaos in Rakhine, Myanmar. According to the United Nations High Commissioner for Refugees (UNHCR), the country hosts nearly one million refugees. Until October 2023, the number was recorded at 967,842 people.

Economic Impact UNHCR recorded that the total number of global refugees reached 35.3 million people as of June 2023. The number consists of 29.4 million people under the UNHCR mandate and another 5.9 million under the United Nations Relief and Works Agency or UNRWA. In addition to refugees, there are at least 5.4 million people currently seeking asylum. As many as 76% of global refugees live in low-income countries and middle-income countries. Take Indonesia for example. Currently, our country holds the status of an upper middle-income country. Indonesia first hosted Rohingya refugees in 2015. At that time, the group was adrift in the waters of Aceh. In order to help them live in the shelter, the Indonesian Ministry of Social Affairs disbursed a budget of IDR 2.3 billion. This fund was used to fulfil their clothing needs, such as blankets and children's clothes. As the Myanmar crisis continues, Rohingya refugees continue to arrive. However, the strict immigration policies of destination countries such as Australia and the United States create problems for transit countries such as Indonesia. This is because the longer duration of stay affects the host economy.

Indonesia is entering the demographic bonus period. This means that the productive age population is abundant. This must be supported by industrial and infrastructure development so that the economy is boosted. However, this opportunity risks being wasted if the funds needed are drained for the cost of handling refugees. Indonesia is not the only transit country affected. According to The Financial Express report, Rohingya refugees have caused social, environmental and economic problems.

accepting and ensuring the survival of millions of Rohingya refugees comes at a fantastic cost. Even more so, when considering the potential socio-economic costs. The prolonged presence of refugees increases cases of gender-based violence by 50%, reduces local health services and fuels conflict. They also erode groundwater stocks and are the reason behind deforestation and contamination of agricultural land. About 3,500 hectares of land were damaged. The problem does not stop there. The increase in refugees increases the flow of demand and pushes up the price of goods. At the same time, residents' income has not increased. Apart from triggering inflationary pressures, the presence of refugees also has an impact on lowering the wages and labor market of Bangladeshi residents, especially in refugee camp areas. A study found that farmers' daily wages fell by 50%.

10. Conclusion

The handling carried out by the Indonesian government should not stop with temporary protection, there needs to be further efforts to overcome this problem and there is positive progress in handling the case of Rohingya refugees in

Indonesia both internal and external progress. The results showed that the handling of Rohingya refugees in Aceh Province experienced positive progress shown by the Indonesian government. The author may say that the people of Aceh are more concerned about human rights than the country of origin of asylum seekers or refugees. Improve communication and coordination between stakeholders related to the issue of asylum seekers and refugees such as IOM, UNHCR, INTERPOL, UN, and so on so that cases of human smuggling crimes disguised as asylum seekers or refugees can be detected early, in order to take effective steps in overcoming because the impact will be detrimental nationally.

Increase cooperation from various parties, especially the people living in the border areas of Indonesia, especially Aceh, which are often crossed by asylum seekers or refugees from Rohingya. Not only from border officials but the participation of the community can increase work efficiency in monitoring immigrants entering Indonesian territory. In addition, the local community also needs to be educated on how to deal with refugees who arrive at the border area. Also, the perpetrators of fraud and trafficking under the guise of Rohingya refugees must be strictly prosecuted and Rohingya refugees who violate the rules are prosecuted under Indonesian and international law as well as returned to the country to be legally tried.

Statements and Declarations



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Footnotes

¹ <https://www.cnbcindonesia.com/news/20231210165356-4-495980/pengungsi-rohingya-datang-lagi-400-orang-tiba-di-aceh> accessed on 11 December 2023 at 10.00 am

² <https://www.viva.co.id/berita/nasional/1665479-agen-penyelundup-rohingya-ditangkap-punya-kartu-unhcr-hingga-patok-biaya-rp14-juta-per-orang> accessed on 11 December 2023 at 10.00 am

³ <https://regional.kompas.com/read/2023/12/08/133100278/biaya-lebih-murah-dibandingkan-ke-malaysia-jadi-alasan-pengungsi-rohingya?page=all> accessed on 11 December 2023 at 10.02 am

⁴ <https://www.benarnews.org/indonesian/berita/pengungsi-rohingya-dalam-ketidakpastian-06082015165339.html>

⁵ <https://news.detik.com/berita/d-4341878/urus-rohingya-rogo-rp-90-juta-bulan-pemprov-aceh-mengeluh>.

⁶ UU No. 21 Tahun 2007

⁷ Ni Putu Rai Yulianti & Dewa Gede Sudika Mangku, *Legal Protection for Women Victims of Trafficking in Indonesia in an International Human Rights Perspective*, International Journal of Criminology and Sociology Volume 9, 2020.

⁸ Maslihati Nur Hidayati, *Upaya Pemberantasan dan Pencegahan Perdagangan Orang Melalui Hukum Internasional dan Hukum Positif Indonesia*, Jurnal Al-Azhar Indonesia Seri Pranata Sosial, Vol. 1, No. 3, Maret 2012.

⁹ Maslihati Nur Hidayati, *Op. Cit.*, hlm 5.

¹⁰ <https://tirto.id/penolakan-aceh-dan-dampak-ekonomi-di-balik-tragedi-rohingya-gSHk>

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