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The Role of TPI Polonia's Class I Immigration Office in Fighting Transnational Crime: Human Smuggling and Trafficking

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ABSTRACT

Transnational crime, particularly human smuggling and trafficking, pose a serious threat to national and international stability. The increase in these crime cases in Indonesia shows the importance of the role of related agencies, such as Immigration. This study aims to analyze the role of the Class I Immigration Office of TPI Polonia in the prevention and control of transnational crimes. Using a sociological juridical approach, identifying and conceptualizing the law with real life, this study explores the challenges, successes, and steps that have been taken by the Immigration Office in dealing with this issue. The results of the study show that supervision of the issuance of travel documents, cooperation with related institutions, and socialization to the public are strategic steps in dealing with transnational crimes. However, obstacles such as data falsification and dishonesty of passport applicants remain challenges. To overcome this, the TPI Polonia Class I Immigration Office implements biometric technology, collaborates with the Population and Civil Registration Office (Disdukcapil), and conducts comprehensive interviews to ensure the authenticity of the applicant's data.

Keywords: Transnational Crime, Human Smuggling, Human Trafficking, Immigration Office I TPI Polonia

INTRODUCTION

Transnational crime refers to transnational crimes that are unlawful and committed by individuals or groups operating in more than one country. Transnational crime is a growing global threat, especially in high-mobility regions such as Indonesia. Transnational crime is patterned and difficult to track for the perpetrators to find. People Smuggling and Human Trafficking are forms of transnational crime that continue to increase and threaten people around the world, including Indonesia.

According to the Anti-Trafficking Law, "Trafficking in Persons is the act of recruiting, transporting, sheltering, sending, transferring, or receiving a person with threats of violence, use of force, kidnapping, detention, forgery, fraud, abuse of power or vulnerable position, entrapment of debts or giving payment or benefits, so as to obtain consent from the person in control of such another person, whether carried out within the country or between countries, for the purpose of exploitation or resulting in people being exploited"

Meanwhile, based on the Immigration Law, "Human Smuggling is an act that aims to seek profit, either directly or indirectly, for oneself or for another person who brings a person or group of people, either organized or unorganized, or orders another person to bring a person or group of people, either organized or unorganized, who does not have the legal right to enter Indonesian Territory or Leaving the territory of Indonesia and/or entering the territory of another country where the person does not have the right to enter the territory legally, either by using legal documents or false documents, or without using a Travel Document, whether through immigration checks or not".



The Crime of Trafficking in Persons (TPPO) is closely related to the Crime of Human Smuggling (TPPM). Trafficking in Persons (TPPO) is often related to exploitation, while Crime of Human Smuggling (TPPM) focuses more on the illegal movement of people with specific purposes that are often for financial gain. These crimes have a wide impact on various aspects, including national security, economic stability, and the honor of human rights.

As a country based on the law, Indonesia has established various administrative instruments to prevent and overcome various forms of crime. The crime of trafficking in persons is regulated in Law Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons. Meanwhile, the Crime of Human Smuggling (TPPM) is regulated in Law No. 63 of 2024 concerning the Third Amendment to Law Number 6 of 2011 concerning Immigration.

Based on the elements listed in the law, human smuggling has similarities with human trafficking in several aspects. The element of the process includes the activity of moving a person, as happens in human trafficking. The procedural element shows that there is no element of coercion, fraud, or abuse of consent. Generally, would-be immigrants knowingly seek out and contact smugglers themselves with the aim of crossing a country's borders illegally. Meanwhile, the objective element has always been related to financial gain, with the implementation aimed at crossing the country's borders illegally.

As a transit and destination country, Indonesia is often targeted by international human trafficking syndicates. The high level of poverty is one of the main causes that encourage the occurrence of transnational crimes, such as human smuggling and human trafficking. in Indonesia. Data from the Ministry of Foreign Affairs shows that throughout 2020 to March 202, as many as 3,703 Indonesian citizens were recorded as victims in online fraud cases, with around 40 percent of these identified as victims of the Crime of Trafficking in Persons (TPPO). In addition, according to data from the Criminal Investigation Branch of the National Police Headquarters, in 2023, the Indonesian National Police (Polri) has successfully followed up on 1,061 cases of trafficking with a total of 3,363 victims. The large number of cases of TPPM and TPPO causes the need to increase efforts to eradicate TPPM and TPPO in terms of prevention and handling.

Immigration is one of the government agencies that has a very important role in handling TPPM/TPPO. Immigration plays a role like a gatekeeper of the state. Immigration plays a role in preventing human trafficking and smuggling. The Immigration legal instrument is regulated in Law Number 6 of 2011 concerning Immigration, namely "Immigration is a matter of the traffic of people entering or leaving Indonesian territory and its supervision in order to maintain the upholding of state sovereignty". To prevent potential violations, immigration supervision is implemented from the passport application stage at the Immigration Office to the examination process at the Immigration Checkpoint (TPI). In this case, the Immigration authorities have the authority to postpone the issuance of a passport or the departure of a person at TPI to prevent losses to the state or individual.

The role of Immigration in handling TPPM/TPPO is in line with the data report of the Medan TPI Special Class I Immigration Office at Kualanamu Airport for the January-July 2023 period which succeeded in preventing the departure of 2,678 prospective passengers suspected of non-procedural PMI. In addition, in May 2024, the Yogyakarta Immigration Office also succeeded in thwarting trafficking cases through cooperation with BP3MI and the Police. In this case, five people who were about to leave for Malaysia were postponed by the Immigration and



handed over to BP3MI to check the completeness of documents. After the examination, it was found that the documents used were invalid, and the perpetrators were finally taken to the Police Station to undergo further legal proceedings. Suspect ML is threatened with imprisonment of up to 15 years and a maximum fine of IDR 600 million, in accordance with Article 2 Paragraph (1) jo. Article 10 of Law No. 21 of 2007

In addition to conducting supervision at the border, efforts to prevent TPPM/TPPO by Immigration are carried out by carrying out supervision of passport issuance, the Directorate General of Immigration noted that in 2021 as many as 20,452 passport applications were delayed and in 2023 there were 10,138 rejections of passport issuance for applicants. This is due to indications of transnational crimes. This step is part of Immigration's serious commitment in trying to prevent the crime of trafficking in persons and human smuggling, by conducting immigration supervision of Indonesian citizens who want to leave Indonesian territory.

TPI Polonia Class I Immigration Office is an immigration office based in the city of Medan Polonia, which was formed in 1978. This office is in charge of issuing passports and granting residence permits to foreigners. The Class I Immigration Office of TPI Polonia is one of the Technical Implementation Units in the field of immigration within the Regional Office of the Ministry of Immigration and Corrections which has a strategic role in preventing and handling transnational crimes, especially human smuggling and trafficking in persons. As an agency authorized to issue travel documents, this office is at the forefront of preventing immigration-related crimes, especially TPPM and TPPO. It is recorded that in 2024, Kanim Polonia will issue a total of 69,642 passport books, consisting of 24,174 electronic postal postal and 45,468 ordinary passports.

In this effort, the TPI Polonia Class I Immigration Office, which is in charge of passport issuance services, has the responsibility to carefully research passport requirements documents to ensure their completeness and authenticity, then collaborate with other agencies to increase supervision and law enforcement related to immigration violations, as well as provide education to the public to increase awareness of the potential threat of transnational crimes. Of course, this is inseparable from the various obstacles that occur and efforts to overcome these obstacles.

Regarding this, it is necessary to conduct further research on the Class I Immigration Office of TPI Polonia in carrying out its role to fight TPPM and TPPO. This research needs to be conducted to evaluate the extent to which the Class I Immigration Office of TPI Polonia carries out its role in preventing and handling the Crime of Human Trafficking (TPPM) and the Crime of Trafficking in Persons (TPPO). In addition, this study aims to identify the obstacles encountered by the Class I Immigration Office of TPI Polonia in carrying out its roles and functions, as well as to find out the efforts taken in overcoming these obstacles in the context of preventing and handling cases of TPPM and TPPO.

METHODS

This research uses an empirical juridical approach that places law as part of social institutions that work in real life in people's lives. Primary data was obtained directly through interviews with employees of the Class I Immigration Office of TPI Polonia. This research also utilizes secondary data, obtained from related literature such as the Annual Report Book of the Class I Immigration Office of TPI Polonia, the Immigration Law, and the Law on the Eradication of Trafficking, and journals of previous research. The data analysis technique is carried out



analytically.

RESULTS AND DISCUSSION Result

Based on research that has been conducted at the Class I Immigration Office of TPI Polonia, the following results were found:

The Strategic Role of the Class I Immigration Office of TPI Polonia in Countering TPPM and Trafficking

The Class I Immigration Office of TPI Polonia has a dual role, namely as a state gatekeeper and a facilitator of cross-border mobility. In the context of countering human smuggling and trafficking, this role is realized through:

- a. Supervision of passport issuance is in the form of increased examination of travel documents with biometric technology and detailed interviews.
- b. Build cooperation with other institutions such as the Police Agency, the Civil Registration Population Office, BP3MI, and Interpol to improve efforts to identify and prevent transnational crimes.
- c. Implementation of integrated socialization to the community about TTPM and TPPO by holding seminars, "Fostered Village" programs, and through social media platforms.

Obstacles in the Operation of the Class I Immigration Office of TPI Polonia in the Prevention of TPPM and TPPO

In carrying out its duties, of course, the Class I Immigration Office of TPI Polonia is inseparable from various obstacles including:

- a. Falsification of personal identity by the applicant, either in the form of the use of false documents or manipulation of personal data.
- b. Dishonesty of the passport applicant in providing information during the interview process, including concealing facts or submitting inappropriate information.

Efforts to Overcome Obstacles and Optimize the Class I Immigration Office of TPI Polonia in Countering TPPM and TPPO

The various efforts made by the Class I Immigration Office of TPI Polonia to overcome obstacles and optimize performance are as follows:

- a. Implement a biometric-based integrated photo system to improve identity verification accurately.
- b. Integrating the population system with data from the Disdukcapil to ensure more optimal information accuracy.
- c. Conduct in-depth interviews with each passport applicant to ensure the completeness and correctness of the data submitted.

Discussion

Based on the results of the research, it is known that the Class I Immigration Office of TPI Polonia has a major role in the eradication of the Crime of Human Trafficking (TTPM) and the Crime of Trafficking in Persons (TPPO), especially in the prevention of the occurrence of these transnational crimes. Everyone who wants to travel abroad must have a valid and legally

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valid Travel Document that has been determined. Based on Article 16 of the Immigration Law, "Immigration officials refuse a person to leave Indonesian territory in the event that the person:

- a. Do not have a valid and valid Travel Document
- b. Necessary for the purpose of investigation and prosecution at the request of the authorized official
- c. His name is listed on the Prevention list."

The role of the TPI Polonia Class I Immigration Office as a facilitator in the issuance of foreign travel documents is very important in supporting these efforts. This role is realized by increasing the examination of travel documents with biometric technology and detailed interviews, building connections/cooperation with other agencies, and direct socialization to the community. Rules related to combating trafficking in persons and human smuggling are listed in Part Four of the Immigration Law.

Supervision of passport issuance is a preventive measure taken by the Immigration Office Class I TPI Polonia to tackle transnational crimes. Each passport issuance process is carried out with an in-depth and selective examination, both on the completeness of the administrative requirements and the correctness of the information submitted by the applicant. This action is a form of early prevention through a transparent selection process. Passport application requirements based on Article 4 of Law No. 18 of 2022 concerning Amendments to the Regulation of the Minister of Law and Human Rights No. 8 of 2014 concerning Ordinary Passports and Travel Documents in Lieu of Passports, includes "ID cards, Family Cards, and Birth Certificates/Diplomas/Marriage Books/Baptist Books, Indonesian citizenship letters for Foreigners who obtain Indonesian citizenship through citizenship or submission of a statement to choose citizenship in accordance with the provisions of laws and regulations, a letter of determination of name change from an authorized official for those who have changed their name, and an old ordinary passport for those who already have an ordinary passport", where the document must clearly include the full name, date and place of birth, and the full name of the parent.

The Immigration Office is responsible for the issuance of travel documents as a preventive effort which is stated in Article 89 paragraph (2) of the Immigration Law by "ensuring that the Travel Document or identity issued is of high quality so that the document is not easily misused, forged, altered, imitated, or illegally issued; and ensure that the integrity and safeguarding of Travel Documents issued or issued by or on behalf of the country to prevent the unlawful creation of such documents in terms of their issuance and use".

Passport applicants are required to include the original requirements documents and present the documents to the officer. A very thorough check is carried out to ensure the authenticity of the documents and their compatibility with the passport applicant's data. Then, the passport application for prospective Indonesian workers must be completed with a letter of recommendation issued by the local Manpower Office, both at the provincial and district/city levels. In the document examination process, the Class I Immigration Office of TPI Polonia has now integrated the use of modern biometric technology to improve the effectiveness and accuracy of data verification. This is in line with previous research, which identified that biometric technology is able to increase the effectiveness of identifying perpetrators or victims of human trafficking. Passports will not be issued if there is an indication that the applicant's data is invalid or false during the examination process.



After checking the applicant's personal data requirements, the next step taken by the Polonia Class I Immigration Office is to conduct an in-depth and comprehensive interview. The purpose of conducting this interview is to verify the completeness of the formal requirements and ensure the correctness of the material information submitted by the applicant. Deepening during the interview must be done by paying attention to profiles, gestures, and body language to gain confidence about the purpose and purpose of using the Passport. Thus, these interviews help to obtain clearer information about the purpose and purpose of the passport application, as well as ensure the validity of the applicant's identity. In this case, increased training of officers is carried out to recognize the signs of victims of the crime of Trafficking in Persons.

The interview process has a very important role in the issuance of a passport, because the officer conducting the interview can ask various questions regarding the applicant's reason for applying for the passport. Furthermore, if there are doubts about the answer and validity of the document, the application can be suspended for checking. A total of 98 passport applications were postponed by the TPI Polonia Class I Immigration Office throughout 2023 due to various reasons, including document inconsistencies, statements that do not match the facts, and allegations that the applicant is a Non-Procedural PMI.

Cooperation between institutions is one of the strategic steps in fighting transnational crime. The prevention of trafficking in trafficking is not possible effectively without cooperation between various institutions, both national and international. It is known that cooperation between institutions has resulted in success in dismantling the network of human trafficking syndicates operating across countries. Currently, the Immigration Department, including the Class I Immigration Office of TPI Polonia, has collaborated with several parties, including the Police, the Civil Registration Population Office, BP3MI, and Interpol.

Based on this, it is hoped that the emergence of immigration cooperation can increase the effectiveness of the performance of the Directorate General of Immigration. An example of Immigration cooperation with BP3MI, by exchanging information more effectively related to policies, procedures, and regulations. This aims to strengthen coordination and increase anticipatory measures against trafficking crimes (TPPO) that include Indonesian migrant workers (PMI). Meanwhile, in law enforcement against TPPM/TPPO criminals, Immigration has cooperated with the police, for the next legal process.

Another role in efforts to prevent and handle TPPM/TPPO cases, the Directorate General of Immigration conducts socialization activities to provide understanding of TPPM/TPPO to the public. This is stated in Article 89 paragraph (2) letter c of the Immigration Law. To develop this activity, the Directorate General of Immigration established a program called "Fostered Villages". This program is one of the efforts to prevent trafficking and trafficking at the village level in districts or cities in the work area of Immigration Offices throughout Indonesia. In June 2024, the Class I Immigration Office of TPI Polonia successfully held a "Fostered Village" activity in Lantasan Lama Village, Deli Serdang Regency.

This activity aims to socialize information about the procedure for applying for a passport of the Republic of Indonesia, by involving village officials as implementing partners of the Immigration Office at the local level. In addition, this activity also aims to provide immigration education to the community, especially prospective Indonesian Migrant Workers (PMI). The purpose of this educational program is to reduce the number of Non-Procedural PMIs while protecting the public from the risk of becoming victims of trafficking and trafficking. In addition



to direct socialization with the community, the TPI Polonia Class I Immigration Office also often shares education about TPPM/TPPO on its social media pages such as Instagram, Facebook, YouTube, and others.

In carrying out its role, of course, the Class I Immigration Office of TPI Polonia is inseparable from various obstacles. These obstacles are in the form of falsification of identity by the applicant, both in the form of the use of false documents and manipulation of personal data. In addition, during the interview process, dishonesty is often found from the passport applicant in providing information and concealing facts, such as pretending to be going to visit family when he wants to work. Applicants often use shortcuts or fraudulent methods, such as falsifying supporting documents or providing inaccurate information, to obtain passport issuance permits. This action not only violates immigration regulations, but also has the potential to worsen the situation regarding passport misuse and involvement in illegal activities, including human trafficking. Using false data in making passports can be subject to the legal snares of Article 126 letter c of the Immigration Law with a maximum prison sentence of 5 (five) years and a maximum fine of Rp500,000,000.00 (five hundred million rupiah).

To overcome the above obstacles or obstacles, the Class I Immigration Office of TPI Polonia made several efforts with the implementation of a biometric-based integrated photo system, integration of the population system with data from the Disdukcapil, and in-depth interviews with the applicant. The use of a bimotoric-based integrated photo system has been carried out in connection with the issuance of the Ministry of Law and Human Rights Number: M.02-IZ.03.10 of 2004, supplemented by the Regulation of the Director General of Immigration Number: F.083.Pl.01.10 of 2006 "The Biometric-Based Integrated Photo System on the Travel Document of the Republic of Indonesia (SPRI) is the taking of the applicant's fingerprint plan face photo in an integrated manner at the issuance of SPRI"

It is intended to be in line with ICAO standards and can be integrated into the SIMKIM system. With this biometric system, attempts to forge documents and duplicate passports can be avoided. When taking photos and fingerprints, it can be detected if a person has had a passport before, which if the system shows that the individual has had a passport with different data than the one submitted, the officer can conduct further checks. The biometric data will also be verified with the prohibited list and Pusdakim.

Furthermore, to ensure the authenticity of passport applicant's data, the Immigration will conduct further checks through a system connected to the Population and Civil Registration Office (Disdukcapil). This check is intended to ensure that the applicant's data matches the information recorded in the population system. If a discrepancy is found, the issuance of the passport will be temporarily suspended for further verification. Regarding the issue of dishonesty on the part of the applicant, officers at the Polonia Class I Immigration Office made a careful selection in the interview process.

This policy is implemented to reduce the potential for misuse of passports submitted under the pretext of personal visits or tourism to countries where TKI is placed. Before carrying out the task, the officer has been given training to ensure that the interview is conducted effectively. The officer then asks relevant questions to find out the true intent of the applicant. In some cases, officers will also verify additional documents such as round-trip airfare and proof of lodging, to ensure the validity and purpose of the proposed trip. From the interview, the officer will assess whether there are any strangeness through the applicant's answer, to assess the



indication or tendency of the applicant to be involved in the TTPM/TPPO network. If the results of the examination show that there is an indication that a person is a prospective migrant worker who has not gone through official procedures, then Immigration has the authority to postpone the departure concerned.

For example, in 2023, officers rejected a passport application from a person with the initials JT after going through an interview process and taking biometric data. JT claimed that the purpose of his trip was to accompany his parents for treatment abroad. However, the officers managed to detect that JT was included in the banned list, because the person concerned was a cybercrime perpetrator who was under investigation. In response to this, the Polonia Class I Immigration Office immediately coordinated with the Regional Office and the North Sumatra Regional Office to handle the case further.

The Class I Immigration Office of TPI Polonia works together to improve and strengthen the security system and the quality of service to the community. As a government agency, Immigration is committed to synergizing with various parties in preventing the occurrence of transnational crimes, including TPPM/TPPO. In the future, it is hoped that the TPI Polonia Class I Immigration Office can build international alliances as part of an important strategy to deal with transnational crime networks and to ensure effective monitoring and maximum protection of migrant workers outside Indonesian territory.

CONCLUSION

TPI Polonia Class I Immigration Office plays an important role in the eradication of the Crime of Human Trafficking (TTPM) and the Crime of Trafficking in Persons (TPPO) by using biometric technology, detailed interviews, and cooperation with various agencies such as the Police, BP3MI, the Population and Civil Registration Office, and Interpol. Socialization and education to the community, with the "Fostered Village" program is also carried out as an effort to prevent TPPM and TPPO. However, on the other hand, the Immigration Office faces obstacles in the form of identity forgery and data manipulation by passport applicants, including dishonesty in interviews and concealment of facts related to the purpose of making passports. To overcome this, an integrated photo system based on biometrics and data verification has been implemented with Disdukcapil, which is expected to increase security in the passport issuance process and support the prevention of anti-trafficking more effectively.

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