

BAB V

KESIMPULAN

Perdagangan manusia atau *trafficking in persons* merupakan salah satu bentuk pelanggaran terhadap hak asasi manusia karena di dalam prosesnya, kegiatan tersebut mengandung unsur pemaksaan dan pembatasan kebebasan individu untuk bertindak. Meskipun demikian, kejahatan perdagangan manusia masih terjadi di Jerman. Penelitian ini didasari oleh pertanyaan penelitian yaitu : “Bagaimana implementasi *Protocol To Prevent, Suppress, And Punish Trafficking In Persons, Especially Women and Children* oleh Jerman sebagai upaya menangani *Trafficking in Persons* di Jerman tahun 2012-2015?” Penelitian ini kemudian memaparkan upaya-upaya penanganan kejahatan perdagangan manusia yang dilakukan oleh Jerman sebagai implementasi dari *United Nations Convention Against Transnational Organized* dan *Protocol To Prevent, Suppress, And Punish Trafficking In Persons, Especially Women and Children* yang melengkapinya.

Teori yang digunakan untuk menganalisa permasalahan di dalam penelitian ini berangkat dari salah satu alur pemikiran paradigam Liberalisme yaitu Liberalisme Institusional sehingga peneliti menekankan pada pentingnya implementasi konvensi dan protokol di dalamnya. Implementasi tersebut pun didasari oleh gagasan bahwa kehadiran institusi internasional yang didasari oleh seperangkat aturan-aturan atau rezim internasional yang mencakup hukum internasional, perjanjian bilateral, dan konvensi dibutuhkan dalam penyelesaian permasalahan internasional.

Penelitian ini menemukan beberapa upaya yang dilakukan Jerman dalam mengimplementasikan konvensi dan protokol tersebut. Pertama, Jerman mengadopsi kebijakan terkait tindak pidana kejahatan terorganisir transnasional melalui pasal-pasal yang terdapat di dalam KUHP Jerman. Kedua, Jerman bekerjasama dengan berbagai aktor dalam menangani perdagangan manusia khususnya memberikan perlindungan dan bantuan kepada korban perdagangan manusia. Ketiga, Jerman membentuk beberapa program dan model mekanisme yang ditujukan untuk melindungi korban perdagangan manusia dengan meningkatkan kapabilitas para penegak hukum melalui pelatihan dan seminar.

Pengadopsian atau penetapan kebijakan terkait tindak pidana kejahatan terorganisir transnasional dilakukan oleh Jerman sebagai implementasi dari pasal 5 *United Nations Convention Against Transnational Organized*. Upaya Jerman dalam menangani perdagangan manusia tersirat dalam KUHP Jerman yang khusus membahas perdagangan manusia dan tujuannya. Terdapat dua tujuan perdagangan manusia di Jerman yaitu untuk eksploitasi seksual dan eksploitasi tenaga kerja. Untuk tujuan eksploitasi seksual, Jerman menetapkan tindak pidana atas tujuan tersebut dalam bagian 232 KUHP Jerman. Untuk tujuan eksploitasi tenaga kerja, Jerman telah menetapkan tindak pidana atas tujuan tersebut dalam bagian 233 KUHP Jerman.

Upaya lain yang dilakukan oleh Jerman adalah bekerjasama dengan berbagai aktor dalam menangani perdagangan manusia khususnya dalam memberikan perlindungan dan bantuan kepada korban perdagangan manusia. Upaya tersebut dilakukan Jerman dengan menyediakan fasilitas kesehatan dan

layanan konseling bagi para korban. Dalam prosesnya, pemerintah Jerman bekerjasama dengan organisasi non-pemerintah

Dalam upaya penanganan perdagangan manusia, Jerman membentuk beberapa program dan model mekanisme. Tujuan dari program-program yang dibentuk oleh Jerman tersebut berfokus kepada perlindungan terhadap korban perdagangan manusia. Program-program tersebut pun dilakukan untuk meningkatkan kapabilitas para penegak hukum melalui pelatihan dan seminar. Dalam proses implementasi program tersebut, Jerman bekerjasama dengan berbagai aktor seperti organisasi internasional, organisasi kawasan, dan aparat kepolisian Jerman.

Dalam penelitian ini, penulis menemukan bahwa kerjasama yang dilakukan Jerman dengan beberapa negara pengirim merupakan hal vital. Penyelesaian permasalahan perdagangan manusia perlu diawali dari akar permasalahan. Ketimpangan perekonomian yang ada di antara negara maju dan berkembang memberikan kontribusi besar terhadap perkembangan kejahatan perdagangan manusia. Banyaknya jumlah korban perdagangan manusia yang teridentifikasi berasal dari negara berkembang. Oleh karena itu, Jerman sebagai negara maju, perlu melakukan upaya kerjasama dengan negara asal korban perdagangan manusia seperti Rumania dan Bulgaria. Hal tersebut telah dilakukan oleh Jerman melalui program yang ditujukan untuk memperkuat pengetahuan hukum pada pihak berwenang di Rumania dan Bulgaria. Proyek ini dilakukan bersama beberapa organisasi kawasan lainnya.

Dari paparan-paparan tersebut, penulis dapat menyimpulkan bahwa perdagangan manusia merupakan salah satu bentuk kejahatan terorganisir transnasional yang terjadi di berbagai belahan dunia. Kejahatan tersebut terjadi di dalam negara maju maupun negara berkembang. Upaya penanganan terhadap kejahatan tersebut kemudian dilakukan dengan respon global melalui konvensi dan protokol PBB terkait. Jerman sebagai salah satu negara yang dapat dikategorikan sebagai negara tujuan utama perdagangan manusia telah menandatangani konvensi dan protokol PBB tersebut. Implementasi konvensi dan harmonisasi protokol terkait yang dilakukan oleh Jerman kemudian memberikan dampak terhadap fluktuasi jumlah korban perdagangan manusia dimana jumlah korban perdagangan manusia yang teridentifikasi di Jerman mengalami penurunan pada periode 2012 hingga 2015.

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