

**Gross Human Rights Violations Of Slavery And Human Abuse In Cages In Lagkat District
(Analysis of Stabat District Court Decision Number 467/Pid.B/2022/PN Stb)**

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Abstract

The state must respect, cherish, and protect human rights as a legal instrument. Humanity itself possesses the right to live, not to be tortured, and never to be enslaved. With the provisions on human rights and the punishment of human trafficking, everyone enjoys legal protection from acts of degrading human dignity. As described in the provisions of the Law on the Prohibition of Slavery in Indonesia, this is regulated in some of the laws applicable nationally in the country of Indonesia. This prohibition on slavery, or slavery, can be found in Law No. 39 of 1999 on Human Rights in the section that explains a few of the human prohibitions on non-slavery, namely Article (4), Article (20), and in Article (2) of the Act No. 21 of 2007 on the Trafficking in Persons. The case of a human skull in Langkat, North Sumatra, is a terrible crime against humanity. The victims clearly experienced practices of violence, torture, deprivation of rights, and similar acts of human slavery. Reports and facts on the ground show evidence that leads to systematic and structured crime, committed deliberately by the government apparatus. The perpetrators have violated the provisions of Act No. 39 of 1999 on Human Rights and also those contained in Law No. 21 of 2007 on the Suppression of the Crime of Trafficking in Persons; explicitly, this act is in accordance with the meaning of human trafficking. There's a lot of people around, even officials who know where they are and what's going on inside the cage. But they 'proclaim' the condition. No one has attempted to counter the occurrences in the Rare Non-Active House for years. The surrounding society becomes a majority silent, or 'majority quiet' over the phenomenon. Neither of the victims, they nor their families, have any basic knowledge of their rights, so that only "sacracy" can be done. They assume they made a mistake and deserve punishment. The company's owners physically hardened them for years, solely for their economic benefit.

Keywords : Gross Human Rights, Slavery, Human Abuse

INTRODUCTION

Respect for the noble values of human rights is increasingly showing positive values. That human rights (HAM) must be upheld and enforced has become an awareness that continues to grow and develop in society. It is no longer easy for everyone to treat each other arbitrarily without ignoring the human side." However, in the midst of this increasingly civilized situation, there are still people or groups of people who have the heart to treat other humans badly, under the shield of the rules and positions they hold. The case that occurred in Langkat, North Sumatra, was carried out by an inactive regent. The publication of the Warning-Angin Plan suddenly gave rise to a big statement that eroded humanity. How is it possible that in modern times, there are still barbaric practices that are even carried out by authorized officials using regulations.

This act of slavery gave rise to injustices experienced, such as torture, very small wages, being employed beyond time and energy limits and so on. Slavery and practices similar to slavery are complex issues and are made more complicated by the number of people who deny their existence, but their observance ultimately depends on the implementation of national

agreements. The definition of slavery is as follows: "Slavery is the condition of a person under the ownership of another person."

A practice similar to slavery is the act of placing a person under the authority of another person so that the person is unable to refuse a job that the other person unlawfully orders him to do, even though the person does not want it. Nowadays, in Indonesia, the act of slavery is very worrying as a violation of human dignity. Slavery is an act that is opposed throughout the world; apart from violating human rights, it can also disrupt the lives of the nation and state. On this basis, everyone has the right to receive legal protection and guarantees. In fact, from the start, it was stated in the 1945 Constitution as the basic law in Indonesia, mandating that the state and government be established to protect the entire nation and the homeland of Indonesia.

The non-active Regent of Langkat, who published the Warning-Angin Plan, has a cage-like building in his house. Cages are used to confine people who are perceived to have made mistakes, such as using drugs, disturbing the community, or punishing members of mass organizations. Apart from having their freedom taken away, they also carry out daily activities such as working in oil palm plantations owned by private companies, putting up campaign billboards, and other jobs without receiving a penny or wages. They only get extra pudding (a snack) after doing their work. Due to this treatment, the building owner, namely the Non-Active Regent of Terbit Plan, was accused of committing human slavery, which is part of the Crime of Human Trafficking (TPPO).

One example of a case regarding serious human rights violations due to incidents of slavery and human abuse in cages in Lagkat Regency is in Stabat District Court Decision Number 467/Pid.B/2022/PN Stb. In the facts of the trial, the Panel of Judges said (in different files and cases) that the defendants, Dewa PA et al., alias Atok, have been legally and convincingly proven to have committed the criminal act of jointly assaulting Sariato Ginting and Abdul Sidiq Isnur alias Bedul, which caused the victim to die. The Panel of Judges has held deliberations and has agreed to state that according to the facts of the trial, the perpetrators were legally and convincingly proven guilty of committing a criminal act of abuse that caused the victim to die and caused deep sadness for the victim's family. "The Panel of Judges hereby sentenced each of the defendants to 1.7 years in prison," said the Panel of Judges while banging their gavels. The Panel of Judges imposed a sentence of 3 years in prison, which was less severe than the prosecutor's request

RESEARCH METHODS

This research puts forward legal, conceptual and case approaches. The aim is that this research can find solutions to problems by looking at legal phenomena that occur. Through a statutory approach, researchers use relevant laws and international conventions as material and the foundation for conducting research. These sources of legal regulations and international conventions are the basis for answering the legal and social problems contained in the problem formulation. In the future, international laws and conventions regarding human rights and the eradication of the crime of trafficking in persons will become the main framework for conducting this research.

Then, the researcher also takes a conceptual approach where the researcher will look at reviewing legal theories and concepts as an analytical tool to see the right aspects and points of view in uncovering problems, or see the extent of legal theories and concepts. become the background for social and legal problems and phenomena in society. Lastly, as in normative legal research, the researcher also takes a case approach, where the researcher will take a social problem that occurs in society and then build a legal argumentation construction based on

previous logic and legal approaches to see to what extent the relationship between previous approaches and concrete conditions in the field. In this case, the case of human cages in Langkat, North Sumatra, This case is closely related to issues of human rights and human slavery.

RESULT AND DISCUSSION

Articles 28 G and 28 I of the 1945 Constitution emphasize that no one can be tortured or treated inhumanely so that it can degrade his or her dignity and that is every human being. The law that must be enforced is essentially not based on the norms of the rules themselves but rather on the values of justice contained therein. In Articles 28 G and 28 I of the 1945 Constitution of the Republic of Indonesia, the act of slavery is a violation of human rights.

Article 28 I of the 1945 Constitution of the Republic of Indonesia, namely the right to life, the right not to be tortured, the right to freedom of thought and conscience, the right to religion, the right not to be enslaved, the right to be recognized as a person before the law, and the right not to be prosecuted on the basis of retroactive law, is a human right that cannot be reduced under any circumstances. We can find the definition of slavery in Article 1 Number 7 of Law Number 21 of 2007 concerning the Crime of Human Trafficking. According to this law, what is meant by slavery can also be interpreted as exploitation. Exploitation is often defined as an action carried out without the consent of Examples of these acts include forced labor services, similar slavery practices, and victims being oppressed, blackmailed, or physically exploited without the victim's consent for the benefit of the perpetrator both materially and immaterially.

Law Number 21 of 2007 concerning the Crime of Trafficking in Persons (TPPO) regarding Law Enforcement or law enforcement in Article 2 paragraphs (1) and (2) states that: "every person who recruits, transports, shelters, sends, transfers, or acceptance of a person by threat of violence, use of force, kidnapping, confinement, forgery, fraud, abuse of power or a position of vulnerability, debt bondage or providing payments or benefits despite obtaining the consent of a person who has control over another person, for the purpose of exploiting that person in the territory Republic of Indonesia, shall be punished with imprisonment for a minimum of 3 (three) years and a maximum of 15 (fifteen) years and a fine of at least Rp. 120,000,000.00 (one hundred twenty million rupiah) and a maximum of Rp. 600,000,000.00 (six hundred million rupiah).

Legal protection can also be said to be a form of guaranteeing services that must be provided by the legitimate government in order to provide a sense of security. Based on the 1945 Constitution, the state is clearly responsible for providing protection of human rights for every citizen, in accordance with Article 28. This is a concrete concept: the Indonesian state is a legal state that can truly implement, strive for and always carry out legal protection for every citizen. Furthermore, Philipus Hadjon expressed his opinion that legal protection includes protection of dignity as well as recognition of the human rights that every person has as a legal subject based on applicable laws and regulations.

The second type of legal protection, according to Hadjon, is a repressive type of legal protection. This legal protection aims to resolve conflicts, especially if violations have occurred. Because there is no guarantee that the rules that have been set will work well or be obeyed by all parties, there is a need for legal protection to guarantee justice for the victims. This form of legal protection can be seen in the judicial process. This is a kind of last resort for creating a sense of justice in society. The consequences of this legal protection are fines, sanctions, prison sentences, and additional penalties given. Researchers have carried out a legal and human rights analysis regarding the human cage case that occurred in Langkat, North Sumatra. By considering several facts that have been presented, news analysis and several legal instruments, there has been human

slavery, violence and potential human trafficking. Violations or acts against the law that are the common thread are violations related to laws relating to human rights, laws against torture, laws to eliminate forced labor, and so on.

The practice of slavery or something similar to slavery that occurred in this case was seen when the victims did not have free will to organize themselves and were in a situation of hegemony by the cage guards. There is a kind of boss-rule relationship that occurs without any voluntariness. The victims do not have the power over themselves to control their lives. Human rights law and international covenants on civil and political rights firmly oppose the concept of slavery and practices similar to slavery. No one should be enslaved, enslaved, or become a victim of the trade in slaves, women, or anything similar.

The victims were also subjected to cruel violence and torture. According to their confession, there is a system of punishment with unreasonable violence and torture, such as being beaten, kicked, slapped with a slap, thrown into a bath, soaked, made to hang like a monkey, whipped and burned with cigarettes, and so on. Tools were also found that supported these heinous acts of violence, such as whips, hoses, ropes, irons, electric shocks, etc. This caused physical and psychological trauma for the cage occupants, so that some victims tried to commit suicide to end the torture

Perpetrators of the crime of human slavery can be charged under several laws. The crime of human slavery itself is in the corridor of human trafficking, which has a legal umbrella based on Law Number 21 (PTPPO). Furthermore, the perpetrators of this crime can be subject to penalties that apply in Article 2, Article 7 and Article 10. The PTPPO Law is a corridor for legal protection in an effort to provide justice for victims of human slavery. The case that occurred in Langkat already fulfills the elements of human slavery. Clearly, apart from being held in a cage, they also do work that economically benefits the perpetrator. How perpetrators collectively and systematically perpetuate this process over the years. For this incident, the perpetrator was threatened with multiple sentences, namely a maximum sentence of 15 years or life.

The human cage case that occurred in Langkat, North Sumatra, is a cruel crime against humanity. Practices of violence, torture, deprivation of rights, and practices similar to human slavery are clearly experienced by the victims. Reports and facts on the ground show evidence that points to systematic and structured crimes, carried out consciously by government officials. The perpetrators violated the articles in Law Number 39 of 1999 concerning human rights and Law Number 21 of 2007 concerning the eradication of the crime of human trafficking. In accordance with Article 1 of Law No. 21 of 2007, this action is explicitly in accordance with the definition of human trafficking. The prohibition of slavery itself is regulated in Law Number 39 of 1999 concerning Human Rights and Law Number 21 of 2007 concerning the Crime of Human Trafficking. Article 4 of Law Number 39 of 1999 concerning Human Rights states "the right to life, the right not to be tortured, the right to personal freedom, thought and conscience, the right not to be enslaved, the right to personal recognition and equality before the law, and The right not to be sued on the basis of laws that pass retroactively is a human right that cannot be reduced under any circumstances and by anyone.

According to several reports that have been released, the people in these cages experienced slavery because they did not receive wages while working, and received inhumane treatment that resulted in abuse. At first the inactive Regent of Langkat avoided it by claiming that the human cage was a cell to foster drug abusers, but the National Narcotics Agency (BNN) emphasized that the cage in the residence of the inactive Regent of Langkat could not be called a place of rehabilitation. In the author's opinion, from the findings of this case, the families of the victims acted as if nothing had happened and as if their family members who lived in the human cage were not victims. This happened because of the existence of a local strongman where the perpetrator was a person who had power, which meant that the perpetrator's family had the

ability to social control and had enormous influence in the area, which ultimately caused fear among the victims and their families.

In the author's view, Indonesia has abolished the 'forced labor' system where Indonesia has also been part of the International Labor Organization (ILO) since 1950, and the ILO itself has issued Convention Number 105 of 1957 concerning the Abolition of Forced Labor which was later ratified by Indonesia into law. -Law Number 19 of 1999 concerning Ratification of the ILO Convention on the Elimination of Forced Labor. Despite the fact that this law is not yet able to fully guarantee the rights of every human being. Meanwhile, if seen through the understanding of cultural relativism which clearly states that culture is the highest ethnicity in the implementation of human rights, therefore the finding of human cages is contrary to the culture or customs that exist in society, where no one should be allowed to detain other people inside. cage, because those who have this authority are law enforcement officers.

Furthermore, they will receive violence if they resist and violate the rules made by the cage management and the TRP family, then if they try to escape, they will also receive violence with excessive intensity. This violence with excessive intensity is often experienced by residents in the initial period of entering the cage as a form of hazing, resulting in residents who have only been in for 2-7 days dying.

According to the researcher's opinion, the system of giving deferred sentences to perpetrators uses idealist concursus through an absorption system in which perpetrators are only charged with the heaviest principal crimes. Based on the existing facts, the perpetrator of the criminal act of abuse that occurred in the TRP human cage can be charged under Article 351 paragraph (1) of the Criminal Code. According to the researcher's opinion, based on licensing and supervision functions, the rehabilitation center proposed by the TRP does not have a permit to carry out rehabilitation. Second, detention is carried out in a discriminatory manner. In fact, the inmates in the cells are not only drug addicts, but also have problems with gambling, drunkenness and other social problems. In fact, several cage residents were thrown into prison simply because they had personal problems with TRP such as debts and receivables, palm oil theft. Referring to the United Nations International Drug Control Program (UNODC) and World Health Organization (WHO) International Standards for the Treatment of Drug Use Disorders, there are principles of narcotics rehabilitation. TRP human cages are not a solution, in fact they deviate from the rehabilitation standards.

Law Number 35 of 2009 concerning Narcotics, the handling of narcotics addicts should go through the judicial process and Indonesian criminal procedure law, which is the judge's authority to pronounce a verdict on addicts to undergo rehabilitation as perpetrators of criminal acts as well as victims. In the opinion of researchers, the crimes committed by TRP against drug addicts and other victims with a background of social problems are an act of taking the law into their own hands (*eigenrichting*). Judgment by the TRP is an arbitrary action against people who are deemed to have committed crimes without going through a valid legal process

CONCLUSION

As explained in the legal regulations regarding the Prohibition of Slavery in Indonesia, it is regulated in several laws that apply nationally in Indonesia. We can find this prohibition on slavery or servitude in Law Number 39 of 1999 concerning Human Rights in Indonesia. explains several prohibitions against enslaving humans, namely Article 4, Article 20, and in Law Number 21 of 2007. Human trafficking is regulated in Article 2 paragraphs (1) and (2) as well as several legal bases in the Law. 1945 Constitution In Articles 28 G and 28 I of the 1945 Constitution

which confirms that no one can be tortured or treated inhumanely so that it can degrade their honor and dignity and that is a violation of the human rights of every human being.

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