ABSTRACT

Trafficking in persons has grown, not only between regions within the territorial jurisdiction of the union but was traded internationally, are transnational in nature and involves an organized criminal group. This research was conducted to find the philosophy of trade arrangements as transnational organized crime, the characteristics of trafficking in persons as transnational organized crime, and ius constituendum arrangement of trafficking in persons in Indonesia.

This research is a legal research using conceptual, statute, and comparative approaches for answering the legal issues. The results of this research is consist of three things which are: firstly, the philosophy of the trade arrangements as transnational organized crime is related to human rights that should not be enslaved or servitude or traded in any form because humans have dignity as God's creation glorious. Secondly, the characteristics of trafficking in persons as transnational organized crime is carried out in more than one country is an organized criminal group and when committed intentionally. Thirdly, ius constituendum arrangement of trafficking in persons in Indonesia is the application of penal policy in the form of criminal non restorative justice in dealing with victims of trafficking in persons and elements of trafficking in persons and child trafficking more comprehensive.

Keywords: trafficking in persons, transnational organized crime, restorative justice