

JURISPRUDENSI

Jurnal Ilmu Syari'ah, Perundang-undangan dan Ekonomi Islam
<https://doi.org/10.32505/jurisprudensi.v17i1.10807>
Vol. 17 No. 1 (Januari-Juni 2025): 136-149

The Responsibility of Higher Education Institutions in Human Trafficking Cases Disguised as Internships: An Analysis of Islamic Criminal Law

M. Afwan Hanif¹

UIN Sumatera Utara, Medan, Indonesia
m.afwan0205203106@uinsu.ac.id

Abd. Mukhsin

UIN Sumatera Utara, Medan, Indonesia
abdmukhsin@uinsu.ac.id

Submission	Accepted	Published
Jan 19, 2025	Jan 29, 2025	Jan 30, 2025

Abstract

Ideally, higher education institutions should act as entities that protect students' rights and provide quality education without abusing their position for harmful purposes. However, in reality, some universities are involved in practices that can harm students, including the misuse of internship programs that lead to human trafficking crimes. This study aims to analyze the legal responsibilities of higher education institutions in cases of human trafficking that occur within internship programs, using an Islamic criminal law approach. This article is categorized as a qualitative-based literature study. The methodology used is a normative juridical approach. The research results show that human trafficking cases in Jambi demonstrate complexity, involving both individuals and corporations, with different legal sanctions under Law No. 21 of 2007 and Islamic criminal law. Higher education institutions, such as Universitas Jambi, play an important role in providing assistance to victims, supporting legal processes, and collaborating with relevant parties to combat human trafficking, reflecting their moral and social responsibility.

Keywords: Human Trafficking, Higher Education, Internship

Abstrak

Idealnya, perguruan tinggi berperan sebagai institusi yang melindungi hak-hak mahasiswa dan memberikan pendidikan yang berkualitas tanpa menyalahgunakan posisi untuk kepentingan yang merugikan. Namun,

¹ Corresponding Author

realitasnya, beberapa perguruan tinggi terlibat dalam praktik yang dapat merugikan mahasiswa, termasuk dalam bentuk penyalahgunaan program magang yang berujung pada tindak pidana perdagangan orang. Penelitian ini bertujuan untuk menganalisis tanggung jawab hukum perguruan tinggi dalam kasus perdagangan orang yang terjadi dalam program magang, dengan pendekatan hukum pidana Islam. Artikel ini tergolong dalam penelitian pustaka berbasis kualitatif. Metodologi yang digunakan adalah pendekatan yuridis normatif. Hasil penelitian menunjukkan bahwa kasus TPPO di Jambi menunjukkan kompleksitas, melibatkan individu dan korporasi, dengan sanksi hukum yang berbeda berdasarkan Undang-Undang No. 21 Tahun 2007 dan hukum pidana Islam. Perguruan tinggi, seperti Universitas Jambi, berperan penting dalam memberikan bantuan kepada korban, mendampingi proses hukum, dan berkolaborasi dengan pihak terkait untuk menanggulangi TPPO, mencerminkan tanggung jawab moral dan sosial mereka.

Kata Kunci: TPPO, Perguruan Tinggi, Magang

Introduction

Human trafficking, more commonly known as human trafficking, is a highly serious and dangerous crime that has become increasingly widespread worldwide. This crime is often described as a form of modern slavery that involves the exploitation of victims in various ways, ranging from trafficking for prostitution and commercial sex work to forced labor (Lazuardi et al., 2023). As global awareness of this crime has grown, many countries have made efforts to combat human trafficking through various policies and regulations. However, despite these eradication efforts, human trafficking cases continue to rise, both nationally and internationally. Data released by the Indonesian National Police's Criminal Investigation Agency (Bareskrim Polri) indicates a surge in human trafficking cases, with victims including women, men, and children, particularly in the post-COVID-19 era.

One of the latest methods used in human trafficking is disguising it under the guise of international internship programs, which appear legal but are, in reality, fraudulent. A case involving Universitas Negeri Jakarta (UNJ) and several other universities serves as a clear example of how higher education institutions have become entangled in this phenomenon. In 2023, approximately 93 students from UNJ were sent to participate in an internship program that ultimately failed to meet the promised standards (Utami & Nasrudin, 2024). These students became victims of a human trafficking network operating under the pretense of international internships, involving various fraudulent practices that harmed both the students and educational institutions.

Ideally, universities, as institutions of higher education, have a responsibility to protect their students from all forms of fraud and exploitation. Higher education institutions should ensure that every program they implement, including internships, undergoes a transparent process and complies with applicable legal standards. Universities are also obligated to take an active role in preventing human trafficking that targets students as victims, prioritizing the

values of humanity and justice enshrined in the constitution (Nasution et al., 2024). However, the reality reveals lapses in the selection and oversight processes of internship programs at several universities. The case involving UNJ and other universities reflects a failure in supervision, leading students to be trapped in harmful situations that violate their fundamental rights. The presence of individuals who exploit weaknesses in the university system for personal gain further exacerbates the issue, causing significant harm to various parties.

The primary issue explored in this study is the responsibility of higher education institutions in cases of human trafficking disguised as internships. This research will also examine how Islamic criminal law views criminal liability in the context of human trafficking and the sanctions that can be imposed on perpetrators, both from the perspective of national law and Islamic law. The objective of this study is to analyze the legal responsibility of universities in cases of human trafficking disguised as internships and to explore the criminal sanctions applicable to traffickers, from both Indonesian criminal law and Islamic criminal law perspectives.

Additionally, this research aims to provide a deeper understanding of university involvement in human trafficking cases and the legal measures that can be taken to protect students' rights. The study is expected to contribute recommendations on preventive measures that universities should implement to prevent human trafficking through internship programs while enriching the discourse on the application of Islamic criminal sanctions in human trafficking cases. Furthermore, this research seeks to offer insights for policymakers in formulating stricter and more effective regulations to address similar cases in the future.

Literature Review

Research on human trafficking, particularly cases involving students as victims through internship programs, is not a new finding. Several academic works have examined this phenomenon from various legal perspectives. Sekar Nursyahidah Utami and N. Nasrudin, in their work "*Tindak Pidana Perdagangan Orang (Human Trafficking) terhadap Mahasiswa Indonesia melalui Program Magang di Jerman*," offer a significant analysis of human trafficking in the context of international internships, particularly involving Indonesian students working abroad. This study highlights the role of internship organizers and their accountability in such cases (Utami & Nasrudin, 2024). The similarity between their work and the author's research lies in their focus on human trafficking through internship programs. However, the difference is that their study emphasizes the involvement of internship organizers, whereas the author's research focuses more on the responsibility of universities as accountable institutions and the application of Islamic criminal law to these acts.

Tsania Nuha Alfani, in her work "*Analisis Pasal TPPO Dalam Kasus Ferienjob: Peran Lembaga Internasional dan Organisasi Kemanusiaan*," provides a valuable exploration of the role of international institutions and humanitarian organizations in addressing human trafficking cases related to the "Ferienjob" program in Germany. This study offers deep insights into international cooperation and global

efforts to combat human trafficking (Alfani, 2024). The similarity between this work and the author's research is that both discuss human trafficking crimes occurring through internship or work programs. However, Alfani's study primarily focuses on the role of international organizations and humanitarian institutions, while the author's research emphasizes the responsibility of universities in this context and the application of Islamic criminal law.

Syahdila Nur Rahmawati, in her work "*Tindak Pidana Human Trafficking Perspektif Hukum Pidana Islam*," presents a strong analysis of human trafficking from the perspective of Islamic criminal law. This work enriches the discourse on human trafficking by offering a legal perspective based on Islamic principles, providing relevant religious insights into efforts to prevent and combat such crimes (Rahmawati, 2023). The similarity between this work and the author's research lies in their use of Islamic criminal law to analyze human trafficking. However, Rahmawati's study focuses on human trafficking in general, while the author's research specifically connects this phenomenon to universities as responsible institutions and examines it through the lens of Islamic criminal law in the context of internship programs.

After reviewing existing literature, it can be concluded that no prior research has directly linked university responsibility in human trafficking cases disguised as internships with an in-depth analysis using the perspective of Islamic criminal law. This study aims to fill that gap, which has not been extensively discussed in existing literature, by providing a holistic view of universities' roles and the application of Islamic criminal law to perpetrators of human trafficking involving educational institutions. Thus, the author's research contributes significantly by addressing this gap in the literature, offering a new perspective that emphasizes university responsibility in human trafficking cases and integrating both positive law and Islamic law, which have not been thoroughly explored in previous studies.

Research Methodology

This research is a normative juridical study that employs a normative law research approach. The study aims to examine the legal behavioral products reflected in various laws and regulations related to human trafficking crimes, specifically Article 15 of Law No. 21 of 2007 on the Eradication of Human Trafficking Crimes and Article 81 of Law No. 17 of 2017 on the Protection of Migrant Workers. The primary focus of this research is to analyze human trafficking crimes from the perspective of Islamic criminal law. This normative legal approach enables the researcher to explore existing legal provisions and assess their relevance to Islamic legal principles concerning such crimes.

The research methodology adopts a statute approach, which prioritizes the use of existing legal regulations as the foundation for analysis. The primary data sources in this study consist mainly of written literature, such as books, scholarly journals, and previous studies relevant to the research topic. This approach allows the researcher to delve into various sources of information and arguments centered on applicable legal provisions, subsequently compiling them into a critical review of human trafficking within the framework of Islamic criminal law.

Chronology of the Human Trafficking Case

The alleged human trafficking case involving university students began with an offer for an International Internship Program in Germany, presented by SS, a lecturer from a university in Jambi Province, at State University of Jakarta (UNJ) in February 2023. The program was also introduced by PT. SHB and CV-Gen, which claimed that it had been recognized by both the German and Indonesian governments and had successfully been implemented in various universities across Indonesia (Bayuna et al., 2024). The program offer attracted significant interest from students as it promised international experience and job opportunities abroad.

Jambi University (UNJA), in its effort to support the Merdeka Belajar Kampus Merdeka (MBKM) program and enhance its Key Performance Indicators (IKU) as well as students' international exposure, signed a Memorandum of Understanding (MoU) with PT. SHB in May 2023. Under this program, students were required to pay the program fees independently. To facilitate participation, UNJA also provided a loan scheme through the UNJA Cooperative. In October 2023, a total of 93 UNJA students were sent to Germany for the internship program. However, upon arrival, several students reported discrepancies between the promised and actual internship conditions (Utami & Nasrudin, 2024). Complaints included the long commuting distance between their accommodation and workplace, wages lower than agreed upon, and lack of guidance and assistance from PT. SHB and CV-Gen.

On October 27, 2023, the Directorate General of Higher Education, Research, and Technology of the Ministry of Education, Culture, Research, and Technology (Kemendikbud Ristek) issued a circular letter stating that, based on reports from the Indonesian Embassy (KBRI) in Berlin, there were procedural violations in the implementation of this internship program. In reality, the program was more akin to employment rather than an academic internship. The Kemendikbud Ristek urged all Indonesian universities to terminate their participation in the program (Alfani, 2024). In response, UNJA immediately sent two lecturers to Germany to conduct monitoring and assist students. Following discussions between the UNJA delegation and KBRI Berlin on November 3, 2023, it was revealed that the program was not an internship but full-time employment, which violated international labor regulations.

Upon learning this, UNJA took immediate steps to repatriate its students. By December 30, 2023, all UNJA students involved in the program were returned to Indonesia. The affected students expressed disappointment and suffered material and immaterial losses due to the program's failure to meet its original promises. UNJA emphasized that it was also a victim and had no direct institutional affiliation with PT. SHB and CV-Gen. Subsequently, UNJA announced its intention to pursue legal action against the program organizers: SS, PT. SHB, and CV-Gen. Law enforcement authorities also launched a comprehensive investigation into suspected human trafficking within the internship scheme. The investigation revealed that the program had sent a total of 1,047 students from 33 universities across Indonesia, all through similar methods and fraudulent practices (Nurfajriana & Prasetyo, 2024).

The Criminal Investigation Agency (Bareskrim) of the Indonesian National Police ultimately named five suspects, including ER alias AW from PT. SHB, A alias AE from CV-Gen, SS, the liaison lecturer, and two other individuals, MZ and AJ. They were charged with human trafficking (TPPO) under Article 4, Article 11, and Article 15 of Law No. 21 of 2007 on Human Trafficking Crimes. Additionally, they were prosecuted under Article 81 of Law No. 17 of 2017 on the Protection of Migrant Workers. If found guilty, they face a maximum sentence of 15 years in prison and a maximum fine of IDR 15 billion.

Responsibility and Sanctions for Human Trafficking Crimes

Human trafficking crimes (Tindak Pidana Perdagangan Orang, TPPO) represent a severe violation of fundamental human rights. This crime not only harms individual victims but also has widespread impacts on society and the state. As a country with a significant number of human trafficking victims, Indonesia has established strict regulations through Law No. 21 of 2007 on the Eradication of Human Trafficking Crimes (UU TPPO). Under this regulation, any individual or legal entity found guilty of involvement in TPPO will be subject to criminal sanctions in accordance with the applicable legal provisions (Kurniawan et al., 2024).

In TPPO cases, perpetrators can be categorized into two main groups: individuals and corporations. Individual perpetrators are those who are directly or indirectly involved in the human trafficking process, including recruitment, transportation, harboring, and exploitation of victims. On the other hand, corporations may also be involved in TPPO if they engage in human trafficking schemes, either actively or through policies that support labor exploitation. The individual responsibility in TPPO can be analyzed through various documented cases. An individual who recruits workers by means of deception or by exploiting the victim's vulnerable situation falls into the category of a TPPO perpetrator.

For instance, in the TPPO case disguised as an internship program in Germany, several individuals acting as recruitment agents misled victims with promises of decent jobs. However, in reality, the victims were exploited and subjected to inhumane working conditions (Utami & Nasrudin, 2024). Meanwhile, corporate responsibility in TPPO is also a crucial issue that must be thoroughly examined. In the illegal internship case in Germany, companies involved in the recruitment and deployment of workers, such as PT Sinar Harapan Bangsa and CVGen, played an active role in executing this crime. Therefore, these companies must be held legally accountable for violating the provisions of UU TPPO, particularly regarding labor exploitation and document falsification.

Sanctions for individual perpetrators in TPPO cases are regulated under UU TPPO, where Article 2 states that anyone involved in the recruitment, transportation, harboring, and exploitation of victims can be sentenced to life imprisonment or a prison term of at least three years and up to fifteen years. Additionally, offenders may face fines ranging from IDR 120 million to IDR 600 million. These sanctions aim to create a deterrent effect and prevent similar crimes in the future. On the other hand, corporations found guilty of TPPO may face even harsher penalties. Article 15 of UU TPPO stipulates that corporations involved in

TPPO can be fined up to three times the amount of the fines imposed on individual perpetrators (Nuripansah et al., 2023).

Moreover, corporations may also face additional sanctions such as revocation of business licenses, confiscation of assets obtained through criminal activities, dissolution of legal status, dismissal of management, and a ban on establishing new businesses in the same sector. These penalties serve as a broader form of legal accountability, considering that the impact of corporate involvement in human trafficking is generally greater than that of individual perpetrators. In practice, TPPO occurs in various forms, including sexual exploitation, forced labor, illegal adoption, and unauthorized labor migration. Therefore, law enforcement against TPPO perpetrators must be carried out with seriousness and firmness. In addition to implementing the sanctions outlined in UU TPPO, the government must also enhance coordination with international institutions to combat human trafficking networks involving cross-border actors (Nurfajriana & Prasetyo, 2024).

It is essential to understand that human trafficking crimes do not occur solely due to economic factors but also stem from regulatory disparities and weak oversight of labor recruitment agencies. In many cases, TPPO victims come from vulnerable groups, such as women, children, and impoverished communities, who have limited access to information and adequate legal protection. Therefore, preventive measures should be prioritized, including increased public awareness and education. Beyond legal sanctions, a more comprehensive approach to TPPO victims is necessary. The state must provide protection and recovery for victims, including access to psychological rehabilitation, legal assistance, and social reintegration programs. Without adequate support, victims are at risk of falling back into human trafficking networks.

To combat TPPO effectively, strong collaboration among the government, law enforcement agencies, society, and non-governmental organizations is essential. Only through robust cooperation can human trafficking be thoroughly eradicated. By strictly enforcing the law against individuals and corporations involved in TPPO, it is hoped that human trafficking cases in Indonesia will significantly decline in the future. In summary, the responsibility of TPPO perpetrators, whether individuals or corporations, must be enforced fairly in accordance with the applicable laws (Damayanti & Paramudhita, 2024). The sanctions outlined in UU TPPO must be strictly applied to create a deterrent effect and prevent the recurrence of similar crimes. Additionally, the state has an obligation to protect victims and ensure they receive proper recovery. With these measures in place, human trafficking can be minimized, and human rights can be better safeguarded.

The Role and Responsibility of Individual Perpetrators: An Analysis from Islamic Criminal Law

Human trafficking is a grave crime that has existed for a long time and is one of the most heinous forms of exploitation of human beings. From an Islamic perspective, this act contradicts the fundamental principles of justice and respect for human dignity, which are emphasized in the Qur'an and Hadith. Islam rejects all forms of exploitation and slavery that violate human rights, including modern

human trafficking practices (Fatah, 2016). Therefore, Islamic criminal law views human trafficking (HT) as a serious offense that requires strict accountability for perpetrators, both through criminal punishment and corrective actions of a social and economic nature.

In Islamic criminal law, HT falls under the category of *jarimah* (crime) that harms both individuals and society at large. Human trafficking can be classified as *jarimah ta'zir*, which refers to crimes whose punishments are determined by the government or judge based on principles of justice and public welfare. Islam emphasizes that all forms of human exploitation, whether in the form of slavery, forced labor, or sexual exploitation, are prohibited as they contradict the principle of *tawhid*, which affirms the equality of all humans before Allah. Therefore, Islam provides a punishment mechanism aimed not only at punishing the perpetrator but also at eradicating the root causes of human trafficking.

History records that during the time of Prophet Muhammad (PBUH), human trafficking still occurred, particularly in the form of slavery, which was a tradition in pre-Islamic Arabian society. However, the Prophet gradually abolished this system in various ways, including the liberation of slaves and the implementation of laws that protected their rights. One well-known example is the case of Bilal bin Rabah, a slave who was tortured by his master before being freed by Abu Bakr at the Prophet's command (Zaman, 2017). Islam did not immediately outlaw slavery, but instead tightened the rules, making it a practice that could no longer be sustained in the long term. Furthermore, in several narrations, the Prophet also took legal action against individuals involved in human exploitation practices.

In some cases, perpetrators of human trafficking were punished with heavy fines, required to free slaves, or even subjected to physical punishment if their actions involved torture or coercion. This approach demonstrates that Islam focuses not only on criminal punishment but also on restorative justice, which prioritizes the restoration of victims' rights. In Islamic criminal law, individuals involved in HT may face various forms of punishment depending on the severity of the crime. If human trafficking involves violence or coercion, the perpetrator may be subject to *qisas* (retaliation) or *hadd* (fixed punishment), especially if the crime results in death or serious injury to the victim (Nola, 2024). However, if HT is carried out in the form of economic exploitation or forced labor without extreme physical violence, *ta'zir* punishment may be applied, where the judge has the authority to impose penalties such as imprisonment, fines, or other social sanctions aimed at deterring the perpetrator.

In addition to criminal punishment, Islam also emphasizes financial and social responsibility for individuals involved in HT. Perpetrators may be required to pay *diyat* (compensation) to the victim or their family, especially if the crime causes prolonged physical or psychological suffering. Furthermore, individuals proven to have engaged in human trafficking may be subjected to social work penalties, requiring them to assist victims in the rehabilitation and recovery process (Nuraeni & Kania, 2018). In this way, Islam not only enforces justice for the victim but also provides the perpetrator with an opportunity to rectify their wrongdoings. Islam also provides solutions for addressing HT on a broader scale, not just through criminal punishment. One method is to improve the social and economic welfare of society so that no individual is forced to sell themselves or

others due to economic pressure. Islam strongly advocates for the system of *zakat*, *sadaqah*, and *waqf* (charity and endowments) to assist those in economic hardship, reducing their vulnerability to human trafficking. With this justice-based economic system, Islam seeks to eliminate the primary factors that lead to HT.

In addition to economic approaches, Islam also stresses the importance of education and public awareness as a key strategy to prevent HT. In various Islamic teachings, Muslims are encouraged to help each other and protect the rights of fellow humans. Therefore, Islam emphasizes the importance of moral and ethical education within families and communities, so that no individual is easily tempted to commit crimes like human trafficking (Martin & Runturambi, 2024). Education also helps individuals understand Islamic values that oppose all forms of human exploitation. In terms of law, Islam also advocates for a fair and transparent judicial system to handle HT cases effectively. Judges in the Islamic justice system are expected not only to impose punishment but also to consider the best solutions that provide justice for victims and create a deterrent effect for perpetrators.

In some cases, Islam recommends mediation between the perpetrator and the victim in order to achieve a broader form of justice, whether through financial compensation or social rehabilitation for the victim. The resolution of HT cases in Islam also involves a rehabilitation approach for victims. Throughout Islamic history, freed slaves were often provided with economic assistance and training to help them live independently after being liberated from slavery (Nurhamid, 2017). This rehabilitation model can be applied in modern contexts to help human trafficking victims lead better lives after their exploitation ends. With this comprehensive approach, Islam not only addresses the perpetrators but also offers long-term solutions to combat human trafficking.

The Role and Responsibility of Higher Education Institutions: An Analysis from Islamic Criminal Law

Higher education institutions, as centers of advanced education, play a significant role in combating various forms of crime, including human trafficking offenses. The moral and academic responsibility of these institutions in such cases includes providing assistance to victims, offering legal support, and supporting law enforcement efforts. Jambi University, as a concrete example, demonstrates its commitment to addressing human trafficking by providing assistance to victims and monitoring such cases (Bayuna et al., 2024). In addition, the university actively participated in terminating its cooperation with PT. SHB, which was involved in human trafficking. This action reflects the role of higher education institutions in upholding social justice and morality, which extends beyond academic teaching to maintaining societal integrity.

From an Islamic legal perspective, higher education institutions have an obligation to uphold the *maqasid al-shariah* (objectives of Islamic law), which emphasizes the protection of five fundamental aspects of human life: religion, life, intellect, lineage, and property. The protection of life (*hifz al-nafs*) is particularly relevant in human trafficking cases, as human trafficking is a form of exploitation that threatens the life and dignity of the victim. Islam explicitly prohibits all forms of slavery and exploitation, both in classical and modern forms such as human

trafficking. Therefore, higher education institutions must play an active role in ensuring that their academic and social environments do not allow practices that contradict the basic principles of Islam. Allah Almighty says;

وَلَقَدْ كَرَّمْنَا بَنِي آدَمَ وَحَمَلْنَاهُمْ فِي الْبَرِّ وَالْبَحْرِ وَرَزَقْنَاهُمْ مِنَ الطَّيَّابَاتِ وَفَضَّلْنَاهُمْ عَلَىٰ كَثِيرٍ مِمْنُ حَلْقَنَا تَفْضِيلًا

"And We have certainly honored the children of Adam; We carried them on the land and the sea, and provided for them of the good things, and We have preferred them over many of those We have created with a complete preference." (QS. Al-Isra: 70)

This verse contains a message that humans are born with dignity and must be protected from all forms of oppression. This concept is highly relevant to the issue of human trafficking, as human trafficking is a form of oppression that degrades human dignity. By understanding this principle, higher education institutions play a role not only as educational bodies but also as guardians of human values that must be upheld within society (Humairoh, 2019). Furthermore, the Prophet Muhammad's Hadith also emphasizes the severity of the act of trafficking humans. In a narration from Bukhari, it is stated that Allah will be the enemy of those who sell free people, as such an action is a form of betrayal of human rights.

ثَلَاثَةٌ أَنَا حَصْمُهُمْ يَوْمَ الْقِيَامَةِ: رَجُلٌ أَعْطَىٰ عَهْدِي فَعَدَرَ، وَرَجُلٌ بَاعَ حُرًّا فَأَكَلَ ثَمَنَهُ، وَرَجُلٌ اسْتَأْجَرَ أَجِيرًا فَفَجَّرَ أَجْرَهُ

"Three people whom I will be their enemy on the Day of Judgment: the one who makes a promise in My name and then breaks it, the one who sells a free person and eats their price, and the one who hires someone and does not pay them for their work once it is completed." (HR. Bukhari, no. 2227)

This hadith provides a strong foundation for higher education institutions to not remain passive regarding human trafficking practices (TPPO). As institutions with moral responsibilities, universities must ensure that their policies and collaborations do not support practices that degrade human dignity, such as what Universitas Jambi did by terminating its cooperation with PT. SHB, which was involved in human trafficking. In Islamic law, human trafficking is categorized as a "jarimah" (a criminal act) that is prohibited and subject to punishment. To impose a punishment under Islamic criminal law, three main conditions must be met: the act is prohibited, it is done with full awareness, and the perpetrator knows the consequences of their actions. In TPPO cases, the perpetrators consciously and intentionally exploit victims for personal gain or economic profit. Therefore, they can be punished according to Islamic law provisions, aiming to deter further crimes and protect the victims from further exploitation. However, in the

application of Islamic criminal law, exceptions exist regarding who can be punished, such as minors or individuals who are unaware due to mental health issues.

Thus, even though Islamic law imposes punishment on TPPO perpetrators, it also considers the context and condition of the perpetrator in its enforcement. Higher education institutions, as educational bodies, must understand and implement these principles in their internal policies to ensure that no parties are involved in activities that harm society, such as TPPO (Antasari, 2018). In practice, universities can play a role beyond just delivering knowledge; they must also actively educate students and the public about the dangers of TPPO. The university should provide spaces for research and discussions about this issue, as well as train students and academic staff on how to identify and combat human trafficking practices. This is a strategic step to raise greater awareness among the younger generation about the importance of protecting human rights and respecting the dignity of every individual.

Moreover, universities can also act as mediators in supporting TPPO victims. The university can collaborate with non-governmental organizations working in the field of human rights protection, offering assistance to victims and aiding their recovery process. This support is crucial to ensure that victims receive not only legal justice but also social and psychological support to restore their lives after the trauma (Saputra, 2022). The role of universities in combating TPPO also includes monitoring potential parties involved in these practices. As educational institutions, campuses must ensure that no human exploitation occurs in their academic environment, whether in collaboration with external parties or in interactions within the academic community.

By terminating cooperation with PT. SHB, Universitas Jambi demonstrates that the university will not tolerate such crimes and will take decisive action to protect the institution's reputation and uphold morality within the campus environment. It is important to note that the role of universities in addressing TPPO is not limited to preventive or reactive measures, but also involves long-term efforts in raising awareness and fostering social change (Nurfajriana & Prasetyo, 2024). By integrating human rights education, social justice, and human trafficking prevention into the curriculum, universities can produce a generation that is highly aware of the importance of protecting human dignity and combating crimes like TPPO in the future.

Additionally, universities can play a role in conducting research and developing policies that support the prevention and handling of TPPO cases. By conducting studies on the impact of TPPO and the factors influencing human trafficking, universities can make significant contributions in enriching the knowledge base on this issue and assist the government and related institutions in formulating more effective policies to combat TPPO (Mugiono et al., 2024). Through these efforts, universities not only serve as educational institutions but also as agents of social change that can make a real contribution to the eradication of TPPO. Universitas Jambi, through the steps it has taken, has shown that higher education institutions must set an example in the enforcement of justice and human rights protection, as well as maintaining morality in all aspects of life, both within the education sector and in the wider society.

Conclusion

The case of human trafficking (TPPO) in Jambi highlights the complexity of the issue, involving both individual perpetrators and corporations. According to Law No. 21 of 2007 on the Eradication of Human Trafficking Crimes, individual perpetrators such as recruiters or distributors can be sentenced to imprisonment and fines. Meanwhile, corporations involved in forced labor exploitation or organizing TPPO can face more severe criminal and administrative sanctions, including the revocation of business licenses. In Islamic criminal law, TPPO could be regarded as a *jarimah ta'zir*, where the punishment is determined by the ruler or judge to prevent further harm, even though Islamic law does not explicitly regulate TPPO. Both individuals and corporations involved in such practices can be penalized, with the aim of maintaining justice and preventing broader damage.

Higher education institutions, as centers of higher learning, play a crucial role in addressing various forms of crime, including human trafficking. The moral and academic responsibilities of universities in this context involve providing assistance to victims, legal support, and supporting efforts for law enforcement. Universitas Jambi, as a concrete example, has demonstrated its commitment to addressing TPPO by offering assistance to victims and monitoring the case. Furthermore, the university has actively taken steps by terminating its collaboration with PT. SHB, which was involved in a human trafficking case. This action reflects the role of universities in upholding social justice and morality, extending beyond academic teaching to safeguarding the integrity of society. On a broader scale, universities can strengthen their role in combating TPPO through education and research related to human rights, raising awareness about human exploitation, and collaborating with the government and non-governmental organizations to prevent and address TPPO cases. Through these initiatives, universities not only fulfill their educational mission but also contribute significantly to creating a more just and ethical society.

References

Alfani, T. N. (2024). Analisis Pasal TPPO dalam Kasus Ferienjob: Peran Lembaga Internasional dan Organisasi Kemanusiaan. *Amandemen: Jurnal Ilmu Pertahanan, Politik Dan Hukum Indonesia*, 1(3), 295–302.
<https://doi.org/10.62383/amandemen.v1i3.316>

Antasari, R. R. (2018). Penanganan Tindak Pidana Perdagangan Orang dalam Perspektif Global dan Islam di Provinsi Sumatera Selatan. *Kafa`ah: Journal of Gender Studies*, 8(1), Article 1. <https://doi.org/10.15548/jk.v1i1.198>

Bayuna, K. A., Silitonga, S. B. G., & Nasution, B. A. A. (2024). An Analysis of Ferienjob Practices in Germany: Modus Operandi, Legal Actions, Prevention, and Global Comparisons. *Jurnal Ilmu Kepolisian*, 18(3), Article 3.
<https://doi.org/10.35879/jik.v18i3.621>

Damayanti, I., & Paramudhita, R. R. (2024). Peran Restitusi dalam Tindak Pidana Perdagangan Orang. *UNES Law Review*, 6(3), Article 3.
<https://doi.org/10.31933/unesrev.v6i3.1744>

Fatah, A. (2016). Trafficking dalam Pandangan Hukum Pidana Islam. *Jurnal Kajian Islam Interdisipliner*, 1(1), Article 1.
<https://doi.org/10.14421/jkii.v1i1.1058>

Humairoh, S. Z. (2019). Trafficking Woman and Child: Kajian Terhadap Hadis-Hadis Tentang Perdagangan Manusia. *Jurnal Kajian Islam Interdisipliner*, 4(2), Article 2. <https://doi.org/10.14421/jkii.v4i2.1105>

Kurniawan, W. R., Hadiyanto, A., & Ciptono, C. (2024). Tindak Pidana Perdagangan Orang dalam Perspektif Tindak Pidana Pencucian Uang di Indonesia. *Jurnal USM Law Review*, 7(2), Article 2. <https://doi.org/10.26623/julr.v7i2.8900>

Lazuardi, A., Ferdi, F., & Elda, E. (2023). Kewenangan Penyidik Pegawai Negeri Sipil (PPNS) Keimigrasian dalam Penanganan Tindak Pidana Perdagangan Orang yang Berasal dari Tindak Pidana Penyalundupan Manusia. *UNES Law Review*, 6(1), Article 1. <https://doi.org/10.31933/unesrev.v6i1.947>

Martin, Y., & Runturambi, A. J. S. (2024). Upaya Pencegahan Pekerja Migran Indonesia (PMI) Nonprosedural sebagai Bagian Perdagangan Orang Melalui Pengawasan Keimigrasian. *Syntax Literate; Jurnal Ilmiah Indonesia*, 9(5), 3268–3285. <https://doi.org/10.36418/syntax-literate.v9i5.15738>

Mugiono, M., Indradewi, A. A., & Achmad, A. S. (2024). Perspektif Hukum terhadap Tindak Pidana Perdagangan Orang di Kawasan ASEAN antara Indonesia dan Myanmar. *Journal of Contemporary Law Studies*, 1(4), 287–300.
<https://doi.org/10.47134/lawstudies.v2i3.3107>

Nasution, A., Al-Ubaidah, M. I., & Amri, A. D. (2024). Peran Mahasiswa Sebagai Fasilitator Pendamping dalam Membantu UMKM Melalui Program Magang Bersertifikat di PT. BTPN Syariah. *Jurnal Development*, 12(2), Article 2.
<https://doi.org/10.53978/jd.v12i2.482>

Nola, L. F. (2024). Upaya Pemberantasan Tindak Pidana Perdagangan Orang pada Pekerja Migran Indonesia (Eradication of Human Trafficking Crimes among Indonesian Migrant Workers). *Negara Hukum: Membangun Hukum Untuk Keadilan Dan Kesejahteraan*, 14(2), Article 2.
<https://doi.org/10.22212/jnh.v14i2.4110>

Nuraeni, N., & Kania, D. (2018). Undang-Undang Nomor 21 Tahun 2007 tentang Pemberantasan Tindak Pidana Perdagangan Orang dalam Perspektif Hukum Islam. *Al-'Adalah*, 14(1), 131–156.
<https://doi.org/10.24042/adalah.v14i1.1866>

Nurfajriana, S., & Prasetyo, H. (2024). Pertanggungjawaban Pemerintah Terhadap Mahasiswa Indonesia Korban Eksplorasi Program Magang Ferienjob di Jerman. *Media Hukum Indonesia (MHI)*, 2(3), Article 3.
<https://doi.org/10.5281/zenodo.11666797>

Nurhamid, N. (2017). Kiprah Nabi Muhammad Memberantas Perdagangan Manusia. *Raheema*, 4(1), Article 1.
<https://doi.org/10.24260/raheema.v4i1.835>

Nuripansah, Kusuma, J. D., & Susilawati, I. Y. (2023). Penegakan Hukum Terhadap Tindak Pidana Perdagangan Orang Di Tinjau Dari Undang-Undang Nomor 21 Tahun 2007 Tentang Pemberantasan TPPO (Studi Di Wilayah Polres Lombok Tengah). *Unizar Recht Journal (URJ)*, 2(4), Article 4.

Rahmawati, S. N. (2023). Tindak Pidana Human Trafficking Perspektif Hukum Pidana Islam. *Ma'mal: Jurnal Laboratorium Syariah Dan Hukum*, 4(3), Article 3. <https://doi.org/10.15642/mal.v4i3.246>

Saputra, T. (2022). Peran Mahasiswa dalam Pencegahan Perdagangan Orang (Human Trafficking) di Daerah Cikarang. *PaKMas: Jurnal Pengabdian Kepada Masyarakat*, 2(1), Article 1. <https://doi.org/10.54259/pakmas.v2i1.827>

Utami, S. N., & Nasrudin, N. (2024). Tindak Pidana Perdagangan Orang (Human Trafficking) Terhadap Mahasiswa Indonesia Melalui Program Magang di Jerman. *Qanuniya: Jurnal Ilmu Hukum*, 1(1), Article 1. <https://doi.org/10.15575/qanuniya.v1i1.816>

Zaman, Q. (2017). Sanksi Pidana Perdagangan Perempuan (Women Trafficking) (Studi Komparatif antara Undang-Undang No. 21 Tahun 2007 tentang Pemberantasan Tindak Pidana Perdagangan Orang dan Hukum Islam). *Raheema*, 4(1), Article 1. <https://doi.org/10.24260/raheema.v4i1.828>