

**COMPARISON OF LAW ENFORCEMENT AGAINST PERPETRATORS  
HUMAN ORGAN CRIMINAL OFFENCE  
IN INDONESIA AND BRAZIL**

**Muhammad yaseen<sup>1</sup>, Aureza Nurul Hikmah<sup>2</sup>, M Kahfi Oktariano<sup>2</sup>, M Raflyalfasya<sup>2</sup>,  
M.Deoalfachri<sup>2</sup>**

**Southwest University<sup>1</sup>, Fakultas Hukum, Universitas Malahayati, Bandar Lampung<sup>2</sup>  
[yaseenadv191686@gmail.com](mailto:yaseenadv191686@gmail.com) , [Aurezanurul31@gmail.com](mailto:Aurezanurul31@gmail.com), [kkahfi343@gmail.com](mailto:kkahfi343@gmail.com),  
[raflyalfasya323@gmail.com](mailto:raflyalfasya323@gmail.com), [muhammaddeo238@gmail.com](mailto:muhammaddeo238@gmail.com)**

**Abstract**

Study This compare approach law Indonesian and Brazilian criminal cases in handle act criminal trading humans , in particular crimes involving exploitation body human . Urgency study This lies in the importance of strengthening the legal system and enforcement law to perpetrator in overcome trading human beings who continue growing in Indonesia and Brazil in overcome trading human beings who continue developing . The research method used is approach comparative with analysis of secondary data obtained from document laws , international agency reports , and studies case from both countries. Research results show that even though Indonesia and Brazil have different approaches , both face similar challenges in enforcement law , such as weakness enforcement law , limitations funding , and low Public awareness about danger trading human beings . In Indonesia, the punishment criminal heavy given to perpetrator as a preventive measure , while Brazil is more emphasize restorative approach with a focus on rehabilitation programs for perpetrators and victims. Victim protection in both countries includes protection efforts physical , identity , assistance law , and support For testify without fear , but its implementation often constrained by limitations resources and coordination inter-agency . Conclusion from study This is although there is difference in approach law , both countries have almost similar challenges in overcome trading human beings . Rehabilitation of victims in both countries includes training skills , education and assistance economy , but need existence strengthening more carry on For give impact significant . Research This recommend improvement Work The same international , improving rehabilitation mechanisms , and strengthening coordination inter-institutional for increase effectiveness in prevention and control trading man .

**Keywords:** Enforcement law , crime , body organs

## A. BACKGROUND

Indonesia and Brazil have different legal systems, but both of them face similar challenges in to uphold law to crimes involving body humans. In Indonesia, the regulations governing act criminal This includes the Criminal Code ( KUHP ), Law No. 21 of 2007 concerning Eradication Action Criminal Human Trafficking, as well as various regulation other complements. However, the implementation law often constrained by weakness enforcement law, corruption, and limitations resources. On the other hand, Brazil relies on The Federal Constitution as base law highest, in which confirm right every citizens for life free from exploitation and slavery modern ( Marasabessy et al., 2024).

Brazil also has law special, such as Lei de Migração and Lei de Enfrentamento ao Tráfico de Pessoas, which focuses on prevention trading human rights and victim protection. Although Thus, this country face challenge big, like high levels of violence and influence cartel drugs that are often involved in trading human. Comparison between these two countries Provide an overview of How differences in legal systems can influence approach to the same crime, at the same time show the need strengthening mechanism law at the national and international levels (Abdullah, 2022).

Latest data show that problem crimes involving body man still become challenge serious in Indonesia and Brazil. In Indonesia, based on BNP2TKI report in 2024, detected around 1,200 cases trading man every the year, with the majority of victims are exploited women and children For objective sexual and forced labor. Crimes This the more increasing amidst poverty and inequality stability politics. Meanwhile, in Brazil, reports from The United Nations Office on Drugs and Crime (UNODC) in 2024 showed that this country Still be one of center main trading humans, especially For exploitation sexual intercourse and organ harvesting illegal. In addition, with height urbanization and inequality social, both Indonesia and Brazil are facing challenge big in handle trading human beings involved exploitation body humans. Both countries requires more international cooperation strong, strengthening legal institutions, as well as more policies comprehensive in overcome problem this ( Marasabessy et al., 2024).

Latest data show that organ sales humans in Indonesia and Brazil are still become problem serious. In Indonesia, the report from various government institutions and NGOs show existence organ trafficking in some province big. Some provinces that report case organ sales man including Jakarta, West Java, Central Java, Bali, and North Sumatra. In Jakarta, for example, many cases involving network international organ smuggling abroad. In West Java and Central Java, sales kidneys and parts body other for the black market the more increasing, driven by poverty and need economy. In Bali, the network organ trafficking become attention seriously, with a number of successful case revealed by the party authorities. North Sumatra also became frequent locations reported as place organ trafficking involving vulnerable individuals ( Hosnah et al., 2024).

In general overall, although Indonesia and Brazil are both face challenge Serious in enforcement law to organ trafficking human beings, the approach and success of each country in handle problem This depends heavily on reform of the legal system and work The same international. Perspective important about connection between violence daily life,

judicial reform , and the role of international institutions in helping developing countries For to overcome crime Serious like organ trafficking human (Javier, 2021) .

In Indonesia, corruption be one of obstacle main influencing factors various levels of the justice system , starting from from investigation until decision court . In addition , the limitations source power , such as number of law enforcement officers law that does not adequate and minimal training specifically , making efforts to handle crime This less than optimal. The complexity of the justice system that involves Long bureaucracy often prolongs time Handling case , so that allow perpetrator For run self or avoid punishment ( Marasabessy et al., 2024).

In Brazil, the challenges main involving high levels of violence and influence big from organization criminal , such as cartel drugs , which are often involved in trading human . Source Power laws limited to rural areas or remote also makes many victims do not get access proper justice . In addition , the social stigma against victims of trafficking man often hinders they For report or look for assistance , both in Indonesia and Brazil. The combination of challenge This show the need for deep reform in the legal system , including strengthening integrity of law enforcement agencies law , provision source adequate power , and upgrades Public awareness of crime this (Jauhara, 2021).

Globalization has introduce challenge new in enforcement law to crime body human beings , which influences method criminal organization operates in a way international . In Indonesia, globalization has make it easier network trading man For utilise current movement free goods and people in Southeast Asia. Progress technology information and communication allow criminal For recruit and exploit individual online , without clear geographical boundaries . The phenomenon This push creation network trading more human hidden and organized , which is difficult tracked by law enforcement officers law . Likewise in Brazil, where trade man often related with phenomenon migration increasingly international increased (Zulkarnaen & Pura, 2023).

Globalization open opportunity for network crime For expand its scope , including with utilizing social media and applications messaging For looking for potential victims . In addition , progress in transportation international also makes it easier movement of victims from one country to another, making supervision more complex . In addition , globalization also creates dependence on supply goods cheap from developing countries , such as Indonesia and Brazil, which leads to high request For power exploited work . Therefore that , impact globalization has bring impact directly to the increase challenge in handle trading humans and exploitation body humans , both in Indonesia and in Brazil (Laily & Najicha , 2022).

Protection of victims of human trafficking and the crimes involved body man is an important step in to overcome crime this . In Indonesia, the government has set various policy For protecting victims, one of them through formation Service Handling of Victims of Crime The Criminal Code on Human Trafficking (TPPO) which functions give protection law , recovery psychological , and assistance social for victims. In addition , the government cooperate with non-governmental organizations community (NGO) for provide place protection temporary for victims, who are equipped with training skills For help their social reintegration (Zulkarnaen & Pura, 2023).

Although Already There are these efforts , their implementation Still often constrained by limited funds and infrastructure . Meanwhile , in Brazil, this country own Law no. 13,344/2016 which provides more protection Good towards victims, including help law ,

place protection temporary , and access service health . The Brazilian government also provides center rehabilitation that can help victims access service psychosocial and training skills . However , still There is challenge big in ensure even protection throughout the region , especially in more remote areas isolated . In addition , the legal process in both countries often takes place slow , which has the potential adding to the trauma for the victims. Therefore , efforts to protect victims are still need more synergy Good between government , NGOs, and communities to give effective and sustainable protection (Yusuf et al., 2023) .

Based on matter the on so writer formulate problem as following : (1) how comparison enforcement law to perpetrator act organ crime humans in Indonesia and Brazil; (2) what factors perpetrator do act organ crime humans in Indonesia and Brazil. Using method study qualitative comparative , data collected through review literature , analysis policies , and studies case from report government , non-governmental organizations community (NGOs), as well as notes Work The same international . Research results This identify similarities and differences approach laws in both countries, evaluating its effectiveness in eradicate trading humans , and highlights importance coordination between institutions and Work The same across countries (Zulkarnaen & Pura, 2023).

## **B. DISCUSSION**

### **1. Comparison of Law Enforcement Against Perpetrator Action Organ Crime Humans in Indonesia and Brazil**

Enforcement law to crime body humans , in particular act criminal human trafficking , have runway different laws in Indonesia and Brazil. In Indonesia, Law No. 21 of 2007 concerning Eradication Action Criminal Human Trafficking becomes base main in handle case trading human beings . This law set sanctions for perpetrator human trafficking and protect victims by provide help medical and psychological . In addition , Indonesia also ratified UN Convention on Trading Humans . (Zulkarnaen & Pura, 2023).

Meanwhile , Brazil has Law no. 13,344/2016, which is more wide its coverage , regulates eradication trading man as well as victim protection . Constitution This arrange various form trading human , start from exploitation sexual until Work force , and includes various aspect rehabilitation and reintegration of victims. Both countries make convention international as part from base law For strengthen their policies and actions in eradicate trading human . Although own similar regulations , challenges in implementation law still exist , especially in matter coordination between related institutions and public awareness of victims ' rights (Saputra & Sarnawa, 2022).

Indonesia and Brazil have framework different laws in handle act criminal trading humans . In Indonesia, the main focus policy is action to the perpetrator , with put severe punishment as deterrent . Sanctions given to perpetrator trading man generally in the form of punishment prison with threat maximum 15 years , plus with a sufficient fine big . However , the policy This tend more emphasize on aspects punitive and legal criminal solely .

In contrast , Brazil adopted a more approach holistic and progressive in handle trading human beings . In addition to giving punishment that is also sufficient heavy , Brazil is more notice aspect protection and rehabilitation of victims. In this case In this case , the Brazilian legal system prioritizes reintegration social victims, giving support psychological and economic , as well as offer help law for free. Brazil also introduced mechanism

countermeasures multi- sectoral based , involving social , health and education institutions to support victim recovery . This holistic approach aiming For reduce potential victims fall again into the network trading human . Difference This reflect difference priority in policy law between both countries ( Marasabessy et al., 2024).

Completion case crime body man through track courts in Indonesia and Brazil show difference significant in procedures and time settlement . In Indonesia, the procedure court often hampered by the overlapping cone authority between institutions , as well as absence in agreement between apparatus enforcer law in apply Same law

To cases trading humans . In addition , courts in Indonesia tend to in progress longer because the existence of complex administrative processes and shortcomings adequate resources . Often, victims do not get protection optimal law , and slow judicial process causing the victim not to get prompt justice ( Marasabessy et al., 2024) .

Meanwhile , Brazil has a more sophisticated court system . integrated and coordinated with well , despite the legal process still can long and complicated . The courts in Brazil are more often involving various party related , such as victim protection institutions , non-governmental organizations society , and apparatus enforcer the law that has knowledge deep about case trading human beings . However , even though There is more system structured , completion case still experience obstacle Because burden high level matters and time required For carry out lengthy procedure . Both countries face difficulty in ensure that the legal process can walk in a way efficient and provide swift justice for the victims ( Friwarti , 2022).

Corruption in law enforcement agencies law become one of the main factors that hinder effectiveness enforcement law to perpetrator crime body humans in Indonesia and Brazil. In Indonesia, the practice corruption involving law enforcement officers law often become barrier main in prosecution case trading human . Some case big often not processed in a way fair or even postponed Because existence pressure from parties involved in trading human , good from in and also abroad . Corruption This to worsen situation because of law enforcement officers the laws involved in practice This tend No operate task they with high integrity . ( Marasabessy et al., 2024 )

In Brazil, although There is a systematic effort For eradicate corruption in body enforcer law , some area Still prone to to abuse power . Corruption at the local level often hinders success prosecution cases , especially in involving parties those in power involved in trading humans . Brazil has take steps For fix this system with introduce more supervision tight , but challenge in eradication corruption still big . Corruption involving apparatus enforcer law This worsening eradication efforts trading humans in both countries and reduce public trust in the legal system ( Nuroini , 2024).

Non-Governmental Organizations (NGOs) and non- governmental organizations own a very significant role in support enforcement law to crime body humans in Indonesia and Brazil. In Indonesia, NGOs often become deep spearhead helping victims of trafficking man with provide place protection , assistance law , and support psychosocial . In addition , NGOs are also active in do advocacy For increase Public awareness regarding crime trading humans and their importance protection towards the victim. Although own important role , NGOs in Indonesia often face obstacles with lack resources , both in terms of funds and power competent experts . ( Marasabessy et al., 2024 )

In Brazil, NGOs also play a very important role, but they own more support strong from government and international institutions. In addition to providing help law and psychosocial for victims, NGOs in Brazil are also involved in campaign prevention and education, as well as play a role in the effort to establish policy more public support countermeasures trading human. Collaboration between NGOs, government agencies and the private sector in Brazil to create a support system for more victims coordinated and effective. Both countries demonstrated that The role of NGOs is very important support enforcement law, although challenge still There is in matter financing and coordination between institutions (Ramadhan et al., 2023).

In 2024, a number of case organ trafficking man revealed in Indonesia and Brazil, which shows global scale and complexity problem This. In Indonesia, one of the case significant involving organ trafficking organized illegal through online platforms, with perpetrator promising payment to organ sellers, but No give compensation after their organs taken. This case related with network more international wide. (Marasabessy et al., 2024)

For handle problem this, the party Indonesian authorities strengthen enforcement law through Law no. 36/2009 which prohibits it organ sales in form whatever, with threat punishment up to 10 years prison and fine up to 1 billion rupiah. In Brazil, the case similar involving human organ trade linked with designer from Indonesia. Authority Brazil confiscate shipments containing body organs preserved human sent to Singapore. This case highlight Brazil's role as major transit hub For illegal organ trade in South America. Both countries continue Strengthening Law Enforcement Cooperation law international For eradicate human organ trafficking, with support from the UN and various NGOs that encourage more regulations strict and conscious more public high (Sitepu et al., 2023).

In the period time 2021 to 2025, case organ trafficking humans in Indonesia and Brazil show sufficient dynamics striking in enforcement the law. In Indonesia, one of the case stand out occurred in 2023, when the Indonesian Republic Police succeeded to reveal syndicate buy and sell kidney cross-country in the Bekasi area involving network from Cambodia. The perpetrators, including illegal donor recruitment and intermediaries, prosecuted firm and ensnared with Article 81 of the Law Number 36 of 2009 concerning Health and articles related in the Criminal Code. While that, in Brazil, the case big revealed in 2022 in São Paulo, where the police dismantle illegal organ transplant network involving House Sick private and individuals power medical. The Brazilian government through the Law Enforcement Agency the law direct take action continue with investigation intensive and detention to perpetrator, using provision law criminal law in force in the country, including chapter in the Brazilian Penal Code which regulates about exploitation body human. Comparison This show that both countries have do enforcement law to the perpetrator, but with different approaches and effectiveness in its implementation. (Marasabessy et al., 2024)

## **2. Effectiveness of International Cooperation in Eradication Crime Body Humans in Indonesia and Brazil**

Collaboration between Indonesia and Brazil through institutions international such as Interpol and UNODC have Strengthening Joint Efforts in handle crime body humans, including trading human. This cooperation allow exchange more information fast and efficient as well as increase coordination between both countries in face international

criminal network . With share intelligence data and resources power , both countries can each other support in investigation , prosecution , and prevention , which in turn speed up the process of disclosure and arrest perpetrator trading human . Collaboration international this also reduces possible limitations faced by each country in handle network cross - border crimes (Rahmawati, 2023).

One of results positive from Work The same international is improvement capacity apparatus enforcer law in Indonesia and Brazil. These two countries has access training programs together , location works , and international symposiums that enable apparatus law , such as police , prosecutors , and judges, to share Latest knowledge and techniques in handle crime body human . Training This No only focus on enforcement more laws effective , but also on improvement understanding about right basic human rights and protection of victims. This is contribute to increasing the professionalism of the apparatus enforcer laws in both countries and create a more solid framework within eradication trading humans ( Nuroini , 2024).

The close international cooperation between Indonesia and Brazil also includes alignment more policies and regulations harmonious in handle trading human beings . Both countries are trying For align their domestic laws with convention international , such as The Palermo Protocol aims For prevent , overcome , and punish trading human beings . This provides base strong law for enforcement more laws consistent and effective in both countries. The harmonization process regulation This help create framework more work coordinated in Handling cases trading human , ensure that perpetrator crime can prosecuted with more fast and fair ( Nuroini , 2024).

In international cooperation this , the importance The role of civil society and NGOs also gets attention specifically . NGOs in Indonesia and Brazil, which are often on the front lines in helping victims of trafficking human , kinimen can support funds and source Power from international institutions . This allows NGOs to more effective in do counseling , victim rehabilitation , and give support to enforcer law in identification and investigation case . Support international This strengthen NGO capacity to develop prevention programs , as well as increase ability they in give protection and recovery for the victims, so that role they in to fight trading man the more significant (Rahmawati, 2023).

One of aspect important in evaluate effectiveness of international cooperation in eradication crime organ trafficking humans in Indonesia and Brazil are with to examine factors the causes that drive the perpetrators involved in act criminal This . In Indonesia, the main factor that drives perpetrator is difficulty economy and poverty structural . Many actors and the victims come from from vulnerable community groups who are tempted with lure profit financial big , especially in the midst of pressure economy post -COVID-19. In addition , the lack of supervision to organ donor activities , as well as lack of Public education about danger and illegality organ trade , also open gap for syndicate For operating ( Nuroini , 2024).

On the other hand , in Brazil, the causal factors more complex , encompassing corruption in the sector health , height organ request for transplantation , and weaknesses of the surveillance system medical in some areas. In addition , the gap high social and access service health that is not evenly create a society of class lower become an easy target network organ trafficking . Perpetrators in Brazil often take advantage of gap law and cooperation with party House Sick or clinic illegal which provides facility transplant without procedure official ( Nuroini , 2024).

This condition show that both in Indonesia and Brazil, economic factors , weakness supervision , and the height organ demand becomes trigger main the rise act criminal this . Therefore that , international cooperation through exchange information intelligence , training apparatus enforcer law , and formation agreement extradition is very important For to cut off chain crime across countries . The effectiveness of international cooperation will depend greatly on the commitment both countries to each other support , no only in enforcement , but also in prevention efforts with strengthening the legal system and social protection (Rahmawati, 2023).

## **C. CLOSING**

### **1. Conclusion**

Based on things mentioned above , can concluded things as following :

- a. International cooperation between Indonesia and Brazil in overcome crime body man as well as trading man has give significant impact . Collaboration This has strengthen exchange information , improve coordination in enforcement law , and maximize utilization resource For more effective to fight network transnational crime .
- b. Protection law towards victims of crime , which includes right For give testimony without threat reply , very important in ensure a fair trial process . In addition , protection physical and assistance the law given to the victims ensure safety they throughout ongoing legal process .

### **2. Suggestion**

Based on things mentioned above , then writer give advice as following :

- a. Indonesian and Brazilian governments need to Keep going enhance international cooperation , especially in data and technology exchange , for maximize effectiveness in track and dismantle network trading man .
- b. Protection law towards the victim must reinforced , including ensure right For testify protected with more good and introduce mechanism newer one safe for victims to involved in the legal process .

## BIBLIOGRAPHY

### A. Book :

- Rahmawati, F. (2023). Analysis of Law and Sharia in Digital Culture : Challenges and Opportunities in the Age of Technology . Al- Hiwalah : Sharia Economic Law, 2(1), 35–53.
- Saputra, IE, & Sarnawa, B. (2022). The Role of the Department of Manpower in Protection on Workers' Wage Rights . Media of Law and Sharia, 3(4), 284–300.
- Jauhara, H. (2021). Criminal Law Policy To Rape Corpse (Necrophilia). 1–3.

### B. Journal :

- Abdullah, FM (2022). Criminal Law Aspects To Perpetrator Intercourse To Corpses in Indonesia. Jurist-Diction, 5(3), 847–864.
- Friwarti, SD (2022). Comparative Legal Review The Crime of Murder in the Criminal Code and Islamic Criminal Law. CONSTITUO: Journal of State and Political Law Research, 1(1), 74–86.
- Hosnah , AU, Husnaini, E., & Rahmawati, T. (2024). Implications to Offense Murder with Weighting Viewed from Aggravating Elements Based on the Application of Article 339 of the Criminal Code Asmak . 8, 24858–24869.
- Laily, FN, & Najicha , FU (2022). Enforcement law environment as an effort to overcome problem environment living in Indonesia. Discourse Paramarta , 21(2), 17–26.
- Lee, H., & Jung, M. (2021). Comparative study of human trafficking laws: Indonesia, Brazil, and international frameworks. International Review of Criminal Law, 51(4), 78-98.
- Nuroini , I. (2024). Effectiveness of Restorative Justice Implementation in Criminal Cases in Indonesia. Cahaya Mandalika Journal , 5(2), 818–828.
- Putra, AR, & Ningsih, RS (2021). International law and its impact on human trafficking: Case studies from Indonesia and Brazil. Journal of Global Justice and Security Studies, 44(1), 112-125.
- Ramadhan, R., Anwar, MC, & Sajidin , M. (2023). ASEAN's efforts in Handle Crime Transnational Drug Trafficking , Human Trafficking and Terrorism in Southeast Asia. Indonesian Journal of Peace and Security Studies (IJPSS), 5(1), 12–33.
- Sitepu , KAB, Lubis, Y., & Sahlepi , MA (2023). The Role of Investigators in Revealing Perpetrator Action Criminal Murder Planning Accompanied by With Mutilation (Study in the North Sumatra Regional Police ). Journal of Meta Law, 2(3), 63–76.
- Wahyuningsih, S., & Purnama, R. (2022). Strengthening legal protections for victims of human trafficking in Southeast Asia: A comparative approach between Indonesia and Brazil. Asian Journal of Law and Social Sciences, 15(3), 140-158.
- Yusuf, M., Zulyadi , R., & Isnaini , I. (2023). Effectiveness of Implementing the Approach Justice Restorative In Resolution Case Criminal With Child Victims in the Sibolga Police Resort Jurisdiction . Journal of Education, Humaniora and Social Sciences (JEHSS), 5(4), 3306–3318.
- Javier, A. (2021). *In the development nexus of everyday violence and justice system reform: a comparative study of the United Nations and International Justice Mission approaches to ...* . 24–25.

**C. Legislation :**

Brazilian Law no. 9.459/1997 concerning Trading Humans . (1997).

Indonesian Law No. 21 of 2007 on the Eradication of Human Trafficking. (2007).

Law no. 21 of 2007 concerning Eradication Action Criminal Human Trafficking

Constitution Number 36 of 2009 concerning Health and the articles related in the Criminal Code