

TRAFFICKING IN HUMAN BEINGS AND SMUGGLING OF MIGRANTS AS FORMS OF TRANSNATIONAL ORGANIZED CRIME

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Abstrak

Globalisasi yang ditunjang oleh kemajuan teknologi informasi menyebabkan kejahatan internasional, termasuk perdagangan manusia dan penyelundupan tenaga kerja, berkembang mengambil bentuk-bentuk canggih yang semakin mengancam otoritas negara-bangsa. Lebarnya kesenjangan antara negara-negara maju dan negara-negara miskin turut mendorong perkembangan dua jenis kejahatan internasional tersebut. Tulisan ini berusaha mengungkap pengertian, cara operasi, spektrum kejahatan, dampak, dan prospek penanganan kejahatan perdagangan manusia dan penyelundupan tenaga kerja.

Keywords: trafficking in human beings, smuggling of migrants, transnational organized crime, international instruments.

.A. PENDAHULUAN

The interest of scholars and practitioners in transnational crime took off in earnest during the 1990s, amid significant political and economic developments in the international system. The end of the Cold War, the demise of the Soviet Union shortly afterward, and the emergence of new states in Eastern Europe in this period marked the beginning of a new era. By the mid-1990s, the relatively orderly Cold War system had given way to a world of greater uncertainty and an evergrowing number of perceived threats to nation-states. These new developments, coupled with immense technological changes in recent years, have heightened our concern over nation-states' vulnerability to cross-border criminal activity.

Migration is not a new phenomenon; it is as ancient as humanity itself. More recent, on the contrary, are the illegal organization of migration and the exploitation of migrants in destination countries by organized criminal groups. These represent a new form of transnational offense. During the past decade, in fact, immigration has become a profitable area for organized criminals, who have started to provide migration services for people from less-developed regions of the world seeking to reach richer countries. Organized criminals have recognized the opportunities for business and moved in.

The smuggling of migrants is a continuously evolving transnational criminal activity. The organized criminal groups involved exploit legislative loopholes and regulatory asymmetries among countries to maximize their profits and reduce their risks. Throughout the world, this illicit activity has acquired stable organizational complexity and relies on the protection of public officers and collusion among different criminal organizations in different areas of the world. The increase in the criminally organized supply of illegal migration has also accentuated the exploitation of migrants in destination countries, where they are set to work in deviant markets such as drug pushing, begging, prostitution, and illegal or untaxed labor. And it has given rise to the phenomenon of trafficking in human beings for the purpose of exploitation.

This paper seeks to answer the following questions: (1) What criminal activities constitute trafficking in human beings and smuggling of migrants? Are there internationally accepted definitions that can be used? (2) How are these two criminal activities undertaken? (3) What is the impact of these crimes? (4) What efforts have been made to combat these crimes at the national and international levels?

B. PEMBAHASAN

B.1. Definitions

The international community has been slow to produce normative definitions of human trafficking and the smuggling of migrants or alien smuggling. The need for definitions that distinguish between these two phenomena has arisen for several reasons that relate to the practice of law enforcement, criminological and victimological factors, and policy perspectives, namely: (1) At the level of domestic investigative competencies, the two illicit activities have often fallen within the remits of different bodies (2) The criminal groups engaged in one or the other of the two activities may be different; they may be independent from each other, and they may have different *modi operandi* (3) The characteristics of the victims of human trafficking, and their relationships with the criminals, differ from those of the victims of smuggling (4) Trafficking and smuggling have had different political significances over time. Whereas illegal immigration has always been a national and international priority, as a problem of security and public order, trafficking in human beings has only recently come to the attention of national governments and international organizations (5) During the 1990s, the distinction consolidated in a *de facto* manner until it was definitively formalized, in 2000, by the two protocols supplementing the U.N. Convention against Transnational Organized Crime.

The first of these two protocols deals with the trade in human beings for the purpose of exploitation. The second concentrates on illegal immigration organized by criminal groups. These protocols were intended to fill gaps in the international legal regime, and among their various objectives was the harmonization of criminal legislation by the states parties to combat the criminal activities in question.

The definition of trafficking in persons is contained in Article 3 (a) of the relative protocol. *Trafficking in persons* is the activity that consists in the “recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.” This article also defines what must be considered exploitation, specifying the types of illicit market into which a person may be forced and then exploited: “Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”

According to Article 3 of the Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the U.N. Convention against Transnational Organized Crime, *the smuggling of migrants* consists in “the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a state party of which the person is not a national or a permanent resident.” Subparagraph (b) of the same article defines illegal entry as “crossing borders without complying with the necessary requirements for legal entry into the receiving State.”

A further defining feature of the smuggling of migrants is the intention to obtain a benefit, either financial or material. The profit motive is therefore necessary. Unlike the protocol on trafficking outlined above, this protocol's definition of smuggling makes no reference to the migrant as a victim and states no provisions regarding his or her consent to the criminal activity. This choice—namely, not to

consider a person who voluntarily uses smugglers as a victim—is justified if one considers the role played by the would-be migrant, which is not passive but active. The would-be migrant wants to migrate and invests his or her capital to do so. Almost all smuggling operations are based on a contractual relationship between the would-be migrants and the smugglers. The former buy a service (transport across the borders of a given foreign country); the latter gain by using their migratory skills and expertise to provide the service.

The above international definitions may be considered the normative standards in this particular field. Countries are already incorporating them into their legislations: If we consider a regional context like that of the European Union (E.U.), for instance, the definitions of trafficking and smuggling set out in E.U. legislation replicate those of the U.N. protocols.

B.2. Causes of Trafficking in Human Beings and Smuggling of Migrants

Why are there people in the world who fall prey to traffickers and smugglers? The two criminal activities often have common origins. As a general rule, traffickers and smugglers exploit impoverished and vulnerable individuals seeking a better life (U.S. Department of State, 2003, p. 6). That is to say, the differences of well-being among the countries of the world, and perceptions of those differences, are the main factors responsible not only for emigration but also for the criminal activities of migrant smuggling and trafficking in human beings.

More systematically, there are two categories of factors influencing the criminal activities under scrutiny: (1) those that force people to leave a country and to resort to trafficking or smuggling services (push factors) and (2) those that make the final destination countries attractive for those people (pull factors). Push factors comprise the dissolution and disintegration of multicultural states, accompanied by religious and ethnic conflicts, natural disasters, discrimination, political instability and civil wars, economic situation, uncontrollable population growth, vast differences in population and economic growth, and impoverishment. Pull factors, by contrast, are the ones that render richer countries desirable to would-be migrants. They include a shortage of manpower, comprehensive social security, a positive economic situation, democratic systems of government, political and social stability, historical links between the countries, common languages, existing communities, and expectations (Bales, 1999).

Among the specific causes of human trafficking for exploitation, the International Organization for Migration (IOM) cites the globalization of transport, markets and labor, especially with reference to the exploitation of women in sexual markets, and the socioeconomic inequality of women in their origin countries (IOM, 2002, p. 23). All these factors relate to the supply side. However, some authors maintain that it is, instead, demand that plays the primary role (Keeler & Jyrkinen 1999; O'Connell & Taylor, 2001).

At this point, if the above-mentioned factors are the causes of trafficking in women and children, one may inquire as to why in East and Southeast Asia there is also large-scale trafficking in women and children for sexual exploitation to countries that are not particularly wealthy and are hard to imagine as attractive, at least compared with Western countries. For instance, women and children are trafficked from Burma/Myanmar, Cambodia, and Vietnam to India, Malaysia, Pakistan, and Thailand, countries in precarious economic circumstances (Ministry for Foreign Affairs, 2001, pp. 16–22). At least two explanations can be provided for this phenomenon. First, the factor that induces people to resort to traffickers is a well-

being differential between countries, and this may arise even in a very poor region. That is to say, the concept of the well-being differential is a relative one. Second, some of the destination countries in East and Southeast Asia have good tourist relations and connections with Western countries, and they have become centers of sex tourism. In this case, demand indeed plays a specific role in shaping the phenomenon (O'Connell, 2001, pp. 25–28).

B.3. A Spectrum of the Organized Crime Groups Involved

Trafficking and smuggling activities affect almost all the countries in the world—classified as those of origin, transit, or destination—but the level of involvement by criminal organizations varies a great deal. By organizing themselves to commit crime, offenders are able to maximize expected gains and minimize the risks of punishment (McIntosh, 1975, p. 14), and it is a process similar to the conduct of any legal entrepreneurial activity (see, for instance, Hatch, 1997). The trafficking and smuggling of humans can be straightforwardly interpreted on the basis of a business model (Aronowitz, 2001; Salt, 2000, p. 49; Salt & Stein, 1997). This also aids understanding of why individually run enterprises are not particularly common in these markets, which are almost entirely composed of organized crime groups, of different type and form and often cooperating with each other. This “business metaphor” can be used to describe the criminal groups involved in trafficking and smuggling across a spectrum that ranges from less to more transnational and organized.

Individual entrepreneurs (so-called amateur smugglers or traffickers). This category includes individuals who traffic one or two children or women and exploit them on a private basis or those who provide a single service to migrants (such as transport for a border crossing or locating employers willing to employ illegal migrants in destination countries). The latter are occasional smugglers who gain small sums by supplying national and international transportation. They are usually the owners of taxis, small boats, or trucks used to transport small groups of people departing from secluded coastal areas, effecting short sea passages, and crossing insufficiently guarded frontiers. This activity is not the main source of income for these individual entrepreneurs: It falls under the heading of spontaneous illegal nonorganized and unsophisticated trafficking and smuggling. Very often, these criminals are merely those who do the “dirty work.” Bigger and more sophisticated criminal syndicates may rely on them to undertake particularly risky parts of trafficking or smuggling operations, treating them as hired labor. In many criminal investigations and prosecutions around the world, it is these persons who get caught, but they are only the last link in the chain, and they can be easily replaced. Examples of this category are individual criminals trafficking women to countries of the E.U. or the *passeurs* who smuggle migrants into Italy or the coyotes who hide migrants in the back of trucks and smuggle them across the U.S.-Mexican border.

From homemade businesses to small enterprises. The groups in this category range from those that display very rudimentary forms of organization through loose trafficking groups with a small number of affiliates to small illegal groups composed of well-organized criminals specializing in the transport of migrants from one specific country to another using tried and tested routes. Although all these criminal groups are more specialized than occasional smugglers, their influence is limited to a small number of countries, usually only two. This is the case of certain “alien smugglers” in Central America, which, because they are not large-scale organizations, can be better described as independent smugglers cooperating

in loosely linked networks. They operate as regional subcontractors with associates in Asia, South America, and the United States, covering a limited area (one or two countries) from where they pass the migrants on to other smugglers or guides (U.S. Government, 2000, p. 115). A similar system operates in Europe, where numerous small and loosely connected gangs traffic women to be exploited in the prostitution markets of the E.U. countries. During their journeys, the women are repeatedly sold on, at different prices, from one small group to another until they at last reach their destinations and their final “owner-exploiters.” It is worth noting that the closer they get to the final destination, the higher their price becomes (Transcrime, 2002, pp. 178–192). Generally speaking, numerous gangs throughout the world engaged in trafficking for sexual exploitation fit this position on the spectrum.

Medium and large enterprises. This category comprises very well-organized transnational groups, more highly structured, sometimes involved in a variety of criminal activities, with high levels of expertise, run on a broader geographical (regional or interregional) basis, and invariably operating in more than two countries. Fitting this description, for instance, are Albanian smugglers and traffickers, certain Eastern European groups, the Turkish Mafia, and Nigerian criminal organizations (Richard, 2000, pp. 57–51; U.S. Government, 2000). With reference to Eastern European groups in particular, an example of a medium enterprise is provided by a well-structured Slovenian criminal group that trafficked women from Russia, Moldova, and Ukraine, through Hungary, the Republic of Serbia and Montenegro, Croatia, and Slovenia to Italy. The group was also involved in the smuggling, along the same route, of people from China and Bangladesh on behalf of Asian criminal syndicates, which subcontracted the intermediate part of the journey to the group (Di Nicola, 2003, p. 113). The Turkish Mafia—which smuggles Kurds, but also Iranians and Afghans, from Turkey to Italy and Germany—is well structured and hierarchical. A *cupola* (the main board of the criminal organization) supervises the entire operation, and the organization comprises a variety of different roles: from those of its members who recruit migrants, gather them together, and load them onto boats to those who escort migrants during the journey and contact people in the destination countries (Transcrime, 2003). Nigerian criminal groups traffic their nationals for sexual exploitation, especially in Italy and Spain. These groups consist of recruiters and exploiters, all of them of Nigerian nationality, the former operating in Nigeria and the latter in the destination country (Transcrime, 2002, pp. 178–194). Nigerian groups “also facilitate illegal immigration of Nigerian nationals to metropolitan areas around the world” (U.S. Government, 2000, p. 104).

Multinational enterprises (international networks). This last category includes only the multinationals of trafficking and smuggling: organizations able to transport their migrants and trafficking victims over thousands of miles, often through several countries and continents, and with logistical bases in various nations. Most noteworthy among these criminal syndicates are Chinese Triads and Japanese Yakuza groups (Richard, 2000), which smuggle or traffic their conationals around the world. These groups, too, can be described as networks in which only the key roles are covered by nationals who use the assistance of other criminal groups.

In the light of the above spectrum, current trends can be summarized as follows:

1. The greater the distance to be covered and the more countries to be passed through from the origin to the destination, the more sophisticated and the better organized are the criminal groups involved.

2. Migrant smuggling and human trafficking for the purpose of labor exploitation require a larger number of actors and a higher level of expertise than does trafficking in human beings for other purposes. Consequently, criminal organizations engaged in migrant smuggling and human trafficking for the purpose of labor exploitation are usually more sophisticated and more complex.
3. Loose networks are increasingly common in this area of criminal enterprise. They consist of networks of individuals or of criminal groups, and they display considerable dynamism and fluidity. Hence every attempt to give them static definition—such as the one made above—is in danger of distorting the reality. Those that have been called “individual entrepreneurs,” “small and medium/large enterprises,” and “multinationals” may work together for specific and contingent purposes, with each group furnishing its specific expertise and acting as just one node in a wider network. Of course, there are also individual large syndicates, but they are frequently not monolithic and hierarchical but flexible in their structure.
4. Smuggling enterprises are usually specialized and nonopportunistic, a feature that may differentiate them from trafficking groups. That is, they do not display a tendency, like certain criminals do, to shift from one illicit activity to another, diversifying their operational sectors on the basis of mere opportunism alone. This may instead be the case of criminal organizations trafficking in human beings for sexual exploitation.

B.4. Organizing a Trafficking/Smuggling Enterprise: Basic Principles

Organized crime groups operating in the trafficking/smuggling of human beings act in accordance with an organizational rationale. The manner in which they organize their businesses by seeking out and combining resources essential for the trafficking/smuggling of human beings (Ekblom & Tilley, 2000, p. 382) is governed by a rational logic of risk reduction while maximizing economic results. Among the basic principles applied by criminal organizations as they undertake these criminal activities are the following:

Networks/Alliances and outsourcing. As we have seen, the organized crime groups operating in the field can be most aptly described as *networks*. The term may mean two things: that an individual group consists of a loose network of individuals or that an entire smuggling/trafficking operation is carried out by an articulated network of crime groups linked by alliances. If one of the criminal groups maintains the leading role, the best way to describe the relationship is *outsourcing*. In this case, a central unit with numerous subunits provides specific services. The outsourcing of individual tasks to other criminal organizations or individuals is often essential for the management of trafficking/smuggling activities, and it occurs when human or material resources or both are drawn from outside the main criminal group. It frequently happens that the criminal enterprise retains the core business and allocates some parts of the activity to other more skilled or less risk-averse criminals. Outsourcing is used especially during the transfer and entry phases, but it is not uncommon during the other phases as well (Di Nicola, 2003, p. 118).

Division of labor. Like all serious legal enterprises, criminal groups seek to increase their efficiency by differentiating the roles to be assigned within the organization. “Separating tasks and filling functional positions with qualified members protects the organization as a whole” (Schloenhardt, 2001, p. 341). Possible roles within a trafficking/smuggling criminal organization may be the following:

arranger/investor, recruiter, transporter, corrupt public official or protector, informer, guide and crew member, enforcer, supporting personnel and specialists, debt collector, and money launderer (Schloenhardt, 1999, pp. 93–95). When criminal organizations look for people to fill these positions, it is likely that they will find some of them within the legitimate sphere. Thus, *using the assistance of individuals from the legitimate sphere in the recruitment, transportation, entrance, and exploitation phases* is an extremely common feature of trafficking/ smuggling groups. As seen above, contacts with victims and would-be migrants are established during the recruitment phase mainly by word of mouth, advertisements in local newspapers, and the use of travel and employment agencies. The more sophisticated these techniques, the more the supply of human beings will be constant and wide. The complexity of the method is indicative of the specialization of a criminal group. The second factor to be emphasized is the connivance and help received by traffickers/ smugglers from taxi drivers, the owners and/or managers of hotels, the landlords of houses and apartments, and the owners of legal commercial establishments. These “legal facilitators” work for profit and turn a blind eye to the criminal activity, thereby aiding and abetting it. Some are occasionally convicted, but they are more frequently charged and then acquitted for lack of evidence. These phenomena require careful study, because they are dangerous forms of crime and they are essential if traffickers/smugglers are to minimize their risks and develop their criminal activities. There is no doubt that if these services were not available, the entire organization of the trade would be much more complicated (Di Nicola, 2003, p. 117).

Horizontal interdependencies among criminal activities (diversification). Some crime groups, especially if they are medium to large enterprises and are involved in trafficking for exploitation, may engage in other criminal activities as well (especially drugs and arms trafficking), using organizational skills and tools developed in other sectors to move into new sectors. When this happens, the crime group is endeavoring to diversify its criminal activities in much the same way as an investor diversifies his or her investments to reduce risks and earn higher profits.

Vertical interdependencies among crimes (specializations of criminal activities). The transfer and entry phases of the trafficking/smuggling chain may involve a vertical interdependence among crimes. This occurs when organized criminals commit an offense but also perpetrate a series of intermediate or instrumental crimes as they do so. The commission of a crime of particular importance (in terms of effects or gains) is thus flanked by a chain of concomitant offences. In the case of trafficking in human beings for sexual exploitation, a series of crimes are committed and linked together to profit from the exploitation. They include, for instance, the counterfeiting of documents, the corruption of public officials, the use of compliant individuals who aid and abet traffickers by providing food and lodging for the women trafficked, and breaches of the law on legal immigration. All this displays a pattern of specialization: The more criminal groups commit interdependent offenses, the more they are specialized and the more they reduce their risks of being caught, imprisoned, and having their goods confiscated (Adamoli et al., 1998, pp. 16–18).

Using control devices during the exploitation phase. To minimize their risks, the traffickers of human beings for exploitation exert various forms of control over their victims (in the exploitation phase or during the journey). Seizure of victims' identity documents is a first control device. After the victims have been deprived of their documents, they may be provided with false ones, and new identities may be given to them as well, these being changed from time to time to avoid recognition by

the police during checks. Violence and menace are common because they undermine the victims' self-confidence. This is especially the case of women forced into prostitution, where the accommodation system also enables the exploiters to keep control over them: Even when the victims are not locked inside houses or rooms, the exploiters are able to monitor their movements. Exploiters of women resort to other devices as well, such as driving the victims to their workplaces, protecting them while working, fixing the prices of services, and giving the women an exact number of condoms. These stratagems ensure close control over the victims. For example, the method of fixed prices and a given number of condoms enables the exploiters/controllers to determine whether the women's daily income corresponds to the number of sexual services provided, and to detect any theft of the money earned during the day by the prostitutes. The role of the controllers is crucial, because they are in constant contact with the victims by mobile phone and warn them of problems (e.g., the presence of the police). They also collect all the women's daily earnings.

B.5. Estimating the Scale of the Phenomenon

The U.S. government estimates that 500,000 illegal aliens are brought into the country annually by alien smuggling networks. It also estimates that in 1999 Chinese smugglers helped 30,000 to 40,000 Chinese to enter the United States (U.S. Government, 2000, p. 22). Other recent estimates are very difficult to find, however. An early and widely cited survey was conducted by the International Centre for Migration Policy Development (ICMPD, 1994) for 1993 and estimated that between 100,000 and 220,000 migrants had used the help of smuggling syndicates, in one or several phases of the transfer, to reach a Western European country in that year. The ICMPD estimate was based on the assumption that between 15% and 30% of the immigrants (250,000-300,000) entering Europe illegally had used traffickers, and that between 20% and 40% of those requesting asylum without genuine entitlement (estimated at 300,000) had done so as well (Widgren, 1994).

In regard to trafficking, according to government and nongovernmental experts in the field, between 700,000 and 2 million women and children are trafficked globally each year (Richard, 2000, p. 3). A recent U.S. government estimate—which includes men, women, and children trafficked into forced labor and sexual exploitation and does not include internal trafficking movements—indicates that about 800,000 to 900,000 people are annually trafficked across international borders in the world, with 18,000 to 20,000 of them having the United States as their final destination (U.S. Department of State, 2003, p. 7). Yet it has also been reported that some years previously, in 1997, according to U.S. government estimates, 45,000 to 50,000 women and children were trafficked into the United States in that year alone, which was 6% to 7% of the world total (U.S. Government, 2000, p. 25). Approximately 30,000 women and children were being trafficked into the United States annually from Southeast Asia, 10,000 from Latin America, 4,000 from the Newly Independent States and Eastern Europe, and 1,000 from other regions (Richard, 2000, p. 3). It is evident, therefore, that official estimates suffer from some inconsistencies. The IOM (2001a) has reported that until recently an estimated 500,000 women had been trafficked from Bangladesh to India to work in the sex industry and that every year, 5,000 women and girls from Nepal are forced into prostitution in India.

The above-mentioned figures notwithstanding, it should be stressed that estimating hidden phenomena such as trafficking and smuggling in humans is very

difficult and that every estimate runs the risk of becoming a “guesstimate.” Research may either overestimate or underestimate the phenomenon.

B.6. What International Instruments Ask Countries to Do

The international community has become aware that a three-pillar approach is needed to tackle trafficking in human beings and the smuggling of migrants. The three pillars are *repression*, *prevention*, and *protection* of and *assistance* to victims. All the recent international instruments enacted on trafficking/smuggling matters consider these three sets of policies.

Numerous countries around the world have committed themselves to the fight against human trafficking and migrant smuggling of migrants, and they have recently undertaken legislative reforms to strengthen their normative instruments. Nevertheless, there is still a great deal to be done; the efforts made thus far are not uniformly distributed around the world—as evidenced by the results of the recent *Trafficking in Persons Report* of the U.S. Department of State (2003). This report, issued to Congress as required by the Trafficking Victims Protection Act, attempts to group the world's countries according to their variance from the act's “minimum standards for the elimination of trafficking.” The Trafficking Victims and Protection Act of October 2000 was intended to combat trafficking by ensuring the effective punishment of traffickers, enhancing protection for victims, and creating significant mandates for the Departments of State, Justice, Labor, and Health and Human Services and the U.S. Agency for International Development. It has proved an effective legislative instrument against trafficking.

According to the act's “minimum standards for the elimination of trafficking,” governments should (1) prohibit trafficking and punish acts of trafficking; (2) prescribe punishment commensurate with that for grave crimes, such as forcible sexual assault, for the knowing commission of trafficking in some of its most reprehensible forms (trafficking for sexual purposes, involving rape or kidnapping, or that causes a death); (3) prescribe punishment that is sufficiently stringent to deter and that adequately reflects the offense's heinous nature for the knowing commission of any act of trafficking; and (4) make serious and sustained efforts to eliminate trafficking (U.S. Department of State, 2003, p. 15).

C. PENUTUP

The criminal problems discussed in this paper result from a set of intractable variables, as follows: *First*, differentials in well-being among the countries of the world. A two-speed split between West and East and North and South (i.e., a split between two worlds—rich and poor, two worlds evolving at different speeds) has developed, and it continues to grow apace. *Second*, the almost unconditional closure of their borders by rich countries and their general lack of coherent policies for the integration of newcomers. *Third*, the continuing absence of a tough criminal law framework against smugglers and traffickers and the difficulty of effective investigative and judicial cooperation. *Fourth*, the insufficient harmonization of migration policies, visa regimes, crime prevention, and crime control policies across the countries of the world.

All these variables influence the balance between opportunities and risks that rational criminals weigh before undertaking a new criminal activity. As long as there are easy opportunities (with high profits) and low risks, the trafficking and smuggling of humans as organized crime businesses will flourish. Transnational organized criminals will use their entrepreneurial skills, their flexibility in adapting to new and

changing environments, and the ease with which they move across borders to take advantage of criminal markets.

The level of trafficking/smuggling can be reduced by working on the above variables, and the actions taken should be harmonized, global, and agreed on by several countries cooperating to achieve a common goal. Every weak link in the network is an opportunity for criminals, because it gives them a loophole to exploit. A single country working alone is bound to fail. The crucial problem is persuading the wealthier countries to surrender some of their privileges and to reduce unconditional restrictions to legal immigration, and persuading the poorest countries to admit their responsibilities and make their needs more explicit. In short, legislative measures should be tough on criminals and their illicitly acquired wealth, and a global network should be built. Some positive steps forward have been taken, but more concrete action is now necessary. The longer it takes to achieve this pact among the largest number possible of countries in the world, the more likely it becomes that future scenarios will be little different from the present situation.

DAFTAR RUJUKAN

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