**Smuggling- Human Trafficking in Malaysia**

Smuggling is one of the current issues related to Malaysia Legal System. It is the illegal transportation of the object, substances, information or people, such as across an international border, or violation of applicable laws or other regulations (Merriam-Webster Dictionary 2020). And smuggling is the clandestine transport of goods across national borders to avoid tariffs or import and export restriction (West’s Encyclopedia of American Law). There are various type of smuggle, this is include the goods, people smuggling, human trafficking dan wildlife. According to Nation Thailand (2018), Human trafficking is the most common phenomenon and second largest criminal industry in the world and also happen in Malaysia, after drug trafficking and arms trafficking, is the fastest growing activity of transnational criminal organizations. From the report, the most common of the human trafficking (79%) is sexual exploitation, and (18%) is the forced labour.

Human trafficking involves exploiting men,women,or children for the purposes of forced labour or commercial sexual exploitation. Anti-Trafficking in Persons (Amendment) Act 2010 is a law to solve the crime of Human Trafficking in Malaysia. The Act is defines trafficking in persons as all actions involved in acquiring or maintaining the labour or services of a person through coercion and included the act of recruiting, conveying, transferring, harbouring, providing and receiving a person (Women ’s Aid Organisation 2017). Besides that, Anti-Trafficking in Persons and Anti-Smuggling of Migrants ACT 2007 enacted by the parlimen of Malaysia is a law to resolve criminal, and means an Act to prevent and combat trafficking in persons and smuggling of migrants and to provide for matters connected therewith (Law of Malaysia). Another Law related Anti-Trafficking, such as Penal Code, The Victims of Trafficking and Violence Prevention Act (TVPA)and Child Act 2001 . For example cases, following a two-month joint operation between Indonesia and Malaysia police, a Malaysian businessman and three Indonesians belonging to a trafficking teenage girls from Jakarta to Malaysia through Borneo Island using false travel documents (STOP).

In addition, Anti-Trafficking in persons and Anti-Smuggling of Migrants Act 2007 also have penalties for those who commit crimes. Any person, who traffics in person not being a child, for the purpose of exploitation, commits and offence and shall, on conviction, be punished with imprisonment for a term not exceeding fifteen years, and shall also be liable to fine. For offence of trafficking in children will be punished with imprisonment for a term not less than three years but not exceeding twenty years, and shall also be liable to fine. For those who offence in relation to trafficked person in transit will be punished with imprisonment for a term not exceeding seven years, and shall also be liable to fine (Law of Malaysia). After that, penalties for illegal human trafficking also can increases penalties for human trafficking, include prison sentences up to 15 years to life and fines up to $1,500,000 and fines collected to be used for victim services and law enforcement (Human Trafficking, Penalties)

**References**

Merriam-Webster. (n.d.). Smuggle. In *Merriam-Webster.com dictionary*. Retrieved November 12, 2020, from <https://www.merriam-webster.com/dictionary/smuggle>

Smuggling. (n.d.) West's Encyclopedia of American Law, edition 2. (2008). Retrieved November 12 2020 from <https://legal-dictionary.thefreedictionary.com/Smuggling>

UNODC. Global Report on Trafficking in Persons. Retrieved by 2019, from <https://www.unodc.org/unodc/en/human-trafficking/global-report-on-trafficking-in-persons.html>

Syazwani Hj Rosli, The Nation Thailand, Retrieved by August 25,2018, from <https://www.nationthailand.com/ann/30352974>

Law of Malaysia, ANTI-TRAFFICKING IN PERSONS AND ANTI- SMUGGLING OF MIGRANTS ACT 2007, from http://www.agc.gov.my/agcportal/uploads/file

[s/Publications/LOM/EN/Act%20670.pdf](http://www.agc.gov.my/agcportal/uploads/files/Publications/LOM/EN/Act%20670.pdf)

Stop Sex Trafficking of children & Young People. From [https://www.ecpat.org/ wp-content/uploads/legacy/Factsheet\_Malaysia.pdf](https://www.ecpat.org/wp-content/uploads/legacy/Factsheet_Malaysia.pdf)

Trafficking in Malaysia, Woman’s Aid Organisation, Retrieved by 2017, From

<https://wao.org.my/wp-content/uploads/2018/08/Human-Trafficking-in-Malaysia-A-Focus-on-Women-and-Children.pdf>

Human Trafficking, Penalties, University of California (2012), from <https://repository.uchastings.edu/cgi/viewcontent.cgi?article=2313&context=ca_ballot_props>