

Indonesia's Challenge in Value Implementation of ASEAN Convention Against Trafficking in Person, Women and Children (ACTIP-WC)

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Abstract—Human trafficking whose victims are generally women and children is an extraordinary crime that tears humanity. It hence the United Nations as an international institution which upholds human rights paying serious attention as reflected in the 2000 Palermo Protocol. As a regional organization, ASEAN is responsible for this issue too by signing the ASEAN Convention against Trafficking in Person, Especially Women and Children (ACTIP-WC). Each ASEAN member country shall provide protection to any citizen or human being within the scope of its jurisdiction, as well as Indonesia. The Indonesian Government has been implemented those values in various policies, but the victims of Trafficking in Persons (TIP) of Indonesian people especially women and children are still high. Why do this happen? What are the obstacles and challenges faced by the government? Based on the assumption that social problems are always related to various other societal aspects, this study examines them with sociological theory of economics, culture, law and public policy as well as international relations. Those problems are systemic to international relations and need handling from various related parties comprehensively.

Keywords— Human Trafficking, ACTIP-WC, Indonesia, System analysis

I. INTRODUCTION

Human Trafficking is a "shocking to the conscience of human kind", a crime that tears into human basic and dignity. According to international law, it is categorized as serious violations. Generally, human trafficking is done by exploitation way along with physical or psychological violence over others as a controlled object for the benefit of the executants. According to Lee, human trafficking is a form of modern slavery [1].

The UN as an international institution that upholds human rights is paying serious attention to this crime, especially for the protection of women and children. These concerns are expressed in various international conventions such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW 1984), Covenant on the Rights of Children (CRC 1990), The United Nations Convention Against Transnational Organized Crime (UNCATOC 1999), and then followed by Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children in Palermo (referred to as "Palermo Protocol") on 15 November 2000.

As a regional organization, ASEAN is also obliged to protect the rights of its citizens, therefore at the XXVII ASEAN Summit on 21 November 2015 in Kuala Lumpur-

Malaysia, all members have signed the ASEAN Convention Against Trafficking In Person, Especially Women and Children (ACTIP-WC). This signing means three things. First, ASEAN's concern that the crime of human trafficking is a serious violence. Second, a commitment to implement the principles of protection against humanity as set out in various UN international conventions. Third, overcome to tackle the problem of trafficking together - especially to Women and Children - that happened in Southeast Asia region, both nationally and regionally. Each ASEAN Member State shall provide protection to citizens and persons within the scope of its jurisdiction. The obligation to prevent, protect, investigate and punish the subject which violates the law along with accompanies and eases the burden of victims.

Although Indonesia has not yet ratified ACTIP-WC but the values contained therein are already implied in the law and government policies. For example, Presidential Decree No. 88 / 2002 about the abolition of child trafficking and Law Number 21 / 2007 about the Eradication of Trafficking in Persons. In addition, the government also established RAN-P3A (*Rencana Aksi Nasional Penghapusan Perdagangan Perempuan dan Anak*) and GT-P3A (*Gugus Tugas Penghapusan Perdagangan Perempuan dan Anak*) on national, provincial, and district which have a duty to provide counseling and economic empowerment such as coaching and business training especially for women.

Nevertheless, in fact the victims of human trafficking in Indonesian are still high. According to the Minister of Foreign Affairs of Indonesia, Retno LP Marsudi, the numbers of Indonesian citizens who are being victims of human trafficking abroad continue to increase. In 2013 there are 188, then 326 cases (2014) and 548 cases (2015).

II. RESEARCH METHOD

Trafficking crimes are a contemporary enslavement, including; A) Child trafficking. B) Child prostitution. C) Child pornography. D) Exploitation of child labor. E) Female sexual mutilation. F) Child involvement in armed conflict. G) Adulteration. H) Trafficking in persons. I) trafficking of human organs, and j) Exploitation of prostitution. Meanwhile, the meaning of children is those who are less than 18 years of age.

Based on the assumption that the problem of trafficking is related to other social problems, through explanative method of research, this literature study analyzes it with

system approach, explaining the problem of trafficking in Indonesia in terms of ACTIP - WC with economic, socio-cultural, political and legal international. The data is searched from various scientific information in the form of books, journals, government sources and official online media.

III. USING THE TEMPLATE

There are many factors that cause trafficking problems in Southeast Asia, especially Indonesia. A). Economic factors, namely poverty accumulated with lack of available employment, and low levels of education. Because the income is not enough, they then become migrant workers without any skill or knowledge. B) Socio-culture that is the value of society that considers the child as an "asset" that can work to break the burden of the family, so that the employment of child is considered normal [2]. C) External environmental factors outside of human control such as natural disasters, war, ethnic slaughter, economic crisis, armed conflict, or gender bias policies which are then forced to migrate without document and without specific destination, eg Rohingya refugees from Thailand [3] . D) Market law, where trafficking syndicates impose them as "illegal businesses" in the bondage of supply and demand. Women are generally physically weak, while children are innocent and uninformed. This helplessness and innocence resulted in them being fooled by tricks and trafficking. They are used as prostitutes, pornographers, beggars, domestic helpers, drug dealers or share exploitative jobs.

The trafficking traps are carried out by syndicates in various ways including abductions and false promises such as to earn a better salary overseas [4]. Then to exercise control over their movements, traffickers syndicate holders of passports and monitor them tightly [5]. The US State Department report in 2010 stated that no less than 12.3 million adults and children were forced to become laborers, or commercial sex workers around the world where about 56% of the victims were women and children, mostly from countries Southeast Asia (US Department of State, 2000, p.7)[6]. According to the ILO (International Labor Organizations) the profit earned by the perpetrators is huge, reaching 32 billion US dollars every year (Bibit Santoso, Kompas29/3/2017) [7].

E) Government policies that have not been favorable and favored by women, among others are marked by discrimination in the world of work and low gender awareness among law enforcers (Minister of Social Affairs, Khofifah,) in addition there is no coordinated coordination in handling cases of trafficking. F) Legal factors, the values of ACTIP -WC have been implemented in legislation policies but their implementation is not yet ideal. For example, because the proof is difficult, often cases of trafficking are classified as criminal crimes which of course with different legal consequences [8]. Likewise, document processing for work abroad is generally considered to be complicated and costly so they prefer illegal methods. This reality becomes more massive when it is associated with the topography of "open border" Indonesian territory strongly supports the occurrence of cross-border illegal. Indonesia 2016 annual report estimates that approximately 1.9 million of the 4.5 million Indonesians working abroad - especially in Malaysia

- have no documents, or exceed the residence limit (Indonesia embassy.gov.au/jaktindonesian /AR15-005.html). According to the International Organization for Migration (IOM), 70 percent of the trafficking crime mode originated from illegal migrant workers (Kompas 29/3/2017) [7]. This legal issue also relates to regional relations, where ASEAN member states have no operational equivalence on trafficking issues.

IV. CONCLUSION

The problem of trafficking in Southeast Asia, especially in Indonesia, is influenced by several interrelated factors of economic, social, cultural, environmental, political policy, and interrelated law as a system. The basic problem of this problem is the poverty factor of the women in rural areas. For that reason, the government must gave attention and policy to the root of the problem, by increasing the empowerment of women and children, especially in the villages by improving education, expanding employment, increasing access to information - science and technology conducted in an integrated way in every line and cooperation of some related ministries. In addition, considering the crime of trafficking is often related to cross-border countries, there must be an integrative cooperation between members of ASEAN both national and regional. Sooner or later all member of Southeast Asian countries must comply with ACTIP-WC so that they will have a stronger binding force to be implemented in a legal jurisdiction in the laws of the countries of Southeast Asia so that it is more coordinated for a joint settlement.

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