

Preventive Actions as New Strategy for Tackling Human Trafficking : Evidence from East Java

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ABSTRACT

In the past decade, there has been a significant increase in transnational crime activities especially cases related to human trafficking in Indonesia. Human trafficking is considered as one of the most serious non-traditional threats in the country along with drugs trafficking and illegal fishing. Indonesian national government have already done several attempts in order to tackle human trafficking crimes within the country, but none of them has presented a significant impact. This paper focuses on the role of local government of East Java Province on their efforts to tackle human trafficking activities in the area. Due to the implementation of decentralization law in Indonesia, the local government in the province level has autonomous rights to conduct policy within their regions. This autonomous rights is also applicable for the policy in dealing with human trafficking. Using 4P Paradigm (prevention, protection, prosecution and partnership), this present study is going to identify the pattern of human trafficking activities in East Java and then look at several efforts that have been made by East Java provincial government and then provide an assessment on whether the local government policy is effective to reduce the human trafficking activities in the region.

Keywords: human trafficking, 4 P paradigm, East Java.

1. INTRODUCTION

The phenomena of human trafficking are one of the eighteen transnational crime categorizations formulated in the United Nations on Transnational Organized Crime (UNTOC). In general, human trafficking is an illegal practice in which the recruitment, transportation, transfer or acceptance of persons are done through threats or the use of force. The practice is usually done with the purpose of exploitation which leads to forced labor, slavery or sexual exploitation. [1] In regard to human trafficking, analysis from diverse records and official reports from various sources is needed to get a deeper understanding on it. [2] For Indonesia itself, the case of human trafficking is a complex and longstanding case. Judging from its status, human trafficking in Indonesia is not only categorized as transnational crime but also classified as an extraordinary crime because of its widespread and systemic nature, and because of its form as crime against humanity. [3]

Based on a brief overview of International Organization for Migration (IOM) in relation to data of human trafficking in Indonesia by 2015, victims were 70% women and 30% men; and 87% adults and 13% children. Meanwhile, the cross-border movement was at 84% and domestic movement was at 16% with the education level of more than 70% of victims under 9 years of basic education. Indonesia is also known not only as a country of origin, but also a transit and

human trafficking destination. [4] This condition is made possible due to the vast geography of Indonesia, making it difficult in terms of supervision because of the lack of guarding, and the strategic location of the sea lane which is the world trade route, making it possible for the human trafficking flows.

In some areas in Indonesia, many cases of human trafficking in its varied forms are found. According to Rosenberg's record in its Provincial Assessment, the following areas explain the brief mapping of what happens in Indonesia. Java is the main base of human trafficking crime data in Indonesia. Almost all provinces in Java have close links in the trafficking routes occurring in Indonesia. Human trafficking victims in Java are predominantly women and children who are majority trafficked and exploited as laborers, domestic workers and sex workers. [5]

Kalimantan, especially the western and eastern regions that have a direct border with Malaysia, is the second largest region in Indonesia in human trafficking records. This region is not only known as a supplier but is more well known as a transit area in the network of human trafficking in Indonesia because of its geographical location. This can occur due to the lack of supervision on the border and the length of the area covered by the Indonesian government. In the period of 2005-2010, 722 cases of human trafficking were found in Kalimantan.[6] For Sulawesi region, the north part of Sulawesi, in particular, is one area in Indonesia serving as a place of human trafficking origin and transit. Human trafficking destinations through this path include Malaysia, Hong Kong and South Korea, which are exploited as sex workers and laborers. This is different from Bali, which becomes a transit area in Indonesian human trafficking network. The country destinations are also more diverse ranging from Europe, the United States to Japan with the spread of its victims is end up as sex workers and some drug dealers.

Above explanation gives a glimpse of the practice of human trafficking in Indonesia. Relying on that data, this present research is going to explore further what is happened in one region in Java, which is East Java. As one of the largest senders of Indonesian Migrant Workers (TKI) and a considerable record of human trafficking crimes (other than West Java), it is important to examine more deeply what efforts have been made by the local government of East Java as the largest sender of Indonesian Migrant Workers (TKI) in Indonesia.

2. RESEARCH METHOD

This study is a descriptive study which tries to describe the mapping of transnational crime, especially human trafficking in East Java Province as a preliminary study to identify human trafficking crimes, and as a basis for policy recommendations and intervention actions needed to anticipate and overcome human trafficking crimes in East Java Province.

Based on this coverage, the qualitative method will more accurately answer the formulation of problems related to the identification of human trafficking in East Java province. There were two types of data used in this study, primary and secondary data. The primary data were in the form of in-depth interviews with selected respondents from the East Java Provincial Government and agency, East Java Regional Police, and NGOs as the research subjects. The secondary data were in the form of quantitative data related to the number of human trafficking victims in East Java Province.

3. RESULTS AND DISCUSSION

East Java is known as one of the provinces with the most human trafficking cases. Police Bareskrim data from 2005 to 2007 placed East Java in third place after West Java and West Kalimantan. This is in line with International Organization of Migration (IOM) data from 2005 to 2012 showing that East Java is the third largest province of human trafficking victims (TPPO), still after West Java and West Kalimantan. [7]

IOM data also show that East Java has become one of the main recipients of human trafficking victims in Indonesia, after Riau Islands, DKI Jakarta and North Sumatra. As many as 16% of the victims or about 145 people from 954 victims are sent to East Java. The regencies or cities of the recipient, when viewed from the number of cases found TPPO, are Surabaya, Jember and Lumajang. The rest spread to various districts and cities. However, in addition to being known as a recipient, East Java is also actually known as a sending and transit area. Some districts or cities in East Java known as senders are Tulungagung, Trenggalek, Malang, Sampang, Bangkalan and Pamekasan. Some other areas, namely Ponorogo, Pacitan, Banyuwangi, Jombang, Gresik, Blitar, Kediri, Nganjuk, Jember and Situbondo also become senders. [4]

The victims of human trafficking, both originating from and transiting in East Java, are often sent to Batam, Riau Islands Province, and Malaysia at last. By province of destination, 22.6 percent of the victims are sent to the Riau Islands. By country of destination, 52.7% of the victims are sent to Malaysia. Data on the number of human trafficking victims based on the purpose of exploitation, especially for East Java, also support the explanation. Office of Women Empowerment, Child Protection and Population (P3A and Population Office) shows that 80.9% of victims are used for migrant worker purposes. Meanwhile, the other 6.1% for the purpose of sexual exploitation, 1.3% for the purpose of domestic helpers, 0.3% for marriage and 11.4% is unknown.[7]

The high number of victims used for the purpose of migrant workers reinforces the assumption that the economic motive is the main cause of human trafficking in East Java. East Java Regional Police (Polda), TPPO Unit Officers, General Crime Investigation Sub Directorate, Isnaini, explained that regions with poor economic conditions prove to be the origin of victims of TPPO. He added that the low level of education in these areas also contribute to the problem. [8]

In line with the explanation from East Java Regional Police (Polda), Head of Sub Division of Protection of Women and Children, P3A and Population Office of East Java, Hari Chandra Noviyanto, also mentioned the economic motive as the main factor. Poor economic conditions, associated with low levels of education and high unemployment, motivate people to migrate to regions or countries with more advanced economic development. He also mentioned that gender issues that make women the object of sexual trafficking and the influence of mass media that often showcase the luxury lifestyle also become the underlying cause. In addition, the desire to find high-income jobs with an easy and fast way makes it easier for the human trafficking actors to do their actions. [7]

Human trafficking perpetrators (traffickers) themselves in the scope of East Java, according to data from P3A and Population Office, 82.21% of them are brokers who provide job offers to the victims. Meanwhile 15.4% are neighbors of the victims and 3.95% are sexual service providers. The traffickers, especially brokers, are now easier to trap the victims even though they have no face to face interaction due to the progress of communication and information technology that gives birth to new modes that are not realized by the victims. According to Isnaini, it makes the trend of human trafficking in East Java increase from year to

year. Nevertheless, the disclosure of cases by East Java Regional Police has decreased. Isnaini explained that it is because of the large number of victims who refused to file a report because they feel embarrassed or because of social pressure, especially for victims of sexual exploitation. Many victims chose to move from their home areas after the TPPO case that happened to him is revealed. Consequently, it is also difficult for the police to parse the human trafficking network, so many TPPO perpetrators who do not get sanction from their actions.[8]

In the meantime, in addition to the concealment from the victims, the police, in this case the East Java Regional Police, have difficulty in uncovering TPPO cases due to lack of coordination and cooperation with those responsible at immigration gates at international airports and ports.[9]

As explained earlier, there have been many efforts to overcome human trafficking. But of the many efforts, the approaches used in the handling of human trafficking crimes are very few in promoting the preventive aspect. On the other hand, the handling of human trafficking is also often top-down in which anti-human trafficking schemes at the global level are usually ratified by states and then adopted into national law.[10] Handling of human trafficking by putting forward the role of local government is rarely found. Whereas in the era of decentralization, the role of local government (in this case the provincial government) is very crucial in the handling of human trafficking in the region. Madevi Sun-Suon in his paper entitled "Human Trafficking and The Role of Local Government: Good Practices, Challenges and Ways Forward" tried to bridge this gap. The paper reviews practices, challenges and opportunities in combating human trafficking, with local government as one of the focuses of analysis. Sun-Suon uses the 4P (prevention, protection, prosecution, partnership) paradigm in looking at strategies to combat human trafficking.[11]

In *prevention* efforts, the government of East Java Province issued the Governor's Decree no. 617 Year 2010 on the Action Plan of the Province on the Eradication of Human Trafficking Persons (TPPO) and Child Sexual Exploitation (ESA) of East Java Year 2010-2015, which was followed up by establishing Task Force on Prevention and Handling of TPPO and Elimination of ESA.[12] Based on the task force, the Women's Empowerment and Family Planning (BPPKB) of East Java Province established standard operating procedures (SOP) of Trafficking Prevention based on the identification of factors causing TPPO, then involving other related institutions, such as Polda, Ministry of Justice and Human Rights and Regional Office of Manpower, to take part with BPPKB as institution in charge. [7]

Regional Office of Manpower has a very important role in prevention efforts. The East Java Manpower Office, currently called Regional Office of Manpower and Transmigration (Disnakertrans) of East Java, provides socialization of legal procedures to become migrant workers, so that prospective migrant workers are protected from human traffickers who act as brokers. Disnakertrans also provides job training for people who can prevent human trafficking which is much motivated by economic motives. However, a joint study should be undertaken to develop employment-enhancing programs to effectively prevent human trafficking or to appropriately target potential individuals. [7] In addition to the Disnakertrans, the Office of Women Empowerment, Child Protection and Population (P3A and Population Office) which is part of the East Java Provincial Government also take measures to prevent trafficking through socialization and communication, and information and education (KIE). One of the socialization activities that have been done is the socialization of Child Protection Law, Domestic Violence, TPPO, and Trafficking and Pornography Year 2015. Meanwhile, communication and information as a preventive measure of human trafficking is done in the form of coordination meetings, such as Coordination Meetings on Integrated Service Center / Women's Empowerment and Child Protection Integrated Service (PPT / P2TP2A) with 10 districts / cities

in East Java, Coordination Meeting on Decent Pilot City for Children (KLA) and Coordination Meeting on the Strategic Plan of the Provincial Office of Women's Empowerment and Child Protection (PPPA Office) and District / Municipal PPPA Office -East Java. For educational activities, P3A and Population Office conducted workshops, such as measuring the annual achievement indicator of the KLA East Java Province as well as in the form of workshops, such as strategic plan workshops of Provincial PPPA Office to the Office of PPPA District / City throughout East Java.

In addition to the provincial government of East Java, the police also conduct preventive efforts. The East Java Regional Police (Polda) acts as an advisor to the ranks of Polres at the district and municipal levels who socialize the prevention of TPPO in their respective areas through the Community Development Unit (Satbinmas). Reported by BNP2TKI on 4 November 2014, East Java Police also coordinates with many other agencies related to the prevention of non-procedural TKI, which indirectly also will prevent TPPO, especially TPPO victims employed for migrant worker purposes. Elements of society, such as non-governmental organizations also help prevent human trafficking. Dian Mutiara Women Crisis Center, an NGO based in Malang is actively campaigning for the prevention of violence and TPPO through mass media, such as radio and local TV. Other preventive measures they undertake are education in schools and the dissemination of local regulations, as well as initiation on the formulation of village regulations related to the protection of women and children. [13]

The second attempt is *protection* in which Sun-Suon explained that protection effort for victims needs to be given as soon as possible to keep them safe from the threat of human trafficking.[11] Therefore, the protection aspect for the victims is important to be provided by providing a safe place, psychological assistance and legal aid for the victim. In addition, protection should also be provided to meet the basic needs of victims, such as food and clothing.

Human trafficking victims need immediate protection. Therefore, the protection aspect for the victim is important to be provided by providing a safe place, psychological assistance and legal aid for the victim. In addition, protection also needs to be provided by fulfilling the victims' basic needs, such as food and clothing.

Efforts to protect the victims of human trafficking have been carried out by the provincial government by issuing Local Regulation No. 16 of 2012 on the Implementation of the Protection of Women and Children Victims of Violence, renewed by Local Regulation No. 2 of 2014 on Child Protection System as well as by issuing East Java Governor Regulation No. 55 of 2014, on the implementation of Integrated Service Centers (PPT). [14]

East Java PPT, as a result of cooperation between East Java provincial government, East Java Regional Police, and various elements of society, provides protection for victims of violence and TPPO. PPT provides free services including medical rehabilitation, psychosocial and home protection or shelters called Safe Homes. Public Relations of PPT East Java, Riza Wahyuni said, "Support is given to the victims according to their needs, including through outpatient, inpatient, medication, medical history report, anesthesia, minor surgery, labor costs, laboratory, rontgen, meal cost three meals a day and toiletries. In addition, they are also given mentoring, home visit counseling, psychiatric therapy, consultation assistance and lawyers, as well as psychological counseling." [15]

In addition to PPT service, East Java Provincial Government through P3A and Population Service of East Java also provide protection for victims, especially in repatriation affairs. For the return of victims who are still in one area of East Java, P3A and Population Office have a budget of Rp 150,000 per person. For the return of victims to other provinces, the P3A and Population Office attempt to cooperate with the provincial government to be willing to pay repatriation costs. [7]

In addition to the provincial government, the protection of victims of human trafficking is also provided by the police. As mentioned, East Java Regional Police plays a significant role in providing protection to victims of TPPO through PPT service. PPT is a hospital-based service Bhayangkara Hospital Surabaya which is affiliated with East Java Polda. PPT at Bhayangkara Hospital provides doctors, psychiatrists and psychologists to victims of violence and TPPO.[8]

Protection for the victims is also provided by WCC Dian Mutiara. It provides medical and social rehabilitation facilities for victims of violence and TPPO who need assistance. It also provides legal assistance by helping victims to file reporting TPPO cases. Besides, the victim will be educated related to the ways of dealing with the investigator. Dian Mutiara WCC is also willing to provide expert witnesses to victims of TPPO. In addition, it also provides shelters, as well as access to food, clothing and other basic needs. [13]

The third effort is *Prosecution*, which refers to the human trafficking perpetrators. This is a necessary element in the fight against human trafficking. Although the United Nations has regulated the Human Trafficking Protocol that perpetrators must be punished and sanctioned, there are still many perpetrators who are not even undergoing legal proceedings. The existence of the prosecution element can be seen from the implementation of anti-trafficking law, which sees the law from the perspective of TPPO victims, so the victims are not actually made a suspect because of the law with the perspective of criminal acts in general. In addition, according to Madevi Sun-Suon, the prosecution of perpetrators can be seen from activities such as training for police, lawyers and judges in order to effectively handle human trafficking cases, to the establishment of special units within the police that handle TPPO.[11]

East Java Regional Police itself has a special unit that handles TPPO, namely Unit II TPPO, Sub Directorate (Subdit) IV Youth, Children and Women (Renakta), and Directorate General Criminal Investigation (Ditreskrim). The unit works based on Law number 21 of 2007 on the Eradication of Crime of Human Trafficking (TPPO). In practice, TPPO cases could be handled along with other related units, such as Unit I Women and Children Protection.

Based on news from various media, in an effort to prosecute the perpetrators of several cases of human trafficking, East Java Police has employed Law number 21 of 2007 which specifically sets TPPO. Tribun Jatim on September 14, 2017 reported two human traffickers in Surabaya who was charged with article 88 of Act Number 35 year 2014 and article 2 of Act number 21 of 2007. Previously, Suara Pembaruan on June 25, 2014 also reported that East Java Police dismantled student trade through text messenger, which then the suspect was charged with article 2 and article 17 of Act number 21 of 2007 and article 296 of the Criminal Code, and article 506 of the Criminal Code. [9]

However, prosecution efforts for TPPO prosecutors appear to be less effective because of the decreasing number of cases handled. The East Java Police explained the decline in the disclosure of the cases due to the victims of TPPO who are refused to file a report. In addition, East Java Police explained the difficulty of uncovering human trafficking case because it takes precision and patience to reveal it because the human trafficking modes are very secretive.[16]

Talking about international *partnership* or cooperation in tackling human trafficking is important, but cooperation between national and local governments is the key to successful identification of trafficking victims. In the fight against human trafficking, national governments can play a role in national law enforcement, while local government may play a role in the protection and support of victims, such as the provision of safe accommodation, access to translators and education, which can be pursued through cooperation with health institutions and local NGOs.[11]

As explained earlier, East Java Provincial Government has cooperated with East Java Regional Police and community elements to form a Task Force (PPT) that handles women and

children victims of violence and TPPO. In addition, the provincial government through the Office of Manpower and Transmigration, Immigration, Social Service, Health Office, Population and Civil Registry, Transportation Agency and BP3TKI also cooperate with East Java Regional Police to form a non-procedural Task Force to prevent and handle non-procedural migrant workers related cases. It will indirectly help prevent and handle TPPO. East Java Regional Police through the Indonesian National Police (Polri) also works with IOM to combat transnational crime, including human trafficking. In addition to women's empowerment and child protection offices in other provinces, the P3A and Population Office are also working to collaborate with community elements, such as Dian Mutiara WCC, in particular, with regard to coordinating the handling of human trafficking victims in the districts and cities.

Meanwhile Dian Mutiara itself as one of the elements of society also establishes cooperation with various parties in the prevention and handling of TPPO. Several agencies working with Dian Mutiara WCC are Malang District Government in the socialization of the Regional Regulation on Protection of Women and Children Number 5 Year 2009, AUSAID in the establishment of paralegal / community-based services as law enforcement efforts, with Rumpun NGO and Asia Foundation. Unfortunately, coordination with the government at the city level is not good enough, so the handling of human trafficking victims is not optimal. Though at the provincial level medical rehabilitation becomes a free service provided through PPT, at the district and municipal levels the service is not free (paid), whereas the funds owned by the community are insufficient, while the victims may need to get medical services as soon as possible. Strengthening cooperation and coordination among community and government at city and district level, in this case P2TP2A and other agencies or agencies with related functions, is still very necessary.

4. CONCLUSIONS

Indonesia is one of the countries with high vulnerability to human trafficking crimes, both transnational and domestic. With the number of migrant workers up to 900 thousand people spreading in various countries, then the potential for human trafficking crime is also higher because the trick of the traffickers of crimes of human trafficking usually use the lure of working abroad for higher income to ensnare the victim. The three provinces with human trafficking victims are West Java, West Kalimantan and East Java. For East Java province, the victims of human trafficking crime come from areas such as Tulungagung, Malang and Banyuwangi with the characteristics of human trafficking activities of two types: transnational and domestic.

On the other hand, the decentralization policy implemented in Indonesia has enabled the provincial government to have broader powers to initiate partnerships to deal with human trafficking crimes. Various efforts have been made by related parties such as POLDA Jatim and East Java Provincial Government through the Office of Women and Children Protection and Population Office to overcome the crimes of human trafficking. Furthermore, East Java Provincial Government needs to do benchmarking by reflecting on the experience of local governments in other countries to deal with human trafficking crimes. This is very crucial because with the decentralization system, the provincial government has greater authority to make efforts to anticipate and handle the crimes of human trafficking in accordance with the characteristics of their respective areas so that the method of handling is made more focused and sustainable.

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