

Application of Oko Mama Culture to Prevent Human Trafficking in South Central Timor Regency, East Nusa Tenggara Province

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ABSTRACT

This research discusses the misinterpretation of oko mama culture and the implementation of oko mama culture to prevent human trafficking in the South Central Timor Regency. This research aims to know about the form of oko mama culture's interpretation in human trafficking cases and how the proper application of culture prevents human trafficking. This research method uses empirical legal research, which is descriptive, evaluative characteristic with a qualitative approach from an interview and direct observation of the community in North Amanatun, South Central Timor Regency. This research shows that recruiters have often misinterpreted cultural practice as a modus operandi of migrant workers' recruitment, leading to human trafficking and negatively impacting the victims and their families. Every law enforcer and the public can use the implementation of criminal policy through value return and optimization of oko mama as a legal culture to develop various factors that cause the recruitment of non-procedural migrant workers. A legal system can protect the community from trafficking in South Central Timor Regency, East Nusa Tenggara Province.

Keywords: cultural application, oko mama, criminal act of people-trafficking

1. INTRODUCTION

1.1. Background

Human trafficking has become a severe problem and frequently happened in East Nusa Tenggara, as one of the emergency provinces of trafficking in Indonesia [1]. The pattern of human trafficking often occurs through the illegal recruitment of migrant workers by employing people in vulnerable positions. The state protects the community with Law Number 21 of 2007 concerning Eradication of the Crime of Trafficking in Persons. However, law enforcement has not shown significant results due to the limited enforcement of criminal law to a crime. Victims generally experience physical and mental torture, material losses, and even fatalities caused by the crime of trafficking in persons. In 2019, 119 Indonesian Migrant Workers from East Nusa Tenggara returned dead with various causes, including Indonesian Migrant Workers who worked illegally.[2] One of the areas in the province of East Nusa Tenggara, which is the location for the recruitment of non-procedural migrant workers with a high number of victims, is the south-central Timor's district. [3]

There is a particular utilization of trafficking in criminal acts that often take advantage of a gap in the criminal law and the factors generating complex crimes in society. When referring to efforts to prevent trafficking in persons, it can manage by cultural approach in the South Central Timor district community with the Oko Mama culture. Through non-penal channels, prevention policies expect to protect non-procedurally migrant workers through culture prevention values in society.

This research aims to see the form of misinterpretation of the oko mama culture in some cases of the criminal act of trafficking in persons through empirical research methods followed by society's reality and return the oko mama culture with actual values for prevention of trafficking in persons. The data collection process by observation about oko mama culture and cases of human trafficking in North Amanatun District with the interview process as a form of empirical research. This research location is one location with many labor dispatches in the South Central Timor Regency.

Based on the description as stated above, the author feels the need to conduct research about "APPLICATION OF OKO MAMA CULTURE TO PREVENT HUMAN TRAFFICKING IN SOUTH CENTRAL TIMOR

REGENCY, EAST NUSA TENGGARA PROVINCE", the result of which outlined in this script.

1.2. Problem

Based on the background explanation above, the legal issues in this paper are: (1) what is the form of misinterpretation of the oko mama culture in human trafficking; and (2) How to apply the proper values in oko mama culture to prevent human trafficking.

2. ANALYSIS

2.1. The Form of Misinterpretation of the Oko Mama Culture in Human Trafficking

Trafficking in persons is a problem that occurs every year in the Province of East Nusa Tenggara, especially in the South Central Timor Regency, which targets people who are in a vulnerable position. Human Trafficking cases in South Central Timor Regency often involve migrant worker's recruitment through various modes to deceive, one of which is the oko mama cultural approach. Action to add an effort to prevent cases and protect the community had to include three elements as a criminal act of trafficking in persons, namely the process, path, and purpose of exploiting a person. [4]

Oko mama is a box containing betel nut with muti or beads according to the shape of traditional motifs in the local community. Oko Mama is a spoken culture as a communication process that involves several parties with meaning and purpose. oko mama has values regarding customs, diversity, unity, and intimacy of the parties involved in oko mama. This culture continued by the generation of the Timorese ancestors, consisting of Helong, Dawan, and Tetun tribes, as a means of communication passed down from generation to generation. oko mama often uses betel and areca nut as a communication unit shared into formal conversations for traditional events or regular communication. oko mama involves several parties and giving following the stages of delivering the meaning of oko mama's delivery. The customary

Oko Mama consists of betel nut, areca nut, lime, a bottle of *sopi*, and silver coins used in traditional and ordinary events. However, the oko mama object included a sum of money as a form of respect without minimum nominal. According to the conversation context, Oko mama consists of some money to substitute for woven clothes interpreted with respect. The host can take the money in an agreement between the two parties. Oko mama can also be

rejected by returning the box and submitting the reasons for oko mama's refusal. The cultural values held by the community become habits that form the legal culture for the Timorese, especially in North Amanatun with a particular belief. The local community believes that those who abuse the value of Oko Mama can endure misfortune or misfortune as nature's protection for the community.

The value and meaning of the objects in Oko Mama are often misinterpreted differently to achieve certain advantages. Oko Mama often recruits non-procedural Migrant Workers who go abroad or domestically. Recruiters and intermediaries who are local former migrant workers recruit to the family that has seen as weak and easy to attract for hiring as a migrant worker by giving oko mama, which contained some money. Recruiters promise the availability of jobs, offer a fantastic ringgit or rupiah salary, and promise the parents will receive a certain percentage of the child's income.

Oko mama filled with some money for placidly the conversion process as much IDR 1,000,000 - IDR 2,000,000, which is considered a large nominal in the area. The parents interpreted the money from the culture's view as appreciate and respect the family so recruiters can be trusted. There are supporting factors in the economy, gender equality, education level, and the lack of information about migrant workers' departure.

Women who stay at home are in a vulnerable situation because they receive pressure from the surrounding environment to be able to go to become migrant workers. Internal conflicts in the family also influence the choice to leave where women are often bound in forced marriages or experience domestic violence, resulting in unequal gender equality between men and women. Some husbands sell and give their wives to other people making women choose to agree with the offer and become migrant workers. They chose to be unemployed at home but earn an excellent income to be sent regularly to their family.

The influence of economic factors plays a crucial role in the structure of people's lives so that the average number of students who drop out of school comes from low-income families. Some prospective workers who were unscrupulous field recruiters successfully recruited did not complete their education level until they finished school, both in high school and junior high school to the elementary school level. Job offers that do not require a diploma or special skills and criteria in the form of complete documents in the form of an ID card and family card form opportunities for prospective workers to earn money and a decent life for their lives.

The above factors also affect the provision of parents to agree to send their family members to work.

Parents will agree with the sentence "*Leko Tuan* or *Leko*," which means as a form of inner bond with the hope that the child can be successful overseas so that parents believe in the promise that recruiters have given with the value of *oko mama*. Unscrupulous recruiters deceive families with cultural misinterpretations and assume that parents have permitted them to sell their children. Recruiters who have gone to an area will not come to the exact location and hide their whereabouts.

Unscrupulous recruiters manipulate other incomplete accompanying documents to dispatch prospective workers to other areas. Security and protection at the departure gate, which is the final stage to prevent departure, is thwarted by documents that falsified for escape so that the police find it difficult to prevent the cunning actions of the trafficking mafia. There is a mafia of trafficking in people across regions and countries. The migrant workers will be transferred, sent, or placed to *cukong*, so the trafficking mafia and workers' connection has been completed after receiving some money. Workers endure exploitation that is not as promised and also causes death. When referring to the definition of trafficking in persons according to the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*, [5] formerly recruitment through cultural misinterpretation fulfills the element of recruitment act that results in exploitation. Workers who become victims of human trafficking had experienced problems in their welfare and the payment of wages for the benefit of the recruiter. Their families did not report migrant workers who died to the authorities, but parents accepted and accepted the incident after the migrant workers' burial. Parents were afraid to report the cases because of the lack of understanding of the recruitment process also fear of blamed for selling their children so that cases of criminal acts of trafficking in persons do not develop through the law.

2.2. The Proper Values in *Oko Mama* Culture to Prevent Human Trafficking

It is necessary to identify parental consent in *oko mama* as consent as conveyed by recruiters and fraud or abuse of authority by recruiters. Legal prevention efforts must overcome and prioritize the community's interest in preventing migrant workers from the registered and undocumented cases. The criminal policy is essential as an indirect prevention effort, so recruiters and intermediaries know the sanctions imposed on them for violating the law with Criminal policy through the penal route with Indonesia

Law Number 21 of 2007 concerning Eradication of the Crime of Trafficking Persons for parties who involved in the crime.

"Any person who recruits, transports, harbors, transports, transfers or receives a person using the threat of force, use of force, of abduction, of confinement, of fraud, of deception, of abuse of power or a position of vulnerability, of debt bondage or of providing payments or benefits despite obtaining the consent of the person who has control over another person, to exploit that person in the territory of the Republic of Indonesia, shall be punished with a minimum imprisonment of 3 (three) years and a maximum of 15 (fifteen) years and a minimum fine of Rp. 120,000,000.00 (one hundred and twenty million rupiahs) and a maximum of Rp. 600,000,000.00 (six hundred million rupiah)". [6]

Other legal remedies must accompany this application to accommodate other modes of trafficking in persons. The law execution process needs to pay attention to the cultural point of view in discussing recruitment with *oko mama* to avoid harming the family. After criminal enforcement has gone well, prevention with non-penal efforts can be carried out together with the community [7]. Prevention by optimizing the *oko mama* culture can be a significant effort in preventing a crime by paying attention to the factors causing [8] the crime of trafficking in persons.

South-Central Timor regency community had a unique structure in the form of culture led by *Amaf* as a king on custom society, and government figures are led by the sub-district head and synergize police chief, the army, and religious leaders in the form of priests who had their roles in society. The cultural values of the *oko mama* must be returned and adapted to the case with *Amaf* as a legal structure from the cultural perspective of culture. It is necessary to understand that the *oko mama* culture cannot be traded for a certain amount of money and applies to all parties in the region. Document of the recruited must be including government approval.

The government as a legal structure needs to establish rules regarding criminal acts of trafficking in persons from departure to return of migrant workers. Giving *oko mama* related to the recruitment of migrant workers must be done selectively, preceded by complementary documents for licensing from village officials and local law enforcement. Recruiters need to know about the implementation of *oko mama* with an intermediary as the person in charge of the incident to prevent things that are not desirable. The task force of human trafficking at the

provincial and district levels must maximize their role thorough remote areas and giving the correct information about legal companies that send migrant workers.

Families must protect their family members from recruiters and direct workers from avoiding being offered a sum of money. Receiving a sum of money does not necessarily mean that the family sells the victim, but the money is seen as a culture within the *oko mama* unit so that its acceptance is based on trust in several promises. Family play a significant role in reporting if something happens with a new perspective and understandable explanation. It is also necessary to introduce the risk of illegal departure to every person in the community. If the understanding of the community is well-formed, a pattern of community life can prevent other illegal recruitment processes. The family can refuse the gift of *oko mama* to send migrant workers.

The government can develop areas that are prone to becoming migrant recruitment locations by looking at education guarantees, community development in human resources by looking at community potential, and village empowerment programs through independent businesses and regional companies that involve people of productive age. The government needs to maximize the effective migrant village program to depend not only on foreign income but also on the region's economic cycle. The whole process of preventing trafficking in persons must be sustainable to form a legal culture that lives in society. The community, especially young people in the regions, will experience good protection in recruitment to become migrant workers and limit the space for recruiters to move at the discussion stage not to become victims of trafficking.

Oko Mama Culture hoped can be appropriately implemented, especially in the meaning of money following the truth for the prevention gateway and restriction process for field recruiters who come to the area so the whole process can be well-formed. There need to be law enforcers who can identify and minimize the movement of the modes of trafficking in persons and prevention programs with significant efforts.

3. CONCLUSION

1. *Oko Mama Culture* hoped can be appropriately implemented, especially in the meaning of money following the truth for the prevention gateway and restriction process for field recruiters who come to the area so the whole process can be well-formed.
2. There need to be law enforcers who can identify and minimize the movement of the modes of trafficking in persons and prevention programs with significant efforts.
3. Trafficking in persons is a problem that occurs every year in the Province of East Nusa Tenggara, especially in the South Central Timor Regency, which targets people who are in a vulnerable position. The government must realize this problem as a common urgency that needs to be done with other prevention methods and pay attention to the community's welfare.

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