

# Combating Human Trafficking in the Source Country: Institutional, Socio-cultural, and Process Analysis of Trafficking in Indonesia

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**Abstract**—This research discusses human trafficking in Indonesia, where most of the victims were trafficked to neighboring countries such as Malaysia and Singapore. It analyzes human trafficking in three dimensions at the national level, i.e. (1) institutional, (2) social and cultural, and (3) process dimensions. It argues that despite the size of the persistent demands for trafficking in the host countries, the three-dimensional factors are crucial to cope with, in order to eradicate trafficking. Eliminating or regulating trafficking and prostitution in the host countries has so far been slow in progress. International and regional cooperation in East and Southeast Asia has been lacking vigor in its institutionalization and enforcement. Anti-trafficking policies and actions at the national level have the advantages of sovereign authority of its government, if compared to regional institution or international convention, and freedom enjoyed by civil society and local communities. However, the complexities of human trafficking as an organized transnational crime requires holistic approach to combat and study, including careful analysis on the three dimensions of the crime.

**Keywords**—human trafficking, Indonesia, democracy, institutionalism, and historical analysis

## I. INTRODUCTION

Indonesia is one of the source countries in the regional network of human trafficking in Asia. Many Indonesian workers were trafficked to and exploited in the destination or host countries such as Malaysia, Singapore, Taiwan, Hong Kong (China), Saudi Arabia, Jordan, Iraq, United Arab Emirates, Qatar, Kuwait and Syria. The International Organization of Migration (IOM) estimates in 2015, there are approximately 75,000 victims of human trafficking annually in Indonesia (Sindo News, 24 August 2015). The number of victims of trafficking is rather high, approximately 11.3% of the total Indonesian migrant workers. 70% of the workers were trafficked to Malaysia, and the rest to Asian and European countries.

Indonesian government has been taking measures in order to respond to human trafficking issues at the national level. In 2007, the government issued the anti-trafficking law. In 2015, the government put anti-trafficking issue and migrant workers protection as one of the priorities in the medium-term national development planning (2015-2019). As part of the planning, in

2016 the government has built shelters and established local task forces for preventing and combatting the crime, and protecting and rehabilitating the victims. Infrastructure development in the border area and rural development have become priorities in the national economic development, in part to stimulate further economic development in the border area and reduce the likelihood of Indonesian people to migrate to become victims of human trafficking.

The problem is that despite the notable government efforts since 2007, up to 2017 the number of victims of human trafficking in Indonesia remains high. This research investigates the factors behind this sustained crime against humanity. Noting that government effort and partnership with civil society organizations has been conducted intensively since 2015, the question is why do cases of human trafficking keep recurring in Indonesia.

This research is conducted by qualitative methodology. Data were gathered from the three largest provinces as sources of human trafficking, i.e. West Kalimantan, West Java, and East Nusa Tenggara. The methods of data collecting include document study and depth interviews. This research analyses human trafficking in three dimensions; 1) institution, including regulation, the role of government institution, and the role of societal institutions; 2) socio-cultural, including social structure, cultural values, and anti-trafficking socializations; and 3) process, including the characteristics of traffickers, crime processes, liberation and protection. This paper will thus have divided into four main parts. The first part will discuss the theoretical framework for analysing human trafficking in the source country and the methodology employed. The following three parts will then discuss each of the three dimensions in the conduct of human trafficking in Indonesia.

## II. THEORY AND METHODOLOGY

### A. Theoretical Framework: Arguing for National Measures in the Source Country

According to the United Nations, human trafficking can be defined as:

“The recruitment, transportation, transfer, harboring 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. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.” (UN Protocol on Human Trafficking, 2000).

Studies on human trafficking has been flourishing since the 1990s following the growth of feminism studies and growing concerns over the violation of human rights of the victims from various perspectives. Most scholars in this area of study agreed that the practice of human trafficking takes interrelations between demands for workers, supply side, and traffickers (Williams and Masika, 2002). Trafficking of women and children in the Europe and North America was related to prostitution or sex industry in the destination countries. Elzbieta M. Gozdzia (in Dragiewicz, 2015) argued that in general, these studies were influenced by international migration studies, regardless to the distinction between the three categories reviewed by Morehouse. Gozdzia tend to divide human trafficking studies into empirical and policy studies. In this classification, Morehouse’s study (2009) was mainly focusing on policy. Based on her analysis on the gaps between policies and practices in the USA and Germany, she argued than analysis on anti-trafficking policies should include the following parameters, i.e. 1) Demography; 2) Geography; 3) Exploitation; 4) Victim Protection; and 5) Criminalization and Punishment. She argued that analyses on anti-trafficking policies should consider using these parameters to examine the policies.

Empirical analysis, on the other hand, is lacking theorization in this field of study (Laczko and Gozdzia, 2005). Many among scholars focused on the historical narratives on the cases and the lack of institutional arrangement to cope with the crime and protection of rights. Ethnographic and sociological studies on the social context of the crime is lacking (Gozdzia, 2015), further analysis on institutional approach for prevention and rehabilitation, and analysis on the so-called organized crime are also rare.

In distinctive perspective, Wylie (2016) emphasize the making of widespread combat against human trafficking as a norm construction affected by international politics. Growing interest on transnational security and human security studies from the world’s hegemon, namely the US, supported by its allies, brought up the necessity to fight human trafficking and the emphasis of trafficking for sex labor. This can be seen in the studies of human trafficking in the West (Di Nicola, et.al., 2009; Holmes, 2010; and Suchland, 2015) and Asia (Zheng, 2010; and Holmes, 2010). The complexity of the practice of trafficking around the globe tend to be neglected and thus comprehensive

understanding toward human trafficking is difficult to achieve.

Notable efforts to study human trafficking in comprehensive approach can be found in several publications (Cameron, 2007; and Aronowitz, 2009). Both Cameron (2007) and Aronowitz (2009) analyse human trafficking practices and reports with multidisciplinary approach and careful consideration on different locus of the crime process, namely the source country, transit country, and destination country. Although international and regional cooperation is argued to be a possible solution in coping with this transnational organized crime (David, 2007; Morehouse, 2009), the characteristic of the traffickers based on its locus needs to be studied in order to fashion the best solution to each country’s problem (Cameron, 2007).

In this study, and in particular in the source country such as Indonesia, we argue that in order to fill the gap there are three dimensions that we should analyse. The first is **institutional dimension**. In this dimension, there are three aspects that we should know.

1. Regulation (set of regulations on human trafficking and smuggling),
2. The role of government institutions (ministries, local government, agencies, police, and courts),
3. The role of societal institutions (civil society organizations, communities, family, and leaders).

The second is **socio-cultural dimension**. This dimension includes:

1. Socio-economic structure (victims’ economic strata, access to jobs and capital),
2. Cultural values of society (orientation to modernity, knowledge on human trafficking, and collectiveness),
3. Anti-trafficking socialization (by the government, mass media, communities, school and family).

The third is **process dimension**. This dimension includes the following aspects:

1. Characteristics of traffickers (organization, network, and socio-economic strata),
2. Recruitment method (inducement, threat, deception, family and debt bondage),
3. Pre-trafficking shelters (transportation, paperwork, job information and training),
4. Exploitation (type of jobs, contract, payment, and work facilities),
5. Liberation, protection, and justice (liberation process, protection from threats, advocating rights, and rehabilitation)

## B. Methodology

This research employs qualitative methodology to study the subject. It analyses the structure, processes, social relations,

and culture; aspects that are to some extent better be studied by qualitative approach. Data is gathered by document/archive study, discourse analysis, and in-depth interviews. documents and reports from the national and local government, police, prosecutor, and NGOs were studied to obtain data on institutional role and the criminal cases. Discourse analysis was conducted through news and speech analysis. In-depth interviews were also conducted with central and local government, police, prosecutors, and NGO activists.

Three provinces were chosen as the location of this research, i.e. West Java, West Kalimantan, and East Nusa Tenggara. These provinces are regions with most cases of human trafficking in Indonesia.

### III. FINDINGS AND ANALYSIS

Based on our research in West Kalimantan, West Java, and East Nusa Tenggara, we found problems that weaken the efforts to fight against human trafficking in the three dimensions. These problems had caused the practice of human trafficking persisted over time, despite increasing attention and efforts from the government to fight against it.

From institutional dimension, the government has been keen to provide institutional framework for collaborative effort among government institutions to combat human trafficking in the three regions. The problem is that wider cooperation with the civil society organizations, local community, business, and foreign institutions are lacking.

In socio-cultural dimension, there are cultural and structural obstacles to the fight against human trafficking. Job and business start-up opportunity is low, encouraging people to seek job at foreign countries. Youth and sport activities are also lacking with limited infrastructure provided. On the other hand, families value foreign work opportunity, and support their members to go abroad for work.

From the crime process dimension, identifying the traffickers and their crime network in practice have been the major obstacle in preventing and prosecuting the crime cases. It appears that in most cases, the recruiters are relatives of the victims, without necessarily having strong ties with the so-called transnational organized crime in human trafficking. The following description will explain further the problems analysed in the three dimensions.

#### A. Institutional Effort: The Lack of Collective Action

The enactment of Anti-trafficking law in 2007 is considered a turning point in combating trafficking in Indonesia. For the first time in the national history, the law enforcers are provided with legal basis for fighting human trafficking and protecting the people, particularly women and children from rights violation. The Commission of Child Protection (*Komisi Perlindungan Anak Indonesia*, KPAI), the National Commission of Anti-Violence against Women (*Komisi Nasional Anti Kekerasan terhadap Perempuan*, or Komnas Perempuan), and the Ministry of Women Empowerment and Child Protection are provided with the legal basis to file reports of trafficking to the police for further investigation, protection,

and rehabilitation. The government agencies and civil society organizations can then be more effectively help the victims based on the provision of the law, especially the victims of child trafficking.

However, the government agencies found that protection against and prevention of trafficking is still constrained by some gaps within the law. According to the local police and local office of Migrant Worker Development and Placement in West Kalimantan, the government can only take action in protection once there is report of exploitation or clear evidence of trafficking performance. Each year, since 2013, there approximately 40 cases of trafficking in West Kalimantan that were filed and prosecuted. Prevention on the other hand, is only easier for child trafficking cases. Whenever the police or immigration office found under aged worker being trafficked to neighbouring countries, they can prevent. Other cases cannot be prevented easily. The traffickers are often hard to be detected without report from the victims.

The law has generally strengthened the effort to control human trafficking from Indonesia to neighbouring countries. The immigration and National Agency for Protection of Migrant Workers (BNP2TKI) are included in administering the mobility and work permit issuance of migrant workers, to prevent people smuggled or trafficked illegally to foreign countries without government supervision and protection. The BNP2TKI is given the authority to monitor and control the conduct of Indonesian labour outsourcing companies.

The impact of this new regulation is that the government can control the labour outsourcing companies to comply to the anti-trafficking law. According to the agency (BNP2TKI), only 30% of the companies are performing in accordance to the law, while the rest had to be banned by the government and cannot operate. These companies were unable to provide well documented labour to be transported to foreign countries, and thus vulnerable to exploitation by the employers.

However, the relative success in managing the outsourcing companies has not been able to reduce the number of human trafficking cases in Indonesia so far. It appears that legal and well documented labours are also vulnerable to exploitation and rights violation. Based on the cases reported to the police, most of the victims were legal and well documented when they first travel to work at foreign countries. Lacking leverage vis-à-vis the host company employers, without monitoring and protection from the labour outsourcing company, many among Indonesian migrant workers were exploited. The forms of exploitation are various, such as unpaid, bad working condition, documents are kept from them and thus reduce their freedom, etc. Advocacy and protection of the workers at the host country have been difficult due to the lack of collaboration between states.

Civil Society organizations (CSOs) has been active in promoting protection against trafficking and rehabilitation of the victims. Prior to 2015 when the Office of Women and Children

Protection and the Task Force of Anti-Human Trafficking was established, most victims reached out to the CSOs for protection instead of the police or government agencies. Since 2015, the CSOs work together with the police and the Office and the Task Force in protection against and rehabilitation of victims of trafficking. Most victims now tend to be more open to reporting to the police and other government agencies. The CSOs are usually providing shelters for the victims during investigation or prosecution and perform rehabilitation and empowerment for the victims. It is interesting also to note that the CSOs here includes also religion school (*pesantren*), not only the Non-Government Organizations (NGOs) working on the specific issue of human trafficking or women and child protection.

Some SCOs are active in providing advocacy to the neighbouring countries government and company for freeing and protecting migrant workers from being exploited. Some of the activist are well known among Indonesian workers, so they often receive calls for help from migrant workers abroad. When providing help to free the victims and demand for payment and documents, the SCOs often faced with uncooperative governments of both source country and host country. There is a case in Malaysia, where an Indonesian worker was not paid after 6 months work at a plantation. After failed effort to ask for assistance to the Indonesian police, Indonesian Embassy and Malaysian police, a SCO activist went to negotiate terms with the plantation company by herself.

The Task Force of Anti-Human Trafficking on the other hand, has the advantage of the network it creates. The membership of the Task Force includes government agencies, police, NGOs, and village leaders. The local governments have high expectation toward the success of anti-trafficking measures with the establishment of the Task Force, however, they have not make any actions or plans for future actions since its establishment in 2015 up until now. The factors behind this problem are lack of inter-agency coordination and funding.

International and regional cooperation on anti-trafficking issue is limited to knowledge sharing in data and intelligence. The United Nations agency, International Organizations for Migration (IOM), has been supporting data collecting on human trafficking in Indonesia since 2005, in cooperation with the National Police and local NGOs. The regional organization, ASEAN, has so far been keen in sharing data and intelligence in human trafficking in the region. However, cooperation in protection and rehabilitation is lacking, because of sovereignty and jurisdiction constraints.

By and large, international and regional cooperation for prevention and protection has been minimum. Indonesia, and other source countries, cannot rely on international cooperation in preventing and protecting their citizens from the conduct of human trafficking. The threat to the people is real, but on the other hand, international and regional cooperation has been uncertain. Thus, it is only make sense that Indonesia and other

source country must develop national policies to fight human trafficking.

### *B. Socio-Cultural Problems: Supply Side Abundance or Developmental Paradigmatic Problem?*

The role of society in making anti-trafficking policy work in the source country is very important. There are three important roles of the society. First, preventing the members of the society to fall into trafficking. Families and local communities have the better chance of influencing their members of avoiding trafficking. Second, reporting cases of trafficking in their communities to the nearest police office or government agency. The national police and government agencies can hardly take action against trafficking without information or report from the victims or their relatives. Third, providing support and acceptance to the returning victims to their cities or villages. Support and acceptance of the society is very important for the victims to recover and develop themselves.

The problem is that most members of the societies where the victims belong are reluctant to take the role and responsibility to prevent and protect. Especially people in the villages, they have demonstrated the tendency toward cooperating with the traffickers and protective (by covering against police investigation) towards the conduct of trafficking. It appears that the bad experiences of the trafficking victims through the decades have not discourage the people in rural areas to seek employment abroad for material gain. Some among the people even got angry and protested the campaign against trafficking, particularly by the NGOs, accusing that the campaigns and protection generate constraints for the people to find employment abroad.

The communities surrounding the shelters in the cities, however, tend to be supportive and cooperative toward protection and rehabilitation of the trafficking victims. The people surrounds are aware of the rehabilitation activities in the shelters. In some cases, they came to the victims' help when the security was threatened by the traffickers. But it is important to note that the existing shelters are often unable to provide to all illegal migrant workers and trafficked persons due to limited space and finance.

In the villages in West Kalimantan, women and children are endorsed to find jobs in Malaysia. Children and teenagers are not provided with youth activity infrastructure, such as for art, cultural, and sport activities. It is only normal for children to be sent to Malaysia to find jobs in a plantation. For the children and teenagers, there is nothing left to do for them in the home country, while in the host country they find their purpose of living, which is to support family's economy.

This leads us to question the paradigm of national economic development in the border area. The source of social and



cultural problem that Indonesia faces in the poor rural area is not just the abundance of unskilled labor, or surplus of supply, that increase the motivation to seek jobs abroad. The incentive to work or to start business at the home country is still minimum compared to working at the neighbouring countries. On the other hand, the incentive to engage in youth activities is also minimum with minimum infrastructure and programs.

### *C. The Crime: Problem of Identification and Action*

The number of victims of trafficking in Indonesia is believed to be significant, or more than the police can trace through the reports from victims. Although the national police can only deal with limited cases of trafficking, it is believed that there are more to be unfolded. In West Kalimantan, there are in average 7 cases per month. These cases were investigated based on report from the victims or their relatives. According to an NGO activist in Pontianak, West Kalimantan, those cases are only "the tip of an iceberg". Many of the victims do not want to file a report in the police office for various reasons, such as psychological and social factors. Psychologically, the victims feel embarrassed to return home as a victim of trafficking, not as a success story and a pride in the family as they were expected since they left the home villages. These are the main factors that refrain the victims to report their rights violation. Without the reports, there is only so much that the national police can do.

The term "organized crime" that is entitled to the network of traffickers happened to be an exaggeration in this case. This is most likely because Indonesia is a source country where victims located and recruited from. Most of the main operation of the trafficking, the exploitation, took place in the host country, outside of Indonesia.

In most cases of trafficking in Indonesia, the convicted traffickers are not members of an organized crime. The traffickers are usually free agents with only communication network to the employers in the neighbouring countries, as their relation to the so-called organized crime. Most of them are just playing the role of brokers between the employers and the victims. They are all Indonesian nationals and mostly are not originated from the same village with the victims. In some cases, the brokers have family relationship with the victims.

Among the traffickers in Indonesia, because they are not members to the presumed crime organization, can take the order for recruiting, providing shelter, and transporting the victims, or reject the order. They can quit anytime they want without any implication whatsoever. They are paid by the employers based on the number of victims delivered, and by the victims as part of registration fee. The traffickers in Indonesia were mostly not fully aware of manipulation, exploitation and rights violation towards the victim, or in other word, they are not fully aware that they are traffickers.

The problem with this characteristic of the traffickers is that first, there is no such "organization" to be a target of police operation in fighting this crime in the source country. There is no structure or hierarchy of a group of traffickers. There are

only free agents in the field, playing the role of brokers, trying to get material benefits from both employers and victims. Some of them are even family or relatives to the victims. Second, the free agents, whenever stopped from taking the role of brokers, either caught or quit, can be replaced by any other individuals for the same motive of financial benefits. So if the police can catch and prosecute the free agents, the operation of the trafficking can still be sustained as other individuals can replace them. Third, their modus of operation is as normal as the regular migration. In trafficking the victims, they do not have a designated driver nor shelter. They tend to utilize the public transportation as the vehicle to transport victims and regular hotels as shelter.

This characteristic of traffickers, combined with support and coverage by the society, has made fighting the crime less than possible by the police and prosecutors. The police can only identify and take action against the traffickers when there is report from the victims, witnesses, or family and friends. Without reports, it is almost impossible for the government agencies to detect and prevent the crime from happening, and protect the victims from further exploitation and rights violation.

## IV. Conclusion

There are a few conclusions we can draw from this research. **Firstly**, it is important and beneficial to focus on researching human trafficking at the source country to comprehend the nature of the crime and the counter measures. Expanding the research into the regional cooperation might add up information on the criminal network, but not the countermeasures except for comparison purpose. Resolving human trafficking at national level has the advantage of authoritative institutions, compared to regional cooperation, especially in ASEAN.

**Secondly**, the three dimensions of human trafficking are equally important to be analyzed in order to get sufficient knowledge on what to do to counter the crime. The government need to pay attention to the institutional capacity to prevent and protect, shift the paradigm of development to change the society's behavior, and start to focus on shaping individual's mindset regarding the cost of human trafficking and the benefit of avoiding and preventing it from happening, and collective action to protect and rehabilitate should victims recurs.

**Thirdly**, the role of institutions in coping with human trafficking in Indonesia has been improving since 2007, and particularly since the administration of President Joko Widodo. The government made the policy to combat human trafficking, including with the formation of the Task Force to Combat Human Trafficking in 2015. However, the nature of the crime and society generated constraints to what the government can do.

**Fourthly**, a transnational organized crime as a construct to define the traffickers in the source country, in the case of Indonesia, may need to be reviewed, particularly noting the fact

that traffickers in Indonesia are mostly free agent individuals without strong binding with the counterparts in the host country.

**Lastly**, in order to better cope with human trafficking in Indonesia, it is important to promote a comprehensive policy that include efforts to overcome the problems in the three dimensions above analysed, i.e. institutional, socio-cultural, and crime process dimension.

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