

Overcoming Human Trafficking in Humanitarianism Perspective by Non-Government Organization

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Abstract— *Overcoming against human trafficking in migrant workers during influenced by a policy and politics of the country by NGO Existing studies need to be linked to the principle of what it must be run by an NGO and how these NGOs can be engaged in acts of his humanity to handle human trafficking cases. Furthermore, Trafficking dominated by the migrant workers. The low level of education is considered as one of the causes of people's welfare issues in the world. It can cause a high rate of population movement to seek prosperity in other areas and even to other countries is to be a migrant worker. Usually, a human trafficking case involves the handling of human security of a country, but sometimes the state is not able to handle. This paper describes how to handle human trafficking cases handled by NGOs. However, it using the approach of addressing the issue of humanitarian need through procedures appropriate to the platform launched by UN OCHA.*

Keywords— *Human trafficking, Human security, NGO*

I. INTRODUCTION

In the era of globalization security disturbances are not only caused by various crimes that occur in a country but also caused by transnational crime. Various kinds of evils have developed quite apprehensive and appear so fast along with the development of an increasingly modern era. One of the transnational crimes that have become serious crimes today around the world, including in Indonesia is the case of human trafficking.

The issue of human trafficking is important to be discussed since this issue involves many actors and their transnational nature. The human trafficking ranks third as the largest cross-country criminal act. From this business, it is estimated that the perpetrators earn a profit of USD 7 billion each year [1]. In line with the above data, reports an estimated one to two million people are traded annually around the world [2].

Indonesia is listed as one of the countries with the high predicate for human trafficking that is human trafficking. Indonesia ranks highest with 3,943 trafficking victims. Of that number, most cases occurred in West Java, ie as many as 920 cases or 23.33% [3]. The Indonesian state is also a

supplier country of trafficked persons, especially women. While the destination countries are supplied include Hong Kong, Singapore, Taiwan, Malaysia, Brunei, Persian Gulf, Australia, South Korea, and Japan. In Indonesia trade often occurs in the border region [4].

The rampant cases of human trafficking that occurred in Indonesia. Indonesia ratified an anti-trafficking protocol that encouraged Indonesia to form Law no. 21 of 2007 on the Eradication of Human Trafficking Crime (PTPPO). The Convention on the Elimination of All Forms of Discrimination against Woman (CEDAW), adopted through Law No. 7/1984 on the Elimination of All Forms of Discrimination against Women and Law No.23 on the protection of children also forms the basis of the establishment of the PTPPO Law[5]

Based on the above background it is necessary to be studied or analyzed more deeply related to the role of an NGO, that is Migrant Care in handling human trafficking. This discussion also becomes important and interesting because the analysis will be conducted using a humanitarian review.

Humanitarianism universally has four principles adopted by almost all humanitarian actors namely; humanity, impartiality, neutrality, and independence [6]. Principle humanity is intended to protect life and health and ensure respect for human beings. The neutrality principle of a humanitarian act actor should not take sides in hostilities or engage in political, racial, religious or ideological controversy. The principle of impartiality of humanitarian action should be done on an independent basis, giving priority to the most urgent case of distress and not making a difference on the basis of nationality, race, gender, religious belief, class or political opinion. And the principle of independence is that humanitarian action should be autonomous of political, economic, military or other objectives relating to the field in which humanitarian action is being carried out. The four principles outline the basis for humanitarian workers in conducting humanitarian actions.

II. RESEARCH METHOD

To analyze and explain the problems that have been described, the author uses the qualitative method with descriptive research-analytical, that portray the facts that exist in analyzing and interpreting the data that has been collected. The data collected by the author is the primary and secondary. Secondary data through library research in the form of books, journals, documents, media and internet. NGO Migrant Care Supported by observation and in-depth interview.

III. DISCUSSION

Non-Government Organization is an organization founded by individuals or groups of people who voluntarily, who provide services to the general public without aiming to benefit from its activities. NGOs are non-state actors, but are of the same nature and can cross national borders. NGOs established by a group of individuals or domestic groups who are not representatives of the government. This actor is included in the analysis of the world system because of its role can affect the policy of a country concerned. In response to the massive media attention and activist lobbying to raise attention to the phenomenon, policymakers have demanded documentation of the scale of the problem in order to allocate funding, and monitor change as policies are implemented [7].

NGO activity on trafficking of women especially sexual exploitation done by exploratory study By Anti-trafficking program (ATP) in 2001 NGOs can be a good place and suitable for victims of women trafficking, and responses to the growing phenomenon in countries of origin and destination. And this is a description of the NGO initiative, addressing some of the key constraints faced by NGOs in combating trafficking, sexual exploitation of women and the vulnerability of children to practices such as slavery[8].

Many laws and regulations to prevent the rise of human trafficking, but in practice, these rules do not necessarily solve the problem of human trafficking to zero. Because the phenomenon of human trafficking is very complex, not merely related to legal and regulatory issues but also related to the matter of culture and religion. In carrying out its duties, NGOs at the political level are better at disentangling the existence of such NGOs especially in the perspective of a corporatist state. NGOs treat themselves as an extension of the government and accept the ideology of developmentalism which adopted by the state [9].

States have the primary responsibility to guarantee the fundamental rights of their citizens to be respected, protected and fulfilled. During peacetime or humanitarian or humanitarian crises, if the state is unable or unwilling to fulfill this role, humanitarian organizations seek to provide assistance and protection to the needy. Humanitarian principles and standards of conduct for humanitarian workers have been developed by various actors over the past few years, largely based on international humanitarian law [10].

Humanitarianism universally has four principles adopted by almost all humanitarian actors namely; humanity,

impartiality, neutrality, and independence [2]. Principle humanity is intended to protect life and health and ensure respect for human beings. This is based on the fact that human suffering must be addressed wherever it is found, with special attention to the most vulnerable groups, such as children, women, refugees and the elderly. Everyone has the right and dignity to be respected and protected. Humanitarian actors must retain their ability to obtain and retain access to all vulnerable populations and to negotiate such access with all parties to the conflict or not.

The neutrality principle of a humanitarian act actor should not take sides in hostilities or engage in political, racial, religious or ideological controversy. Transparency and openness are key issues for maintaining neutrality. Neutrality for an organization is based on a human rights approach despite being a challenge to overcome human rights violations, Neutrality is not a justification for excusing impunity or

The principle of impartiality of humanitarian action should be done on an independent basis, giving priority to the most urgent case of distress and not making a difference on the basis of nationality, race, gender, religious belief, class or political opinion. It is intended that humanitarian aid is given to all who suffer, based on their needs with appropriate and appropriate goals. Human rights are the basis and framework for needs assessment. This principle includes the necessary proportionality (where resources are insufficient, priority is always given to those most affected) and the principle of non-discrimination (no one should experience discrimination based on their gender, age, ethnicity, identity, etc.).

And the principle of independence is that humanitarian action should be autonomous of political, economic, military or other objectives relating to the field in which humanitarian action is being carried out. In general, the implementation of humanitarian action must involve stakeholders, beneficiaries, national/local authorities, donors and aid agencies. In this connection, NGOs must be autonomously responsible for beneficiaries and not affected by the politics of donors or national authorities.

Migrant Care is an NGO that handles or participates in complaints relating to Indonesian Workers in other countries. This commitment is then translated into tasks covering advocacy, campaigning, information and documentation, organizing and capacity building. Migrant Care also has a very important role in human trafficking cases affecting Indonesian migrant workers that are advocating TKIs who are victims of human trafficking.

The results of the observations during the research in the victim advocacy division, there are several roles of Migrant Care in handling human trafficking victims in the handling aspects such as : a) Assistance of victims in the protection of the Law; b) Victim return; c) Victim recovery and d) Empowerment of victims.

Implementation of case handling conducted by Migrant Care if described by the flow of mechanism as follows: a) Acceptance of complaint in Migrant Care; b) Assistance of Complaints to BNP2TKI and Ministry of Foreign Affairs; c)

case complaint to Indonesian republican police Headquarters: d) Follow Up Case; e) Mediation with PT PJTKI; f) Insurance Claim Process; g) Repatriation of victims, h) Repatriation, i) Victim assistance to obtain health facilities; j) Provision of Shelter facilities; and k) Press Conference activities, demonstrations [11]

Programs implemented by NGO Migrant Care need to be studied more deeply using humanitarian principles.

1) Principle of humanity

The handling of cases handled by Migrant Care follows the existing procedures, and if all of them are already then the role of Migrant Care here is to advocate the victim by providing information to the victim about the legal process that will be undertaken, that is discussing all the options available to the victim and helping her to decide the action what to take, provide emotional support and encouragement, ensure sensitive care, provide services for referral to other services such as lawyers, medical and psychological care, shelter, job training, and education.

The service implemented by Migrant Care is not always in accordance with the procedure that the TKI should report to Migrant Care for advocacy. However Migrant Care is active to update with the development of overseas migrant workers and try to advocate the troubled Indonesian migrant workers up to the crucial problems of the workers who get the sentence of death or the death penalty so that the troubled Indonesian migrant workers get legal aid from the state so as to contribute in relieving the punishment.

But keep in mind that does not mean TKI who get assistance from Migrant Care will be guaranteed safety and fulfilled all the rights. This is because the problems that occur in TKI vary widely with different Partners is PJTKI, Agency. Because of Migrant Care also follows of procedures or system of settlement implemented by the state.

NGO Migrant Care who has carried out the humanitarian principles that UNOCHA has initiated. This can be seen from what Migrant Care does in the advocacy of migrant workers trying to help the problems of migrant workers wherever they are located, with the capabilities of institutions in their national and international community to prevent and alleviate human suffering, which is not limited by territory. And the principle of humanity carried by Migrant Care is intended to protect the life, health and guarantee respect to the workers so that workers get their rights back.

2) The principle of neutrality

In any case that happens to TKI, in the end, it is necessary to advocate for the rights of migrant workers, especially on human trafficking victims. Therefore, strong guidance is needed in implementing the program to avoid alignment in hostilities or to engage in political, racial, religious or ideological controversy. In the ICRC neutrality is manifested in impartiality in arms disputes and does not take part in political, racial, religious or ideological controversy (controversies). This will be different again implementation in NGOs that move on the advocacy of TKI.

In solving the case generally requires the involvement of many actors namely BNP2TKI, PJTKI, Ministry of Foreign Affairs, and Agency, which in the beginning could be because of one of the actors that appear human trafficking victims. But in the settlement of this case, Migrant Care remains to defend the victim. Often the problems of migrant workers who are charged in the BNP2TKI section of Crisis center, PJTKI try to lobby with the victim or the victim's assistant so that the problem is not prosecuted in court but discussed in kinship. But PJTKI fool victims with the lure of money so that the case immediately on the lid that actually the lure instead covered the rights of the victim. Not only the PJTKI also tried to take the heart of the victim by being nice with the victim when the mediation process happened to invite to eat, or seduce by a promising victim to become TKI again.

Problems concerning the implementation of the placement agreement of migrant workers are identified not only cases that are included in the civil sphere but also criminal acts such as fraud, extortion which is not appropriate when discussed. However, because the cost of the trial is expensive and takes quite a long time ultimately the majority of victims go through a familial way. Migrant Care also will not remain silent when the agency or state agency, in this case, is BNP2TKI and Ministry of Foreign Affairs provide poor service for the victims, Migrant Care always sharing and remind them either directly or to the public service complaints to the Ombudsman for the government always provide protection and good service for the victim.

Migrant Care Attitudes that strive to put forward for the good of the victims, who are not only focused on looking for scapegoats to blame when the human trafficking victim case arises. Not taking sides with one of the stakeholders concerned in the settlement of victim cases is one of the indicators of the achievement of the principle of neutrality.

3) The principle of impartiality

The impartiality principle of humanitarian action carried out by Migrant Care should be conducted on an independent basis, giving priority to the most urgent case of distress, not discriminating migrant worker cases based on differences based on nationality, race, gender, religious belief, class or political opinion. The problems of the majority experienced by Indonesian migrant workers according to several stages are a) problems at the migration stage of recruitment and pre-departure; b) while working in the destination country; and c) at the return stage.

Basically, Migrant Care never distinguishes or discriminates against cases of migrant workers based on race, gender, religious belief, class or political opinion. Because basically all reports of incoming complaints made advocacy maximally especially if the workers are very urgent to be saved for example in the circumstances of persecution, persecution, and others. In fact, in certain cases such as that if the victim does not have clear documents to resolve his case in administration and does not know where the TKI is, Migrant Care does not give up, while the case can be tracked who the sponsor, PT PJTKI who sends and

who agency in State of placement, it can be completed even with a long process.

Clear case handling does not seem to distinguish the race, religion or origin of the victim. Although the Migrant Care staff 80% comes from East Java and 100% are Muslim but Migrant Care never refuses the case based on it. Indonesia's territorial boundaries separated between provinces are also not an obstacle to Migrant Care in handling cases because in fact, Migrant Care seeks to network (NGOs and individuals) to handle cases in remote areas in conducting interrogation on victims' cases.

Regardless of the weaknesses that exist in the practice of handling human trafficking among NGOs who are both advocating migrant workers, especially Migrant Care, so far the efforts made to provide assistance to victims of trafficking can be categorized relatively successfully, cases of handling trafficking both mentoring and the process of trafficking victims returning. But this depends on the capacity of the individual mediator. And the decision of the problem that has been delegated the settlement of his case to the more authorized party (police and prosecutor).

4) The principle of independence

Effective collaboration is not merely the merging of various elements among stakeholders in the form of sharing information or references of victims, but more important than that is the emergence of awareness that the object of the same handling of those who become victims of trafficking. And the independent attitude that is not in doctrine by others. So that raises its own strength to more importance of the needs of victims above the interests of others[11].

In implementing the programs and activities undertaken Migrant Care actively cooperated with other organizations. For the national scope, Migrant Care works closely with the MDGs Network, E-Net for Justice, The Justice Forum for Migrant Domestic Workers, JALA PRT, END State Violence Against Network, BPI, CEDAW Working Groups, We Watch, FKP, HRWG (Human Rights Working Groups), Coalition for Anti Death Raw, and Women Leadership Network (MAMPU); for regional scope, in cooperation with SAPA (Southeast Asia Peoples for Advocacy), Migrant Forum in Asia, ASEAN Task Force on Migrant Workers; and for international scope in cooperation with IPMWC (International Platform on Migrant Workers Convention), Social Watch and Human Rights Watch. For funding, Migrant Care is assisted by several international organizations such as ILO, Cordaid International, Ford Foundation and Usaid [12].

Although the operation of Migrant Care since its establishment in 2004 cannot be separated from other partner institutions, in carrying out its humanitarian action has standard operating procedures in carrying out its activities so that to cooperate with other parties there must be provisions that can make the institution more able to move flexible and independent. NGO activities will make the NGO relationship with donor agencies synergistic if they have the same mission and mission, whereas on the

contrary, if there is an ideology dissonance it will make the obstruction or abandonment of an activity.

Migrant Care Network with NGOs working in the same field that focus in advocacy of TKI not making the opposite but it can be work together for partnership. And in seeking and receiving funding Migrant Care has the right to sort and choose what funding criteria is taken by Migrant Care. It shows that the collaboration of Migrant Care with the same NGOs that move the same in the advocacy of TKI, as well as the cooperation of Migrant Care with donor institution still have standard operational procedure clear and firm stance to carry out its vision of mission. So that it can be said that NGO Migrant Care even though this institution is established with some donor institutions or other NGOs still put forward its principle, because every funding received there is Memorandum of understanding agreed so that Migrant Care autonomy is still enforced to avoid political, economic, or other objectives. This indicates that Migrant Care adheres to an independent principle.

As for how to advocate for TKI, especially on human trafficking victims, the political dimension is: First on national policy advocacy. That is the issue that requires revision to Law no. 39 of 2004 on the Placement and Protection of Indonesian Migrant Workers Abroad. The Second is Local Policy Advocacy, The current era of regional autonomy, it is possible for a Regency or Province to make policy rules either in the form of a Regional Regulation or equivalent regulation to regulate the protection of Migrant Workers from their area. And Third, Public Advocacy: Conducting a series of campaign activities to the community on the rights of migrant workers both in the country and in the country placement of Indonesian workers is one of the efforts to educate the public about the rights of migrant workers, so that the wider community has a responsibility answer also for the solidarity of migrant workers.

In the end this trafficking case could well be resolved if all the elements or related stakeholders can synergize well to defend the interests of victims and NGOs engaged in human trafficking subscribers can comply with the principles in UNOCHA, handling is also done comprehensively from the making policies that lead to the well-being of migrant workers and fair trial process as well as a firm commitment in bribing the practice of human trafficking in this placement of migrant workers.

IV. CONCLUSION

Migrant Care is an NGO advocating the problems of migrant workers abroad one of them is human trafficking problems affecting Indonesian migrant workers. Migrant Care as an NGO has complied with the humanitarian principles which become the frame of reference for humanitarian actors, namely the first principle of humanity, neutrality, impartiality, and independent.

Humanitarian principles as the frame of reference of humanitarian actors are very important because the implementation can be seen in terms of how it underlies the NGO humanitarian action by maximizing the network and international law and national law in each country to defend

the victim in this case that is human trafficking victims. NGOs that follow this basic humanitarian framework will build an identity and credibility within their communities, both communities, and governments. NGOs that have a vision, mission, goals, and objectives, must implement a strategy to achieve it. So that NGOs need the credibility of national and national society in carrying out its humanitarian action. The existence of an NGO that does not have a clear platform will be eliminated by the sloping assumptions of the community.

NGOs that use clear guiding principles in dealing with human trafficking victims will have sufficient power and capacity to influence policy, the power to seek donors and gain trust in the community. And this is what happens to Migrant Care, Migrant Care as one of the NGOs working in the field of humanity indirectly NGOs can be a model or pilot for other NGO's to follow the reference platform that can be adopted from UNOCHA (humanity, neutrality, impartiality, and independent) and can be developed with other principles beyond that as well.

Beside of the role state and non state actors to handle human trafficking, people should also be given access to help the Government because the community has a very important role in the process of protecting migrant workers from various violations of rights and mode of trafficking. So that people can control the recruitment process in order to avoid trafficking. Communities can also play a role in overseeing migrant labor dispatching agencies. On the other hand, the voice of the community is needed in demanding the state to fulfill its obligation in providing protection to the workers.

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