

Chapter 1

1.1 Introduction

Human trafficking is a serious Transnational Organized Crime (TOC) faced by countries globally. The United Nations (UN) estimates that 40.3 million people are in a "modern slavery" situation. Moreover, according to the latest data from International Labor Organization (ILO), in 2017, more than 40 million were victims of trafficking. Indeed, a survey analysis by the UNODC by 2020 shows that most victims are women or children; in particular, 50% are victims of sexual exploitation, and 38% are victims of forced work. This issue has been written about a lot. Many scholars have explained the concept, especially in the past 20 years. Human trafficking has become a great concern in politics and other actors (Burke & Brujin, 2018). Therefore, talking about human trafficking (HT) is related to the economic exploitation of humans. Trafficking in Persons (TIPs) has been associated with transnational criminal organizations, criminal organizational networks, local gangs, labor and immigration laws violations, and government corruption (Richard, 1999; US Government Accountability Office, 2006; Vayrynen, 2003).

Southeast Asia is one area where TIPs are used by criminal organizations, especially in sex commercial incidents. Therefore, the latest annual Trafficking in Person Report (TPR 2020) of the United States Department of State (US) also does not give a good picture of the ongoing situation regarding TIPs in Southeast Asia. Dubbed by the US State Department as "the world's most comprehensive research

for anti-trafficking government efforts," the report shows that human trafficking remains a major problem in Asia. Under the Trafficking Victims Protection Act of 2000 (TVPA), it requires that the Secretary of State submit to Congress a list of countries requiring special oversight and provide an Interim Assessment of the progress made in combating TIPs by the countries on the list. The study briefly reports on anti-trafficking activities by the government in the first half of the reporting period. The report said countries could be graded on tiers from tier 1 to 4. Tier four is the most severe, a country that does not find it meets the minimum standards for eradicating TIP. On the other hand, tier 1 is a country that fully meets the minimum standards. Based on the 2021 final report on TIPs, Indonesia is included in Tier 2, a country that does not fully meet minimum standards for eradicating the crime of trafficking in persons (TPPO) but is making significant efforts to achieve them.

Indonesia now is a Tier 2 level according to the TPR. However, to understand the complexity of HT in Southeast Asia or ASEAN, it is necessary to explain more about International Human Trafficking. Normally there are countries in this area where trafficking sends victims and countries where the victim is from. According to the ILO, the recipient countries in Southeast Asia (SEA) are Malaysia, Thailand, and Singapore, whereas Indonesia, Cambodia, and Myanmar (Burma) are the countries with higher export trafficking rates. According to Burke and Brujin (2018), a trafficking person does not need to be transported from one country to another. Victims can be trafficked within the country (domestic human trafficking) but need to be scanned to another country. One example could be when the victim

(usually a woman or male child) is trafficked to the rural zone. ILO observes that many minors are trafficked from rural and poor areas to cities.

In most cases, as proven by the investigation with the local NGOs in Indonesia, there is a relationship between the family and the child. Most are regarding a poverty situation in the family, a common future prospective, common belief in the garment, and low education. Most children do not have basic education and are excluded from social security networks. It is also important to say that these victims are looking for opportunities to get out of poverty status, looking for an opportunity to increase their low-life perspective. According to the ILO in Indonesia, girls usually become victims of trafficking for commercial sex. The many forms that can take make it more complicated to understand this issue. Why do people take this dangerous road? The problem is college with the quality of life of the victims that do not see any future in their original countries or village and choose to move even with dangerous consequences? What rules do NGOs have in this case?

1.2 Research question

NGOs have a very important role in the smooth functioning of non-governmental activities in coordination with governmental activities. The NGOs that deal with human rights and pursue a humanitarian mission go against many challenges. Not just deal with logistic or bureaucratic problems and challenges linked with the environment where the NGOs work and challenges caused by unforeseeable emergencies and cataclysms such as pandemics and other natural disasters.

This research means to answer the following question:

- What challenges do NGOs face when working on the Human Trafficking issue?
- What kind of role that NGOs have in the Human Trafficking issue?
- What kind of regulations are used in Indonesia against trafficking in person?
- What kind of reason pushes people to be in contact with traffickers?

1.3 Importance of the research

This research intends to highlight the challenges that NGOs must face in human rights. In particular, this research will focus on those NGOs dedicated to preventing or supporting victims of human trafficking in Indonesia. The challenges that NGOs face are many. Not only the legal part connected to the laws dealing with trafficking in human beings but also problems connected, for example, to catalysts such as the covid-19 pandemic which, due to the closures of offices both at domestic levels and in other countries (level international) complicate the work of NGOs, in particular the NGOs that work to support victims of trafficking in human beings.

1.4 Methodology

Following the purpose of the study, the information gathered was intended to understand the challenges the NGOs face when working with a case of human trafficking in Indonesia. The methodology used is a qualitative analysis, where a group of people has been taught to interview (when is possible face to face or through zoom). The names of those interviewed are protected by privacy; it will not use a direct name but surname or nickname. The researcher asked if the name of

the NGOs can be written in the thesis and, if not, using a nickname either for the NGOs.

Due to the difficulty of moving caused by the Covid-19 pandemic, the target sample size for this research was 3-5 NGOs. The small size of people has been filled with a comparative analysis between NGOs working on cases of trafficking in human persons but acting differently. Moreover, even a small number of participants' goal was to collate at least accurate and useful information for a qualitative study and not a quantitative one. These participants are people that work in the NGOs in Indonesia, in particular from Solidaritas Perempuan, SAMIN Yogyakarta, the NGO SETARA Semarang and the ECPAT Indonesia. Although the number of the participants is small because of the complexity of moving across the country and being connected to other NGOs, this study showed different NGOs, even those that work on the same issue, do differently. Solidaritas Perempuan, for an instant, works as a support in cases of victims of human trafficking in the specific woman, SAMIN in others way work on prevention, the specific with education and workshop, in particular with youth and Childers. ECPAT works in both ways, with supporting and prevention action.

Moreover, with a child-friendly district team assistant from the Sleman district, I had the opportunity to participate in one workshop held in Merdikorejo, where I observed how the district works in terms of preventing child and adolescent cases of trafficking.

The question spotted on the NGOs were:

1. What are the regulations related to anti-human trafficking in Indonesia?
2. Who are the key actors?
3. What is the implementation control?
4. What are the efforts of NGOs to do advocacy?
5. What are the strategies and approaches taken?
6. What are the regulatory barriers?
7. What are the barriers in terms of international support?
8. What are the barriers in society?
9. What are the obstacles from the NGOs themselves?
10. What are the efforts to overcome these obstacles?
11. The main challenge in your opinion is for NGOs with human trafficking cases?
12. Are there any deficiencies in the policies that have been taken by the government (regional or central) on the issue of human trafficking or with NGOs working with this issue?

1.5 Theories

To understand the complexity of human trafficking, the author uses different theories to understand HT's reason and effect. One of the theories that it uses is the conflict theory. Karl Marx and Friedrich Engel made this theory in the 19th century as a socialist (marxism) approach. This theory takes power structures and non-existent differences in power to explain how power structures can affect social inequalities (within the social class, gender, and economic ability) (Hutchison, 2013; Parillo, 2012; Rössel, 2013). In this perspective, Functional theory is the

opposite of conflict theory. That is because functional theory operates in a state where humans are inherently cooperative. Their role is to maintain social harmony (Schriver, 1998). If there is a problem, it is because something is not working properly in the social system.

Conflict theory is important for understanding the "how and why" of social inequality, power inequality, and oppression. If there is social inequality, it can be a factor for labor trafficking or sex trafficking (this theory will be explained more deeply with the poverty trap theory by Amartya Sen). Like Barner, Okech, and Camp, they see that socio-economic inequality within the country itself or at the international level can be a major factor in increasing human trafficking, especially between more sensitive people. Nevertheless, it is also necessary to understand what function violations have in maintaining society. The functional theory explains that. For example, let us talk about the labor trade. It can be explained because, in the system (either domestically or internationally), we need cheap labor (with a minimum UPA) to create more profits. Another example is "illegal sex trafficking or using children when there is a conflict (Jacquelyn C.A. Meshelemiah and Raven E. Lynch 2019).

The theories mentioned above explain with some facts what can make human trafficking. However, these theories do not answer what makes human trafficking victims. This thesis starts from the assumption that poverty and financial hardship are the main factors that force victims of human trafficking to become victims. To explain that, it is necessary to use several theories, which in my opinion,

can help to understand the problem of poverty. The theory that will be used is the poverty trap theory. The theory argues that poverty creates perverse incentives that undermine motivation and return on investments that can reduce subsequent poverty, such as education. (Banerjee & Duflo 2011; Carter & Barrett 2006; Carter & Lybbert 2012 Gennetian & Shafir 2015). For example, if one person cannot study or lives in a difficult environment (monetarily or with not good welfare), it can be under that person will easily become a victim of labor or sex trafficking to compensate for the lack of money.

One of the important theories is the Capabilities theory by Amartya Sen. Amartya Sen's theory is based on a fundamental axiom, a kind of scientific foundation: poverty is the impossibility of a person being able to live the life he likes. Therefore, poverty is an effective hunger for freedom because a lack of what he calls the ability to do and to be is often an insurmountable obstacle to living the life we want to live.