

Chapter 4

Prevention and support: the role of NGOs in Indonesia the cases of Yogyakarta, Semarang and Jakarta

4.1 What are the similarities between the NGOs and trafficking in Indonesia?

In order to understand the barriers and challenges that NGOs face with human trafficking, this work conducted interviews with NGOs who agreed to be interviewed. Through the interviews, some crucial elements were highlighted. The interviews examine 4 NGOs and one consultant from the Sleman district expert in children trafficking, who has given his direct experience during the cases of trafficking and exploitation of minors.

First, to analyze the various barriers NGOs have to face during trafficking cases, it is essential to add some information in common between the various NGOs. Starting from the actors who have a relevant role in the trafficking of human beings in Indonesia (Table 3).

*Table 3
Illustration of the data extrapolated from the interviews for understand the principal actors in cases of human trafficking*

Actors involved in human trafficking case in Indonesia	
Solidaritas Perempuan	<p><u>Before work or be victim of trafficking</u></p> <ul style="list-style-type: none"> ● brokers ● women ● BP2MI (Badan Perlindungan Pekerja Migran) ● Ministry of Foreign Affairs' ● Family ● Regional government ● Manpower ● Migration ● P3MI (Perusahaan Penempatan Pekerja Migran Indonesia) <p><u>During work</u></p>

	<ul style="list-style-type: none"> ● BP2MI ● Agency ● Employer <p style="text-align: center;"><u>After work</u></p> <ul style="list-style-type: none"> ● BP2MI ● broker ● Agency ● Ministry of Manpower and Its Staff ● Ministry of Foreign Affairs and staff <p>Quarantine Place</p>
Setara Semarang	<p><u>Principal actor are:</u></p> <ul style="list-style-type: none"> ● children's ● polices officer ● family ● local mafia ● Dinas Social ● Friends ● Perpetrator ● village
Samin Yogyakarta	<p><u>Principal actor are:</u></p> <ul style="list-style-type: none"> ● brokers ● field workers ● local people ● Criminal ● local criminal boss ● Local mafia ● Police officer ● children ● important noted people ● minor migrants
Mas Jos Consulte Sleman	<p><u>Principal actor are:</u></p> <ul style="list-style-type: none"> ● Family ● closest, ● girlfriend, ● boyfriend ● friend, ● village ● employee ● Rt ● Rw ● Kelurahan ● childrends ● police
ECPAT Jakarta	n/d

According to the data collected and the tables above, there is a commonality between the actors who have an essential role in the trafficking. From the NGOs such as SETARA, SAMIN, and the Consulter that work on child trafficking is possible to observe that the family, the village and close friends, the police, and the local crime or local mafia are the principal actor. Solidaritas Perempuan is different because, firstly, they focus on women and, differently from the other NGOs, Solidaritas Perempuan work on supporting victims. Actors important for SP are government departments like the Ministry of Foreign Affairs', P3MI, BP2MI, and Ministry of Manpower. Moreover, looking at the last report by the SP on human trafficking in Indonesia, especially among women, the NGO is active, especially among victims of trafficking in other countries like Saudi Arabia and Malaysia.

A factor that unites the NGOs analyzed is the socio-economic problem of the victims or future victims of trafficking. This is important and will be analyzed in more detail in the paragraphs inherent to the NGOs themselves. However, table 4 is it analyzes the points and socio-economics of people or future victims of trafficking in Indonesia.

Table 4
Illustrative table 4 of the data extrapolated from the interviews on the socio-economic consequences regarding trafficking and exploitation

<i>Social-economic problem and poverty as one of principle factor for the problem of trafficking in Indonesia:</i>	Solidaritas Perempuan	Setara Semarang	Samin Yogyakarta	Mas Jos Consulter	ECPAT Jakarta
low prospects in the labor market	✓	✗	✗	✗	✗
low education	✓	✓	✓	✓	✓
exploitation for a wage below the minimum level in a foreign country	✓	✗	✗	✗	n/d
poor family of origin	n/d	✓	✓	✓	n/d
difficulties in re-entering the original	✓	✓	✓	✓	n/d
family support on exploitation	n/d	✓	n/d	✓	✓
Family support on exploitation without know to support	n/d	✓	n/d	✗	n/d

The economic problems were also confirmed during interviews with NGOs Setara and the Sleman district consultant, Mas Jos. According to the interview with Ngo SETARA, poverty is one of the main problems that push victims to get in touch with traffickers and exploiters. During the interview with Setara, two events were collected that explain the problem of poverty, especially among young people, in Semarang. According to the cases reported by the NGO SETARA, in some cases,

the entire family is involved in the exploitation of the minor (the son/daughter). An example is the case of the silver boys, where according to the report of the NGO Setara, the whole family was involved.

The main problem of the family was that they lived in a state of high poverty. The consequence of the involvement of minors, an illegal practice in Indonesia, has subjected the minor to detention by police officers. Furthermore, the minor did not attend school correctly during the structuring period, with possible future difficulties. Low education is one factor that increases the possibility of being a victim of child trafficking.

Semarang and the exploited girl: the problem of adequate income in human trafficking in Semarang

During my interview with the NGO SETARA in Semarang, I had the opportunity to hear the case of a victim of child exploitation. I could not be in contact with the victim, and the NGO told me the story of the victim.

According to Ute, one of the child trafficking experts in the NGO, the victim was at first put in contact with the perpetrator promising monetary rewards in exchange for jobs. Noteworthy is that the perpetrator was not a stranger but a member of the community, an acquaintance of the victim.

The victim in question was a minor whom the perpetrator lured. The situation of the victim's family was one of poverty. The first doubts and suspicions regarding the possible relationship between the girl and the trafficker begin when the girl in question begins to bring expensive objects such as fans and cash to homes.

When we intervened (says Ute), we discovered that it was child exploitation, and she had to be reported.

According to Ute, however, the only problem was the family he did not want because, from the family's point of view, the girl was working to help the family, and she was not being exploited.

The Silvermen of Semarang

During the interview with Setara, we analyzed another case. In this case, it was an entire family involved in the so-called cases of the silver boys. According to

Another fundamental point (table 5) is the interaction between investigators/law enforcement agencies and trafficking cases. All in all, the NGOs and the people interviewed, the police and judicial bodies do not have adequate knowledge of the rules on trafficking and exploitation. This gap proves delays and injustice during trafficking cases. The police, according to the data extrapolated from the interview, have difficulties both as regards the trafficking of workers and the trafficking of minors. In the latter, however, as the NGOs Setara, Samin, ECPAT, and Mas Jos point out, the problem also derives from the non-harmonization of the national law on trafficking known as TPPO with international standards such as the Protocols of Parlemo. This part will be deepened in the following paragraphs when examining the barracks that NGOs face when applying a law.

Table 5

Data extrapolated from the interviews on the gap in the law

Problems with law enforcement and judicial systems during cases of trafficking and exploitation and enforcement of laws	
Solidaritas Perempuan	Law enforcement officials lack perspective and are still stuttering in handling criminal cases of trafficking in persons who are women migrant workers perpetrator is the closest family member, and there is pressure from the family so that the case is not reported because it embarrasses the family, victims and their companions are also often intimidated by perpetrators or brokers.
Setara Semarang	The problem in the law (N 21 2007) do not have definition of trafficking in children in the law, there is only a definition of trafficking in persons. Push down the cases of trafficking in persons besouse the problem in the national law.

	The police will transfer that, it is a general crime and punishable by ordinary criminal law
Samin Yogyakarta	The problem in the law (N 21 2007) do not have definition of trafficking in children in the law, there is only a definition of trafficking in persons.
Mas Jos Consulte Sleman	n/d
ECPAT Jakarta	The problem in the law (N 21 2007) do not have definition of trafficking in children in the law, there is only a definition of trafficking in persons.

4.2 Family and Poverty: the experience of SETARA and Mas Jos

SETERA, Mas Jos, and SAMIN are NGOs that carry out prevention in cases of trafficking. SETARA, in some cases, also deals with victim support, while SAMIN, together with Mas Jos, deals more with the part of educating to prevent trafficking in workshops held by the districts, as in the case of Sleman. Prevention is a tool with which NGOs try to educate the particularities of being exploited. Furthermore, the case of the workshop in Merdikorejo where Mas Jos with the Sleman district did a lesson to the children and teenagers in the villages. They were not the victim, and the workshop was made to teach and prevent human trafficking Merdikorejo (Graphic 13) .

Graphic 13



Source ; In the picture was took by the author and all the people are not victims but normal people from Merdikorejo 2022

What I observed there was that, thought the workshop was made to teach o the children what their rights were and whom to report in case of cases of child exploitation. Moreover, Mas JOS gave a lesson on what human trafficking is, the difference between child trafficking/exploitation and adult trafficking, and how to report in the case "a criminal" approaches a minor to offer him a job not appropriate for the age of the minor.

However, some factors push the victims to agree to work for a low wage. These factors are behavior, political and social.

The story of Mas Jos Sleman District

During my interview with Mas Jos, a child trafficking expert in the Sleman district recounted the case of a victim. The case concerned two cases of child exploitation, one sexual and the other work exploitation.

According to Mas Jos: "Indeed, Sleman, and DIY, are not reported for cases of trafficking in human beings because Yogyakarta is not a destination and not a transient area for trafficking. However, if we talk about child labour, there are many. For example, minors from central Jawa are brought to Sleman by their parents for sex exploitation. Most likely because the parents in that family have no money to live on."

According to Mas Jos, this type of practice is widely used in Yogyakarta, where the victims live in hotels (the name of the hotel cannot be written for privacy) because it is cheap to live there.

Guardian boys of the bird shops.

Another case is the guardian boys of the bird shops. This is Mas Jos's direct experience with the victim. "When working on that case," Mas Jos said, "I wanted to understand what was going on. The victim from Jawa Tengah was trafficked in Jakarta under the promise of a salary. When I asked why he needed the

The high level of poverty also entails a social-emotional weakness of the victim, that is who grew up in an environment that structured their social behavior on one thing only: that of no longer being poor and of having an income with which they could buy goods such as the telephone or a new motor (according to the testimonies of SETARA and Mas Jos). In order to earn money, they could end up a victim of sexual or sexual exploitation. According to the latest case recorded by the NGO SETARA, the victim, an underage girl, was exploited at work. One of the tactics used by traffickers is to give money or expensive items to give the victim the idea that work (exploitation) is the solution to get out of his state of poverty. In these cases, the family played an important role. In cases of minor exploitation, the report to the authorities should come from the victim's family. In this case, the family did not want to report since, in their conception, the daughter worked to help the family financially as they lived in poverty.

Poverty used as a means by traffickers to recruit minors for exploitation is a general practice. A victim living in poverty and social hardship would like to stand up socially in some way. The assumptions made by traffickers are loosening for socially weak people. During the interview with Mas Jos, the expert and consultant in the prevention of juvenile trafficking for the district of Sleman, an acute episode made us understand the socio-economic reality: the cases of the bird shop guardians. According to Mas Jos, in fact, in a society with a high level of poverty and high levels of exploitation and trafficking, in this case, minors have both political and social gaps. Another critical factor is the violation of the bird shopkeeper boy. According to the interviews conducted by Ms. Jos with the victim, she would have chosen, albeit a minor, to work in undignified conditions for a minimum wage for the sole purpose of buying goods such as HP and moped.

The episode of the child guardians of bird shops shows us how the victims are easily recruited by the criminal to be exploited. According to data from Mas Jos, minors who work as bird shop keepers live in appalling conditions, far from their home of origin, and are exploited. A similar fate happens to deprived minor girls from low-income families who, during the covid-19 pandemic, lost their father, the only member of the family who worked. The loss of the only family member able to work has led to increased child sexual exploitation, supported in some cases by the mother. This reflects an effect that Soldaritas Perempuan already identified in their reports: work and jobs are highly patriarchal in Indonesia. This means that wifies that have lost their husband, with probably low education, having

age, and without ever having concretely been part of the labor market with children are possible victims, with the children of exploitation and trafficking.

4.3 The problem of the anti-trafficking law in Indonesia from the perspective of NGOs Solidaritas Perempuan, ECPAT Jakarta and SAMIN Yogyakarta and SETARA Semarang

During the interviews with NGOs, one of the challenges that the NGOs faced was the application of the law on trafficking in persons N. 21 2007. With Solidaritas Perempuan Jakarta, we have analyzed the trafficking of Indonesian migrant workers. In Indonesia, most of the victims of trafficking are female. One factor pushing these high levels in women's economic and social status in Indonesia, which, according to the latest SP report, is still structural with a paternalistic system that tends to victimize women, which Ms. Jos also confirmed. For SP, the case advocacy process shows that the problems experienced by women migrant workers cannot be separated from the policies made by the government.

One of them is the policy that prohibits the placement of individuals to countries in the Middle East region through the Regulation of the Minister of Manpower No. 260 of 2015 concerning Termination and Prohibition of the Placement of Individual TKI to Middle Eastern Countries. Based on data from SP Human Trafficking, the majority of women work in Middle Eastern countries because departures are carried out unprocedural. Hence, women migrant workers, especially those in the Domestic Workers (PRT) sector, are increasingly vulnerable to becoming victims of trafficking in persons with the fulfillment of the following elements: elements of the criminal act of trafficking in persons based on Law No. 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons.

However, the interview aimed to understand the problems and challenges that the NGO faced during a trafficking case: female workers and minor girls. According to the interview data, Solidaritas Perempuan encounters barriers in various legal, i.e., how the law is applied, and practical, i.e., how to treat home, especially during the period of the covid-19 pandemic.

4.4 Solidaritas Perempuan and the Perempuan Buruh Migrant

The interview with the SP lawyer expert in migration and human trafficking shows that the Protection of Indonesian Migrant Workers law PPMI is not uniform to the due needs of Indonesian workers who immigrate to foreign countries. Based on the extrapolated data from the interviews with the lawyers, the PPMI outline of the Law n. 39 of 2004 decree the Ministry of Labor no. 260 of 2015, which makes immigrant workers vulnerable to victims of criminal acts of trafficking in human beings. The Job Creation Act simplifies the licensing of Indonesian migrant worker placement companies.

From a legal point of view, law no. 18 of 2017 protects PBMs but has shortcomings deriving from derived rules that are not applied. Additionally, according to SP, access to information for secure migration PBMs is lacking. This facilitates brokers in recruiting any victims of trafficking who live in an economic situation of poverty since the PBM is "forced" to meet the needs of families.

An important factor is also derived from the judicial and terminological knowledge on the part of the forces of law and order on the subject of ICC. This knowledge gap is an obstacle to the implementation of law 21 of 2007 on eradicating the criminal acts of trafficking in persons suffered by the PBM.

According to data from the interview with SP, many investigators in different areas do not understand the TIP, and the police do not take sides with the victims. Unlike the other Ngos' interviews, SP gave a technical key to the barriers encountered during trafficking cases. This is probably because, unlike in other Ngos' interviews, except for SETARA and ECPAT, SP is involved in many victim support. The Obstacles it usually encounters are bureaucratic: such as documentation requirements that must be met for the case to be processed by the BP2MI. Avoid losing communications with the victim, collaborate with people such as investigators who do not know about trafficking

Furthermore, they cannot meet the Ministry of Foreign Affairs and its staff or that the competent agencies have not communicated the progress of the investigation. Inherent and communication problems with the countries trafficked, especially if they are problematic countries such as Saudi Arabia or the countries of the Middle East. Moreover. Moreover, during the Covid 19 pandemic, the already slow bureaucratic machine completely halted, slowing down investigations and ongoing cases. Regarding the fulfillment of restitution as a right of the victim to be reimbursed, Law no. 21 of 2007 still provides space for those who have committed the act of not paying the refund for reasons of impossibility.

4.5 The problem of the national law on child trafficking. SAMIN, SETARA, and ECPAT

According to the data collected during the interviews with SAMIN, SETARA, and ECPAT, one of the barriers is the correct application of the law TPPO N 21 2007. In Chapter 2, this work analyzed the difference in the definition of trafficking and child trafficking. According to Palermo Protocol, child trafficking does not need the consensus stage. It is retracing the various treaties that led to the drafting of the well-known Palermo Protocols, which defines child trafficking by differing it from the common trafficking. According to the data collected during the interviews with SAMIN and SETARA, NGOs that mainly deal with exploitation and minor trafficking through prevention, there is a problem in applying the law N 21 2007 with the Protocols of Palermo.

According to SETARA, SAMIN nad ECPAT, the Law N. 21 2007 has a problem and obstacles to its implementation. That is because based on the 2007 law on human trafficking when there was a case experienced by a child when a child was a victim. This is because, according to the law N.21 2007, cases of trafficking must have proof, so there must be a meaning or consensus. However, according to the NGOs, consensus must not be incorporated into the law for trafficking in Indonesia because child trafficking should be considered child trafficking. However, according to the law in Indonesia, trafficking in persons, even though children are victims, must still be carried out on the program without considering the Palermo Protocol.

Therefore, because the national law is a part (consensus) often when there are cases of trafficking in children, the obstacles are disciplined, and even if there is trafficking in persons, it is difficult to push down the cases of trafficking in persons. This means that the police will transfer that it is a general crime and punishable by ordinary criminal law. According to SAMIN and SETARA, there is still a lack in the law because the understanding of the law by the enforcement is low, especially in term of the human trafficking law as well as the terminology regarding trafficking in persons, and law enforcement is still lacking