

## **Chapter 5**

### **Conclusion**

#### **5.1 A weak judicial system and inadequate social policies**

Human trafficking is a serious and complicated issue. Through this work, it was impossible to understand all the factors that made trafficking in person. However, this work has understood some important points taken as case studies in Indonesia. After the investigation with the NGOs who have accepted to answer my questions, a common element appeared: the weakness and non-synchronization between international protocols and national laws in the material of human trafficking, especially in child trafficking. Should be exceptions for children, namely someone who is not yet 18 years old. According to the Palermo Protocol, children do not need the mean stage to be considered victims of human trafficking.

Through this work, it has been observed that NGOs encounter many challenges, during trafficking cases, especially in the bureaucratic part and in the application of the law. The interviews and the data collected show how the regulation against trafficking in Indonesia is not homogeneous with international law, mainly ignoring the Palermo protocols. This is undoubtedly one of the main obstacles NGOs faces in cases of trafficking, especially among minors.

This is because children do not have the legal capacity to give (or receive) informed consent. In legal systems around the world, it is a fact that children, because of their age, must be considered unable to give conscious consent to various things that require physical, mental, social, and moral maturity for a person to be

able to make his choice. This lack was persistent in all the NGOs interviewed. The Indonesian government, through the years, has improved the law and regulations on human trafficking and immigration labor. However, it is complicated for NGOs sometimes to continue a trafficking process because they are sometimes treated and punished (the trafficker) as fraud.

Furthermore, this thesis also wanted to understand the motivations that pushed adults and minors to get in touch with "criminals" or local mafias to find a subsidiary through a job that later turned into exploitation. Analyzing the data from the interviews with Mas Jos and Setara and Solidaritas Perempuan, we analyzed how poverty and access to consumer goods such as smartphones, fans, and private means of transport encourage people to immerse themselves and get in touch with any traffickers and exploiters.

The goal is to achieve a life with usual standards and a monthly salary. The cases told by SETARA: the silver boys and girls who are victims of exploitation and the boy guardian of a bird shop example represented how to support policies for the weakest sections of the population are not enough and are not very adequate. Many victims, as in the cases told by SETARA, Mas Jos, and SP, are looking for an opportunity to escape poverty without recognizing the dangers. This dream of theirs turns into both sexual and labor exploitation of children. Not only to other countries, as reported by Solidaritas Perempuan, but also within Indonesia, as in the case reported by Mas Jos and SETARA.

## **5.2 What are the possible solutions?**

This study highlighted some aspects the Indonesian government should take to improve trafficking cases in Indonesia. First, do not ignore the Palermo protocols, especially the part dealing with child trafficking. In Indonesia, that clause, consent, was also treated for child trafficking and should instead be omitted. Making judicial times shorter so as not to lose contact with the victims. Also, try to educate law enforcement with gaps in knowledge of trafficking and exploitation terminology. This knowledge gap endangers the victims they see as being treated as victims of fraud and not exploitation. Furthermore, this lack of terminology and common knowledge by the enforcement helps criminals punished with ordinary criminal law and not with the law on trafficking. Furthermore, to reduce the enticement of victims of trafficking by traffickers or local mafias, the government should put into practice social policies aimed at helping the most vulnerable. Indeed, the Indonesian government has already allocated funds to help low-income families purchase essential goods. However, the problem is not just access to essential food items.

In light of the interviews made and that the victims of trafficking spend or are looking for money to buy goods such as fans, telephones, and computers, today's goods can be considered essential. The government should allocate funds to help low-income families purchase these assets. A girl or a boy who decides to go to work and will most likely be exploited will drop out of school. This means probably future adult people that will have difficulty taking jobs with high mobility to be victims of trafficking during their lives.