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The Role of International Organizations and the Indonesian Government in Eradicating the Transnational Crime of Modern Child Slavery

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ABSTRAK

Setiap tahun, satu miliar dolar keuntungan didapat dari perdagangan manusia, yang dilakukan dengan mengorbankan ribuan korban tak berdosa yang dieksploitasi oleh pedagang manusia. Organisasi internasional dan pemerintah nasional harus berkolaborasi untuk menyelesaikan masalah ini. Studi normatif ini bertujuan untuk memberantas praktik tersebut dengan menganalisis peran organisasi internasional dan pemerintah Indonesia dalam memerangi perdagangan anak. Sumber data yang digunakan berupa data sekunder yang telah dikumpulkan melalui metode library research kemudian dilaksanakan analisis. Setelah menganalisis melalui analisis preskriptif, hasilnya bahwa Organisasi Internasional telah melakukan segala kemungkinan untuk menghapuskan perdagangan anak, termasuk menetapkan undang-undang yang komprehensif melalui Protokol Palermo PBB dan memberlakukan Resolusi 70/1. Ini berlaku tidak hanya di tingkat tertinggi PBB tetapi juga di tingkat terendah ASEAN. Pemerintah Indonesia masih dipandang optimal dalam mencegah perdagangan anak. Implikasi penelitian ini, pemerintah harus mengambil pendekatan yang lebih proaktif untuk memberantas perdagangan anak dengan mengedukasi masyarakat, menghukum pelaku dengan keras, dan memberikan perlindungan bagi korban.

ABSTRACT

Every year, a billion dollars is made in profit from human trafficking, carried out at the expense of thousands of innocent victims who are exploited by traffickers. International organizations and national governments must collaborate to solve this problem. This normative study aims to explore the role of international organizations and the Indonesian government in the fight against child trafficking, with the goal of eradicating the practice. After analyzing through prescriptive analysis, the results conclude that the International Organization has done everything possible to abolish child trafficking, including establishing comprehensive legislation through the UN Palermo Protocol and enacting Resolution 70/1, according to the research findings. This is true not only at the highest levels of the UN but also at the lowest levels of the ASEAN. The Indonesian government is still not seen as optimal in preventing child trafficking. According to the findings of this study, the government should take a more proactive approach to eradicate child trafficking by educating the public, harshly punishing perpetrators, and providing protection for victims. And these results are obtained from secondary data sources that have been collected, through the library search method, and analyzed.

1. INTRODUCTION

Transnational crime, particularly human trafficking, has risen to become a major source of worry around the world in recent years (Chen, 2014; Weitzer, 2014). Human trafficking is the world's fastest-growing criminal activity, with a profit margin of \$5 to \$7 billion per year based on United Nations Institute for Training and Research (UNITAR) data. As a result, it should come as no surprise that international statistics demonstrate that human trafficking is the world's second most profitable sector, after drug trafficking. In addition, according to other estimates, profits from this illicit activity are projected to be \$31.6 billion US dollars per year, and it is considered to be one of the fastest-growing criminal industries in the world (Al-Assaf, 2021).

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Nevertheless, the practice of human trafficking, especially children is a practice that has been agreed internationally as an illegal (business) practice. This is because human trafficking, or trafficking in persons, is a form of modern slavery that violates human rights (Broad & Turnbull, 2018; Budiani-Saberi & Columb, 2013; Dando et al., 2016; Greenbaum, 2017; Sibarani, 2020; Zimmerman & Kiss, 2017). Even today, other studies revealed data from the United Nations Office on Drugs and Crime that it is estimated that more than 24,000 people are victims of human trafficking worldwide (Martinho et al., 2022). From these, 30% are children, 23% are girls, and 7% are boys. On the other hand, data from the United Nations Institute for Training and Research (UNITAR) reveals that it is estimated that there are at least 700,000 victims of human trafficking globally every year. Even in other sources, it is stated that millions of people around the world have become victims of this crime (Mace et al., 2012). According to the International Labor Organization (ILO), 1.8 million children are trafficked each year, with females accounting for around two-thirds of the victims (Muraya & Fry, 2016). According to other statistics, even in 2016, there were an estimated 40.3 million victims of contemporary slavery around the world, which is a higher number than the number of people enslaved during the Transatlantic Slave Trade (Bryant & Landman, 2020).

This discrepancy in the data disclosed is due to the highly hidden nature of trafficking and the difficulty in defining it (Kiss et al., 2015). But despite these differences, one thing is certain that it is certainly an ironic fact that every year children are traded around the world, subject to inhuman and violent conditions, which do not respect their basic rights (Martinho et al., 2022). But despite these differences, one thing is certain that it is certainly an ironic fact that every year children are traded around the world, subject to inhuman and violent conditions, which do not respect their basic rights

According to data released by the International Organization for Migration (IOM), approximately 43 to 50 percent of Indonesians living overseas are victims of human trafficking, with victims hailing from a variety of locations. Again, in 2017, data from the International Organization for Migration (IOM) revealed that 970 girls and 5,907 women were victims of human trafficking. In 2019, the Ministry of Women's Empowerment and Child Protection classified women and children as 70 percent of human trafficking victims. In Indonesia, the province of East Nusa Tenggara (NTT) has the highest rate of human trafficking (Anderson, 2021).

Based on these data, it is clear that human trafficking is not only a global challenge but also a challenge for the Indonesian government (Cordisco Tsai et al., 2022). In terms of tackling child trafficking, the United Nations Institute for Training and Research (UNITAR) stated that the Government plays a key role in combating it. But unfortunately, actually reveals that the government is still not responsive in preventing trafficking in persons, especially in child trafficking (Anderson, 2021). Thus, the research question arises, what is the role of international organizations in eradicating child trafficking? And what is the government's role in eradicating child trafficking?

Based on the background and research questions mentioned above, this study aims to determine the role of international organizations in eradicating child trafficking. In addition, the role of the Indonesian government in eradicating child trafficking is also not spared from the purpose of this research. This study is interesting and important because the study of human trafficking is a well-established goal of social policy and crime prevention for the twenty-first century, and has a long track record of accomplishment. But unfortunately, there are very few further studies related to this problem (Cockbain & Bowers, 2019).

2. METHODS

This research will involve a lot of primary legal materials from national and international legislation, which are complemented by secondary legal materials from reputable international scientific journals. So, on that basis, this research can be considered as legal normative research. The approach used is also more of a conceptual and statutory approach. So that the place for taking research materials utilize existing sources on the internet which are collected using the library search method. These materials are taken and collected from trusted journal sources indexed by Scopus. These materials are then used as research data which is then analyzed further. The data analysis that will be used in this research is prescription analysis. This analysis allows researchers to provide an assessment and justification of what should be according to law (Dewata & Achmad, 2019).

3. RESULTS AND DISCUSSIONS

Results

After exploring the existing literature, This study finds that child trafficking is a form of slavery, an illegal trading practice that is prohibited in international law and national law in Indonesia. This is because

"trafficking in persons constitutes a violation of human rights and an offense to the dignity of human rights" as stated in the Asean Convention Against Specifically for the children shown in Table 1.

Tabel 1. International Conventions Ratified in Indonesia

Number of the Law	Year	Purpose
Law No. 14	2009	The ratification of Protocol To Prevent, Suppress And Punish Trafficking
		In Persons, Especially Women And Children, Supplementing The United
		Nations Convention Against Transnational Organized Crime
Law No. 12	2017	The ratification of terhadap Asean Convention Against Trafficking In
		Persons Especially Women And Children

However, Indonesia previously had Law No. 21 on the Eradication of the Crime of Trafficking in Persons which regulates the crime of trafficking in persons, especially children. Especially for child trafficking. The law also specifically stipulates the sentencing punishment in the form of "imprisonment of 3 (three) years and a maximum of 15 (fifteen) years and a minimum fine of Rp. 120,000,000.00 (one hundred and twenty million rupiahs) and a maximum of Rp.600,000,000.00 (six hundred million rupiahs)." It is just that this law has received a lot of criticism, so it is recommended that it be reviewed or even revised (Anderson, 2021). However, through the United Nations (UN) Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children, the United Nations states the need for a comprehensive international approach and role to combat trafficking in persons, especially women and children. On this basis, the explanation below will discuss what roles must be carried out by international organizations and the Indonesian state as the country of origin in the Eradication of the Crime of Trafficking in Children.

Discussion

The Role of International Organizations in Combating Child Trafficking

Because it is a form of modern slavery, the practice of human trafficking, often known as "trafficking in humans or persons," is internationally illegal. Millions of people all around the world have been harmed by this criminal activity as previously explained. In today's world, human trafficking is a multibillion-dollar industry that makes money from the exploitation and commercialization of millions of people, many of whom are minors (Muraya & Fry, 2016).

This cross-border trade has several definitions (Hadjipanayis et al., 2018). It's just that the most popular definition to be operationalized is to follow the definition of the United Nations (UN) Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, complementing the United Nations Convention against Transnational Organized Crime (2000). Article 3(a) of this United Nations Protocol states:

"Trafficking in persons shall mean 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".

Based on this definition, trafficking in persons can be defined internationally by three elements: the actions, means, and purposes of trafficking, while trafficking in children is defined by two elements: the act and purpose of trafficking. The different purposes of trading including this can be seen in the statement "the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs". Globally, child trafficking is dictated by the goal itself, as well as the reality that children cannot be held accountable if they "choose" to engage in their exploitation and exploitation. In the case of minors, the method of initiation into trafficking actions is unimportant; however, acts committed with the intent of trafficking children are categorized as such (Visser et al., 2019). And based on this definition, it can also be understood that human trafficking has many forms. Where the UN Protocol (2000) considers forced labor or services, slavery, servitude, organ harvesting, sexual exploitation, or other forms. The use of children for dangerous work forced begging, or criminal activities (e.g., theft) can also be considered as a form of exploitation. Furthermore, the employment of adolescents as combatants in armed conflict is defined as exploitation and the use of factories of babies to be sold for adoption (Conradi, 2013; Martinho et al., 2022). And Among them, trafficking for sexual exploitation (sex trafficking) is the most understood (Brayley & Cockbain, 2014).

Human trafficking is basically spatial in nature, consisting of cross-sectoral exploitation processes within and across local, regional, national, and international boundaries (Blazek et al., 2019). However, because international human trafficking impacts and occurs in almost every country in the world in various ways, human trafficking laws, on the other hand, differ dramatically from one country to the next at the local, national, and international levels (Schönhöfer, 2017). At the international level, the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, oversees child trafficking policy (Palermo Protocol). The Palermo Protocol was enacted by governments in 2003, and it has been signed by around 155 countries, with only 15 of them ratifying it. Despite the Palermo Protocol's low ratification rate, 134 countries and territories have made it illegal to traffic in people. This is the first international convention to establish a legal definition of human trafficking (Muraya & Fry, 2016).

Not only that, similar studies explained that In September 2015, as a follow-up to the Millennium Development Goals (2000), the United Nations General Assembly adopted Resolution 70/1, entitled "Transforming our world: the 2030 Agenda for Sustainable Development" (Saner et al., 2018). Resolution 70/1 introduces 17 Sustainable Development Goals (SDGs), which were created with the aim of "end poverty, protect the planet, and ensure prosperity for all". Ending poverty and hunger, promoting quality education and gender equality, eliminating inequality and ensuring sustainable corporate practices, and protecting the environment are among those 17 aims. In particular, Resolution 70/1 2015 clearly states in paragraph 27: "We will eradicate forced labor and human trafficking and end child labor in all its forms". (p. 8, italics added).

Not only the United Nations, since 2007, in ASEAN the issue of trafficking in persons has been mentioned in various official grouping documents that discuss the issue of "human rights". And, for more than a decade, human trafficking has been a topic of discussion within the ASEAN Intergovernmental Commission on Human Rights (AICHR), alongside topics such as the right to citizenship and statelessness, migration, and human rights. Human rights, freedom of thought and speech, freedom of religion and belief, torture prevention and control, media freedom, right to life, juvenile justice, and access to legal aid are all issues that need to be addressed. Even when the Senior Officials Meeting on Transnational Crime (SOMTC) drafted a 2016 to 2020 work plan on the implementation of the ASEAN Plan of Action for the ASEAN Convention against Trafficking in Persons, particularly women and children (ACTIP), AICHR was invited to offer a human rights perspective. on the realization of the eradication of trafficking in persons in ASEAN. Similarly, the process of preparing the Bali Work Plan of the ASEAN Plan of Action to Prevent and Counter the Rise of Radicalization and Violent Extremism (2019-2025) (Wahyuningrum, 2021).

ASEAN's seriousness in tackling criminal acts of trafficking in persons is the establishment of the ASEAN Commission on Women and Children (ACWC). One of the ACWC's most prominent achievements is the establishment of a regional policy on the rights of women and children, particularly regarding the challenge of trafficking in persons. The most prominent regional rights policy under the Community is the ASEAN Convention against Trafficking in Persons, Especially Women and Children (ACTIP). In the Convention, Member States reaffirmed "stronger and more effective regional cooperation", and in adopting a legally binding declaration, ASEAN agreed to "recognize the need to establish a regional instrument specifically dealing with trafficking in persons. persons as a legal framework for regional action in preventing and combating trafficking in persons" (Weinrich, 2020).

The Role of the Indonesian Government in Combating Child Trafficking

There is no country or region that is devoid of human trafficking (including child trafficking), which is a crime that exists on a national, international, sub-regional, regional, and continent-wide scale, as well as inside countries and regions (Rashad, 2019). This is because, as previously mentioned, human trafficking, especially children, is spatial in nature, consisting of cross-sectoral exploitation processes within and across local, regional, national, and international boundaries. In the regional and national sectors, the role of the government is also very essential. While most of the countries in the world have created new policies, laws, and enforcement mechanisms to address this problem (Weitzer, 2014). Including Indonesia.

Moreover, Indonesia, in general, is a country with the main source for women, children, and men who are victims of trafficking. Indonesian people are being trafficked across international borders, particularly to countries in East Asia and the Middle East, however, there is also major trafficking within the country (between Indonesia's 34 provinces) (Palmer & Missbach, 2017). Consequently, the Indonesian government is in a strategic position to promote the treatment of its crimes to other countries that have an interest in its policies, which is a positive development. In 2007, Indonesia passed Law No. 21 on the Eradication of the Crime of Trafficking in Persons, which prohibits all forms of human trafficking (Palmer & Missbach, 2017).

In Article 2, the law defines trafficking in persons as "the act of recruiting, transporting, harboring, sending, transferring, or receiving a person through the threat of force, use of force, abduction, confinement,

fraud, fraud, abuse of power or a position of vulnerability, debt bondage or giving payments or benefits, to obtain the consent of the person who has control over the other person, whether carried out within countries or between countries, for exploitation or causing people to be exploited." This definition of course refers to and is the same as the definition from the United Nations in the Palermo protocol. As for child trafficking, previous studies defined it as the recruitment and movement of persons under the age of 18 for exploitation (Ottisova et al., 2018). Basically, not a few of the experts recommend using a criminal punishment approach to this practice (Kotiswaran, 2019). So based on Article 2 of Law no. 21 of 2007 this criminal act of trafficking in persons has a criminal sanction in the form of minimum "imprisonment of 3 (three) years and a maximum of 15 (fifteen) years and a minimum fine of Rp. 120,000,000.00 (one hundred and twenty million rupiahs) and a maximum of Rp.600,000,000.00 (six hundred million rupiahs)." However, if the criminal act of trafficking in persons is committed against a child, the penalty is increased by 1/3 (one third) referring to Article 17.

However, the law related to the criminal act of trafficking in persons is not free from criticism. According to reports from non-governmental organizations, for example, which show that the law does not provide adequate protection for victims of human trafficking (Al-Assaf, 2021). In addition, much of the discourse, policy-making, and enforcement has no evidence base, because so little high-quality research has been conducted on the topic (Weitzer, 2014). Therefore, it is recommended that this law be reviewed (Anderson, 2021). However, despite this controversial law, the state must not remain silent to eradicate the crime of child trafficking. It is also mandated in Article 57 paragraph (1) that "the government; local governments, communities, and families must prevent human trafficking." It's just that the practice of human trafficking is very complicated because it involves a network of syndicates that are difficult to detect. In this case, some people recruit (recruiters), so it must be known the pockets where many cases of trafficking occur.

Based on it, cooperation with certain departments or agencies is needed (Sibarani, 2020). This has actually been confirmed in Article 59 that "(1) To effectively implement the prevention and eradication of the criminal act of trafficking in persons, the Government of the Republic of Indonesia is obliged to carry out international cooperation, whether bilateral, regional, or multilateral." And "(2) The cooperation as referred to in paragraph (1) can be carried out in the form of a mutual assistance agreement in criminal matters and/or other technical cooperation in accordance with the provisions of the legislation." And collaboration between these institutions or institutions to fight child trafficking is very important for effective control and prevention of child exploitation. Inaction on the part of the state, as well as collusion on occasion, has significantly exacerbated the problem of child trafficking in recent decades (Davy, 2013). Similar studies also further suggested that there should be a related task force which would then be increased again (Sibarani, 2020). In this regard, actually, Article 28 of Law no. 21 of 2007 also confirms that "(1) To carry out the eradication of the criminal act of trafficking in persons, the Government and Regional Governments are obliged to take steps to prevent and deal with the crime of trafficking in persons. (2) To streamline and ensure the implementation of the measures as referred to in paragraph (1), the Government establishes a task force consisting of representatives from the government, law enforcement, community organizations, non-governmental organizations, professional organizations, and researchers/academics."

Paragraph (4) then continues that "The task force as referred to in paragraph (2) and paragraph (3) is a coordinating institution in charge of: a. coordinating efforts to prevent and deal with criminal acts of trafficking in persons; b. carry out advocacy, outreach, training, and cooperation; c. monitor the progress of the implementation of victim protection including rehabilitation, repatriation, and social reintegration; d. monitor the progress of law enforcement implementation, and e. carry out reporting and evaluation." This is of course important and should not be missed because the survivors of child trafficking will of course also experience a very complex trauma (Loomba, 2017). And it is the state's interest to take care of them for the welfare of their mental and physical health as mandated by the 1945 Constitution. Apart from collaborating with other institutions or institutions and forming a task force, the government's anti-child trafficking policies and programs must be more proactive, as well as stricter law enforcement and enforcement to maximize the elimination of child trafficking and end this depraved practice (Bah et al., 2022; Nichols, 2016). In addition, the rehabilitation and reintegration of the victims are also very important in addition to the prosecution of the violators in the most severe manner. The final step in preventing children from becoming victims of human trafficking is to create public awareness about the dangers of child trafficking, provide education for all children, give national identification documents to all children, and enforce strict border controls. Regardless of the outcome of the debate, the community and the government must continue to monitor and analyze the policies they are implementing (Anderson, 2021; Bergmark et al., 2017).

4. CONCLUSION

On a worldwide scale, human trafficking is regarded as a serious problem that necessitates a robust international legal response. Given the importance of international organizations ranging from ASEAN to the United Nations in the scope of international human trafficking, the Indonesian government also plays a key role in preventing and eradicating child trafficking on a regional and national level. As a result, cooperation between the Indonesian government and international organizations, in addition to the development of a task force, is thought to be useful for prevention and eradication. Not only that, but the findings of this study also suggest that public awareness of the dangers of child trafficking be raised, that all children be educated, that all children be issued national identification documents, and that strict border controls be implemented to prevent the exploitation of children for trafficking. and, in order to ensure that everything is going according to plan, the community and government must continue to monitor and evaluate how policies are being implemented.

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