

Patterns and The Role of The Government in Preventing Human Trafficking

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ABSTRACT

Human Trafficking is an iceberg phenomenon that is growing all over the world including in Indonesia. Indonesia is a tier 2 surveillance country because human trafficking cases are still high and one of the regions contributing to human trafficking cases is East Lombok Regency, West Nusa Tenggara. The purpose of this study is to analyze and find out how pattern of human trafficking in East Lombok and the role of the East Lombok Regency government in preventing human trafficking. The results showed that first, pattern human trafficking in East Lombok Regency which starts from the recruitment process carried out by neighbors, family, friends, and people who first go abroad, document forgery and manipulation of victims' data are made outside the East Lombok Regency area, and the departure process is relay and departure is not from East Lombok Regency but from the area where the documents are made. Second, the role of the East Lombok Regency Government for prevent human trafficking by conducting scheduled socialization in villages/villages that are vulnerable to human trafficking victims, forming Productive Migrant Villages, and providing training to retired migrant

workers/families by forming novice business heroes. However, the Government's efforts to prevent human trafficking have not been maximized and effective due to the lack of coordination between related institutions and public awareness of the dangers of trafficking in persons.

Keywords: *Human Trafficking; Pattern; Prevention; Role of East Lombok District Government*

I. INTRODUCTION

The phenomenon of trafficking in persons, also known as human trafficking and more recently trafficking in persons¹ is believed to be a horrific human rights violation faced by modern society and a fast-growing criminal industry worldwide.² The term trafficking in persons was first explicitly defined in The 2000 United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (also known as The Palermo Protocol).³ Human trafficking is a criminal offense that has occurred since the royal period in Java.⁴ In other words, human trafficking is not a new issue in the modern era but has occurred since the royal period in Java and this has become the basis for the development of human trafficking in Indonesia.

Indonesia has made efforts to prevent human trafficking (counter-trafficking) through policies at the international, national, and regional levels. With the ratification of the protocol to prevent, support, and Punish Trafficking in Persons, especially Women and Children which then Indonesia ratified the protocol in Law Number 14 of 2009. The law is an effort to prevent and enforce trafficking as well as to eradicate and

¹ IOM. *The Profile of Trafficking in Person in The Border Area of Kalimantan, Studies of The Districts of Sanggau, Sambas, Kapuas Hulu, and Nunukan*. Jakarta, International Organization for Migration Indonesia, 2020, p. XV.

² Diah-Donohue, Jessica, et al. "Survivors' conceptualization of human trafficking prevention; An exploratory study." *Journal Evaluation and Program Planning*, Vol. 83, 2020, 10.1016/j.evalprogplan.2020.101873.

³ Waite, Lousie. *Human Trafficking, University of Leeds, International Encyclopedia of Human Geography*. United Kingdom, Elsevier Ltd, 2020, p. 2.

⁴ Farhana. *Aspek Hukum Perdagangan Orang Di Indoensia*. Jakarta, Sinar Grafika, 2010, p. 1.

punish traffickers, especially women and children⁵. This means that the ratification of the protocol is a tangible manifestation that the Indonesian government supports the prevention and enforcement of human trafficking in Indonesia by strengthening and increasing international cooperation in protecting victims and assisting human trafficking victims.

In addition, before the ratification of the protocol, Indonesia already had Law No. 21/2007 on the Eradication of Human Trafficking. The passage of the trafficking law constitutes legal legitimacy to prevent and comprehensively address human trafficking in Indonesia. However, human trafficking cannot be defined in a narrow sense as physical trafficking such as sexual trafficking. However, human trafficking can be seen starting from the recruitment process where there is falsification of documents that do not physically appear to harm the victim but are procedurally and administratively included in the human trafficking process to placement in the destination country that is not as promised from the beginning including human trafficking as well.

Human Trafficking referred to in Article 1 of the Anti-Trafficking Law is the act of recruiting, transporting, sheltering, sending, transferring, or receiving a person by threat of force, use of force, kidnapping, captivity, forgery, fraud, abuse of power or vulnerable position, debt bondage or giving payment or benefits, to obtain the consent of the person in control of the other person, whether carried out within the State or between States, for exploitation or resulting in exploitation of people. That is, if from the initial recruitment process to the placement there are these elements, it is included in the human trafficking category unless the recruitment of children can already be categorized as human trafficking.

Human trafficking in Indonesia from 2019-2021 recorded 1,331 victims.⁶ Meanwhile, the National Police reported that in 2021 23 human trafficking cases occurred domestically, while there were more cross-country human trafficking cases,

⁵ Waluyo, Bambang. *Viktimologi Perlindungan Saksi Dan Korban*. Jakarta, Sinar Grafika, 2011, p. 119.

⁶ Humas Biro Hukum dan Perempuan, Kementerian Pemberdayaan, dan Perlindungan Anak. "Rakornas TPPO, Komitmen Pemerintah Cegah dan Tangani Kasus Perdagangan Orang." *Kemenpppa.go.id*, <https://www.kemenpppa.go.id/index.php/page/read/29/4111/rakornas-tpo-komitmen-pemerintah-cegah-dan-tangani-kasus-perdagangan-orang>.

namely 159 cases with 111 cases resolved. In 2022, in January-July, there were 57 human trafficking cases followed up by the National Police.⁷ From these data, it can be seen that TIP cases in Indonesia are high.

Indonesia is included in the category of level 2 supervisory countries because human trafficking cases are still high.⁸ Based on a report from the United States Embassy in 2021, Indonesia is one of the main origin countries of human trafficking and destination countries and transit countries in the human trafficking route in the world.⁹ This means that Indonesia is not only a major source country for trafficking, but a destination and transit country. The same thing was found in the results of Nunung Rahmania's research related to the Policy for Handling and Protection of Victims of Trafficking in Persons in West Nusa Tenggara Province that Indonesia, especially West Nusa Tenggara Province (NTB) as the source, destination, and transit area of human trafficking.¹⁰ One of the districts in NTB as a source of human trafficking is East Lombok Regency. One of the human trafficking cases in East Lombok Regency is the case of a 48-year-old LS man who is suspected of being a recruiter, shelter, and administrator of departure documents from 120 illegal/unprocedural Indonesian Migrant Workers (PMI) from East Lombok Regency and one of the prospective PMI victims of the perpetrator was underage as well as a victim of sexual intercourse committed by the perpetrator while in the shelter before being deported to the destination country.¹¹ The recruitment techniques used by human trafficking perpetrators against children and other victims are not merely taking care of departure documents, but there is sexual

⁷ Pusiknas Bareskrim Polri. "Tindak Pidana Perdagangan Orang Ditangani Polri Capai 57 Kasus." *pusiknas.polri.go.id*, 2022, https://pusiknas.polri.go.id/detail_artikel/tindak_pidana_perdagangan_orang_ditangani_polri_capai_57_kasus.

⁸ Kedutaan Besar dan Konsulat AS di Indonesia. "Laporan Tahunan Perdagangan Orang 2022." *id.usembassy.gov*, 2022, <https://id.usembassy.gov/id/our-relationship-id/officialreports-id/laporan-tahunan-perdagangan-orang-2022/>.

⁹ Humas Biro Hukum dan Perempuan, Kementerian Pemberdayaan, dan Perlindungan Anak. "Rakornas TPPO, Komitmen Pemerintah Cegah dan Tangani Kasus Perdagangan Orang." *Kemenpppa.go.id*, <https://www.kemenpppa.go.id/index.php/page/read/29/4111/rakornas-tpo-komitmen-pemerintah-cegah-dan-tangani-kasus-perdagangan-orang>.

¹⁰ Rahmania, Nunung. *Kebijakan Penanganan Dan Perlindungan Terhadap Korban Tindak Pidana Perdagangan Orang di Nusa Tenggara Barat*. Thesis, Universitas Gadjah Mada, 2020, p. 72.

¹¹ Pratama, Dhimas Budi. "Polda NTB Tangkap Perekrut 120 PMI Ilegal Asal Lombok Timur." *antaranews.com*, 2021, <https://www.antaranews.com/berita/2282114/polda-ntb-tangkap-perekrut-120-pmi-ilegal-asal-lombok-timur>.

violence and offering shelter to the victims.¹² In addition, sending PMI or migrant workers is one of the modes of human trafficking.¹³

Based on the description above, the problem of human trafficking is very complex. Human trafficking is not only a global and national problem, but a problem in the region as well. As stated in the case in East Lombok Regency above, there are 1 suspected perpetrator of human trafficking, but there are 120 potential PMI candidates or potential victims. That is, efforts need to be made to find out the human trafficking pattern in East Lombok Regency and the government's role in preventing human trafficking in East Lombok District. Therefore, the title of this study is "Pattern and Role of Government in preventing trafficking in Persons" and the scope of this research is in East Lombok Regency.

As for the searches that have been carried out previously on internet searches, there is no research that is the same or similar to this research with the title "Patterns and Roles of the Government in the Prevention of Trafficking in Persons" which has been carried out by previous research, especially in East Lombok Regency, West Nusa Tenggara. However, there are several studies that are related to this research that discuss human trafficking, but there are sharp differences, both from the background of the problem and the formulation of the problems raised in these studies, namely: (a) Problems of the Task Force in the Prevention and Handling of Human Trafficking;¹⁴ this research discusses the Task Force which has a role in preventing and handling human trafficking cases. (b) Analysis of the Implementation of Policies to Prevent and Eliminate Trafficking in Women and Children in Makassar City;¹⁵ this research focuses on the implementation of policies to prevent and eliminate trafficking in women and children. (c) Educational Activities: Socialization, Strengthening, Screening, and Skills

¹² Letsie, Nthabiseng Claudia, et al. "An eight-year analysis of child labor trafficking cases in the United States: Exploring characteristics, and patterns of child labor trafficking." *Child Abuse & Neglect*, Vol. 121, 2021, p. 5, <https://doi.org/10.1016/j.chiabu.2021.105265>.

¹³ Nuraeny, Henny. "Pengiriman Tenaga Kerja Migran Sebagai Salah Satu Bentuk Perbudakan Modern dari Tindak Pidana Perdagangan Orang." *Jurnal Hukum dan Peradilan*, Vol. 4, No. 3, 2015, p. 517, <http://dx.doi.org/10.25216/jhp.4.3.2015.501-518>.

¹⁴ Resa, Meysasi Kirana & Nyoman Serikat Putra Jaya. "Problematika Gugus Tugas dalam Upaya Pencegahan dan Penanganan Tindak Pidana Perdagangan Orang (Human Trafficking)." *Masalah-Masalah Hukum*, Vol. 50, No.2, 2021, p. 161, <https://doi.org/10.14710/mmh.50.2.2021.161-171>.

¹⁵ Wulang, Andi Tenri, et al. "Analisis Penerapan Kebijakan Pencegahan dan Penghapusan Perdagangan (Trafficking) Perempuan dan Anak di Kota Makassar." *Government: Jurnal Ilmu Pemerintahan*, Vol. 6, No. 1, 2013, p. 1, <https://doi.org/10.31947/jgov.v6i3.1258>.

Training in the Prevention of Human Trafficking in Urban Communities in Denpasar City;¹⁶ this research focuses on education by conducting training to prevent human trafficking. (d) Legal Review and the Role of Government in Trafficking in Persons (TPPO) in Karimun Regency and Batam City;¹⁷ this research focuses on prevention efforts through cooperation between law enforcement agencies. (e) Criminal Policy Towards the Prevention of Trafficking in Persons;¹⁸ this research focuses on prevention that is oriented toward the protection and guarantee of human rights law. (f) The Indonesian Government's Role in Combating Human Trafficking in Indonesia (Case Study 2014-2019);¹⁹ this research focuses on the application of human security theory and role theory in the concept of human trafficking. (g) The Patterns of Human Trafficking of Indonesian Migrant Workers: Case Study of the Riau Islands and Johor Border Crossing;²⁰ this research focuses on the patterns of human trafficking on the border of Riau Islands, Indonesia, and Johor, Malaysia. (h) Muhammadiyah's Role in Managing Human Trafficking Efforts in East Lombok Regency, West Nusa Tenggara;²¹ this research focuses on Muhammadiyah's role in preventing human trafficking by enlightening the public about the dangers of human trafficking. (i) Analysis of Government Policy on the Prevention and Handling of Victims of Trafficking in Women and Children in Cianjur Regency;²² this study focuses on the implementation of policies to prevent and handle trafficking in women and children in Cianjur Regency. (j)

¹⁶ Suntari, NLP Yuniarti and AA Sri Wahyuni. "Kegiatan Pendidikan: Sosialisasi, Penguatan, Skrining dan Pelatihan Keterampilan dalam Pencegahan Tindak Pidana Perdagangan Orang pada Masyarakat Urban Kota Denpasar." *Jurnal Pengabdian kepada Masyarakat Wahana Usada*, Vol. 2, No. 2, 2020, p. 45, <https://doi.org/10.47859/wuj.v2i2.182>.

¹⁷ Akbar, Dhani & Indrawan. "Tinjauan Hukum dan Peran Pemerintah Dalam Tindak Pidana Perdagangan Orang (TPPO) di Kabupaten Karimun dan Kota Batam." *Jurnal Selat*, Vol. 5, No. 2, 2018, p. 134, <https://doi.org/10.31629/selat.v5i2.467>.

¹⁸ Toule, Elsa Rina Maya. "Kebijakan Kriminal Terhadap Pencegahan Tindak Pidana Perdagangan Orang." *Mizan: Jurnal Ilmu Hukum*, Vol. 9, No. 1, 2020, p. 7, <https://doi.org/10.32503/mizan.v9i1.1049>.

¹⁹ Advenita, Victoria, et al. "The Indonesia Government's Role in Combating Human Trafficking in Indonesia (Case Study 2014-2019)." *Jurnal Pertahanan*, Vol. 6, No. 3, 2020, p. 458, <http://dx.doi.org/10.33172/jp.v6i3.1063>.

²⁰ Sulaksono, Endro. "The Patterns of Human Trafficking of Indonesian Migrant Workers: Case Study of the Riau Islands and Johor Border Crossing." *Masyarakat, Jurnal Sosiologi*, Vol. 23, No. 2, 2018, p. 167, <https://doi.org/10.7454/MJS.v23i2.6562>.

²¹ Hartati, Widya and Bahri Salmi Yuniar, "Peran Muhammadiyah dalam Menangani Upaya Perdagangan Manusia di Kabupaten Lombok Timur, Nusa Tenggara Barat." *Legal Brief*, Vol. 11, No. 2, 2022, p. 726.

²² Afifah, Dian Fitriani and Neneng Yani Yuningsih. "Analisis Kebijakan Pemerintah Tentang Pencegahan Dan Penanganan Korban Perdagangan (Trafficking) Perempuan dan Anak di Kabupaten Cianjur." *Jurnal Ilmu Pemerintahan*, Vol. 2, No. 2, 2016, p. 330, <https://doi.org/10.24198/cosmogov.v2i2.10007>.

Implementation of Human Rights Law in Regulating the Prevention of Trafficking in Persons in Indonesia;²³ this research focuses on the implementation of human rights policies to prevent trafficking in persons.

From the 10 (ten) previous studies above, there are several studies that are related to this research that discuss human trafficking, both its prevention and patterns. However, there are sharp differences, both in the background of the problem and the formulation of the problem raised in these studies. As for what distinguishes previous research from this research, it lies in the pattern of human trafficking which is not the subject of discussion in previous studies, except for one paper that discusses the pattern of human trafficking and the pattern of human trafficking discussed is between countries namely Riau Islands, Indonesia and Johor, Malaysia. Meanwhile, this study discusses the pattern of trafficking from East Lombok Regency to the destination country. While the role of the government in prevention is similar, there are differences in the methods used to prevent the occurrence of human trafficking crimes by each policy-implementing agency in the prevention of human trafficking.

This research is a type of empirical juridical research to analyze human trafficking and the role of the government in preventing human trafficking in the East Lombok Regency. The types of approaches used are statutory approaches and case approaches. Primary legal materials used are interviews with policy-implementing actors, namely The East Lombok District Manpower and Transmigration Office, The East Lombok District Women and Child Protection Regional Technical Implementation Unit, and the East Lombok District Women's Empowerment, Child Protection and Family Planning Office. Secondary legal materials are additional legal materials from literature related to the topic under study, namely from laws, regional regulations, journals, books, and expert views. In obtaining legal materials, the techniques used in this research are interviews and literature studies which include searching, collecting, and categorizing the legal materials obtained. All legal materials are analyzed and developed in a descriptive analytical discussion in order to describe legal issues related to human trafficking in East Lombok Regency.

²³ Bawole, Herlyanty Yuliana Angraeny, "Implementasi Hukum Hak Asasi Manusia dalam Pengaturan Pencegahan Tindak Pidana Perdagangan Orang di Indonesia." *Lex Crimen*, Vol. 2, No. 3, 2013, p. 97.

II. DISCUSSION

1. Pattern of Trafficking in Persons in East Lombok Regency

1.1 Human Trafficking in East Lombok: Current Development

The crime of trafficking in persons in East Lombok Regency is motivated by several factors. The driving factors for the people of East Lombok Regency to work abroad as PMI is good procedural and Unprocedural are as follows:²⁴ (a) Economic factors are the main factors for people working abroad, (b) Factors of disharmony in the family or failure of marriage so that one of the escapes is working abroad, especially women; (c) The mindset factor of people who consider that they are "Fighters" so that they are proud if they migrate and succeed, (d) Sociological factors, that the majority of people who build or develop villages are people who have worked abroad so the community makes the benchmark to work abroad as well.

Based on the above factors the reason people work abroad is due to economic factors, disharmony in family relationships, mindset, and sociological. However, apart from these driving factors, there is a more urgent problem, namely the unprocedural way of departing people, causing them to become victims of human trafficking.

From the data on the List of Cases of PMI Problematic, either repatriation or prevention carried out by the Manpower and Transmigration Office of East Lombok Regency (hereinafter referred to as Disnakertras of East Lombok Regency) in 2023, there are 22 PMI through unprocedural channels or illegal PMI types.²⁵ Of these, there were 15 females and 7 males. That is, there are men and women but the majority of migrant workers with problems either unprocedural or illegal repatriation or prevention are women. In other words, women are vulnerable to becoming victims of human trafficking as data from the Technical Implementation Unit of the Women and Children Protection Area (hereinafter referred to as UPTD PPA) East Lombok Regency that 3 women are victims of human trafficking, including 2 female victims in 2023 aged 26

²⁴ Interview with R. Bambang Dwi Minardi, Head of the Placement and Expansion of Job Opportunities Division of the East Lombok Regency Local Labor and Transmigration Office, 27 July 2023.

²⁵ Interview with R. Bambang Dwi Minardi, Head of the Placement and Expansion of Job Opportunities Division of the East Lombok Regency Local Labor and Transmigration Office, 27 July 2023.

years who come from Ketapang Raya Village, Kec. Keruak 40 years old came from Surabaya City, East Sakra District with the destination country Riyadh, and 1 female victim in 2022 aged 30 years came from West Rensing Village, West Sakra District with the destination country Dubai.²⁶ From the data on the List of Problematic PMI Cases, human trafficking victims are the majority of women. This means that women are vulnerable to becoming victims of human trafficking in the East Lombok District.

Women victims of human trafficking from Lotim Regency work as Administrators/Domestic Helpers (PRT).²⁷ That is, one form of human trafficking for women from East Lombok Regency is domestic workers. Farhana said that human trafficking victims in the domestic sector have the highest demand because the workforce in that field does not require many skills so many Indonesian women are willing to work abroad as domestic workers.²⁸ The form of human trafficking experienced by men is working in the field of plantations, namely oil palm plantations in the destination country Malaysia.²⁹ Bambang further mentioned that the victims of human trafficking are those of productive age.³⁰ Those of productive age are residents who are in the age range of 15-64 years.³¹ The age of 15-64 years is called the age of adulthood because at that age the population is considered productive or productive age for work.³² This means that the forms of human trafficking in East Lombok Regency are working as domestic workers and oil palm plantations with an average productive age.

The existence of PMI who depart unprocedurally can be suspected of human trafficking in East Lombok Regency. In other words, PMI who migrate abroad

²⁶ Interview with Iriantono, Regional Technical Implementation Unit for the Protection of Women and Children, East Lombok Regency, 27 July 2023.

²⁷ Interview with R. Bambang Dwi Minardi, Head of the Placement and Expansion of Job Opportunities Division of the East Lombok Regency Local Labor and Transmigration Office, 27 July 2023.

²⁸ Farhana. *Aspek Hukum Perdagangan Orang di Indonesia*. Jakarta, Sinar Grafika, 2010, p. 43.

²⁹ Interview with R. Bambang Dwi Minardi, Head of the Placement and Expansion of Job Opportunities Division of the East Lombok Regency Local Labor and Transmigration Office, 27 July 2023.

³⁰ Interview with R. Bambang Dwi Minardi, Head of the Placement and Expansion of Job Opportunities Division of the East Lombok Regency Local Labor and Transmigration Office, 27 July 2023.

³¹ Goma, Edwardus Iwantri, et al. "Analisis Distribusi Dan Interpretasi Data Penduduk Usia Produktif Indonesia Tahun 2020." *Jurnal Georaflesia: Artikel Ilmiah Pendidikan Geografi*, Vol. 6, No. 1, 2021, p. 22, <https://doi.org/10.32663/georaf.v6i1.1781>.

³² Junaidi and Seroja Miranda. "Pengaruh Usia Produktif, Pertumbuhan Ekonomi Dan Indeks Pembangunan Manusia Terhadap Kemiskinan di Kabupaten Aceh Timur." *JIM (Jurnal Ilmiah Mahasiswa)*, Vol. 4, No. 1, 2022, p. 34, <https://doi.org/10.32505/jim.v4i1.3918>.

unprocedurally have a relationship with human trafficking.³³ PMI are often victimized by human trafficking from the time they leave their region/country of origin until they arrive in their destination country.³⁴ In line with what was stated by Bambang from Disnakertrans, unprocedural migrant workers are vulnerable or can become victims of human trafficking from the country of origin to the destination country because they go through unprocedural channels because they do not receive training to improve soft skills as to support work in the destination country.³⁵

1.2 Pattern of Human Trafficking in East Lombok Regency

The general description related to human trafficking in East Lombok Regency above illustrates that there is a human trafficking pattern. The human trafficking pattern of East Lombok Regency is as follows:

(a) The Recruitment Process Is Carried Out by The Closest Person

The recruitment process is the initial stage of the perpetrators to offer jobs abroad to human trafficking victims. The recruitment process for human trafficking victims in East Lombok is carried out by individuals called Tekong. The Tekong is the closest person to the victim, whether family, neighbors, friends, or people who have gone abroad/migrated abroad first, and directs the victim to the person who dispatches him abroad. Mahmoud and Trebesch as cited by Seo-Young Cho stated that having a migrant in a family tends to motivate other members to migrate and also increases the likelihood of being trafficked.³⁶ This indicates that human trafficking perpetrators are elusive because the occurrence of human trafficking depends on the interaction between

³³ Cho, Seo-Young. "Modelling for determinants of human trafficking." *Social Inclusion*, Vol. 3, 2015, p. 5, <https://doi.org/10.2139/ssrn.2117838>.

³⁴ Sulaksono, Endro. "The Patterns of Human Trafficking of Indonesian Migrant Workers: Case Study of the Riau Islands and Johor Border Crossing." *Masyarakat, Jurnal Sosiologi*, Vol. 23, No. 2, 2018, p. 168, <https://doi.org/10.7454/MJS.v23i2.6562>.

³⁵ Interview with R. Bambang Dwi Minardi, Head of the Placement and Expansion of Job Opportunities Division of the East Lombok Regency Local Labor and Transmigration Office, 27 July 2023.

³⁶ Cho, Seo-Young, *Op.Cit.*

the victim, the perpetrator, and their family from the country of origin to the country of destination.³⁷

On the other hand, sometimes because the recruitment process is carried out on the basis of the closest person or person known to the victim, it can hinder the legal process because the victim does not feel that they are a victim. In other words, the victim does not realize that he/she is the one who plays an important role in becoming a victim of crime by not realizing that he/she is a victim of human trafficking.³⁸ The incident indicates that the victim voluntarily decided to work abroad and it is even more sad that the victim told someone else to find someone who could send her abroad.

The steps taken by people who choose the unprocedural route are very unfortunate because to work abroad procedurally, registration can be done online to make it easier for the community. People can access the "Siap Kerja" application to register. However, it is not uncommon for victims to prefer the instant route to find work abroad through Tekong/Calo because it is more effective in terms of time and cost.

(b) Document Forgery and Manipulation of Victims' Personal Data

Document forgery has become an open secret in human trafficking cases and is the mode that is often encountered in human trafficking cases. However, there is an interesting thing related to the falsification of victims' documents in the East Lombok District, namely the making of these documents outside the East Lombok Regency area.³⁹ In other words, East Lombok Regency as the victim's area of origin is only the production of documents in other areas such as in Sumbawa, Malang, or on the island of Java. Tekong forged the victim's

³⁷ Gaitis, Konstantinos Kosmas. "Representations of traffickers in official UK discourse: Examining the least known component of the human trafficking equation." *International Journal of Law, Crime and Justice*, Vol. 74, 2023, p. 1, <https://doi.org/10.1016/j.ijlcj.2023.100592>.

³⁸ Kusumawardhani, D.T.P. "Pencegahan Dan Penanggulangan Perdagangan Perempuan Yang Berorientasi Perlindungan Korban." *Jurnal Masyarakat & Budaya*, Vol. 12, No. 2, 2010, p. 340, <https://doi.org/10.14203/jmb.v12i2.115>.

³⁹ Interview with Iriantono, Regional Technical Implementation Unit for the Protection of Women and Children, East Lombok Regency, 27 July 2023.

documents in the form of passports, victims' identities, and others to speed up the process of the victim's departure abroad or destination country.

Bambang from Disnakertrans East Lombok Regency said that the fast process was one of the reasons victims chose the unprocedural path without realizing that because of this action caused them to become victims of human trafficking.⁴⁰ While the process of departure abroad procedurally requires a long process time in handling documents. Therefore, the victim chooses the unprocedural path. However, based on data from the PMI Placement Report who have participated in the pre-departure orientation, there are still many people in Lotim Regency who choose to depart procedurally, namely 7,579 men and 77 women with a total of 7,656 people in 2023.⁴¹ This means that there are still many people who are aware of working abroad procedurally so as not to become victims of human trafficking. Departing through procedural channels and being trained in terms of soft skills such as being a good domestic worker and in terms of language to facilitate conversation while working by the Disnakertrans East Lombok Regency before departure is one way to prevent someone from becoming a victim of human trafficking.⁴²

(c) Process of Departure of Human Trafficking Victims from Other Regions

The departure process is the stage after the recruitment and falsification of victim documents are complete. The process of departing victims was not from East Lombok Regency but from other areas. In other words, the geography of Lotim Regency bordering Sumbawa and Bali gave birth to various human trafficking routes in East Lombok District. In addition, the process of departing victims is a relay, not from the area of origin but from other areas such as from Sumbawa Regency or other areas where falsified documents are made, then to

⁴⁰ Interview with R. Bambang Dwi Minardi, Head of the Placement and Expansion of Job Opportunities Division of the East Lombok Regency Local Labor and Transmigration Office, 27 July 2023.

⁴¹ Interview with R. Bambang Dwi Minardi, Head of the Placement and Expansion of Job Opportunities Division of the East Lombok Regency Local Labor and Transmigration Office, 27 July 2023.

⁴² Interview with R. Bambang Dwi Minardi, Head of the Placement and Expansion of Job Opportunities Division of the East Lombok Regency Local Labor and Transmigration Office, 27 July 2023; Afifah, Dian Fitriani & Neneng Yani Yuningsih. "Analisis Kebijakan Pemerintah Tentang Pencegahan Dan Penanganan Korban Perdagangan (Trafficking) Perempuan Dan Anak Di Kabupaten Cianjur." *Jurnal Ilmu Pemerintahan*, Vol. 2, No. 2, 2016, pp. 330-360, <https://doi.org/10.24198/cosmogov.v2i2.10007>.

cities/transit areas such as in Java and from these areas victims are departed abroad or destination countries. The flow of departure for human trafficking victims is as follows:

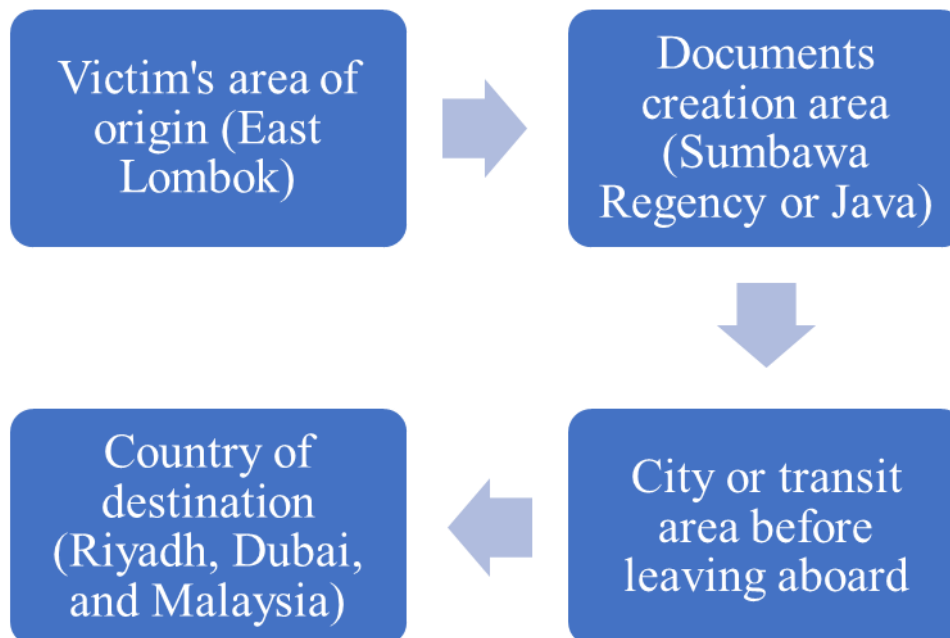


Diagram 1. The flow of departure for human trafficking victims.

Source: primary data, processed, interview with UPTD PPA, DP3AP2KB, East Lombok District Manpower, and Transmigration Office (2023).

Tekong who dispatched the victims from the area of making documents to the destination country was an individual and each region was different from Tekong so it was difficult to prevent the occurrence of human trafficking in East Lombok District. On the other hand, Tekong is the closest person known by the victim such as family, neighbors, friends, and people who go abroad first so that the victim does not think they are human trafficking perpetrators but heroes who help them find work abroad.⁴³

Riyadh and Dubai are favorite destination countries because of the same beliefs, namely Islam so that by working in Riyadh or Dubai, trafficking victims can work as well as travel religiously, namely performing the Hajj or Umrah. In addition, traffickers direct victims to Riyadh or Dubai. On the other hand, the wages promised by the

⁴³ Interview with Iriantono, Regional Technical Implementation Unit for the Protection of Women and Children, East Lombok Regency, 27 July 2023.

trafficker to the victim further convince the victim to work in Riyadh or Dubai.⁴⁴ Meanwhile, Malaysia is the favorite destination country for trafficking victims in Indonesia, especially in East Lombok Regency, because in terms of language and culture that are similar and geographical location close to Indonesia, it is the right choice if you want to work abroad. In other words, in terms of language, it is not difficult to learn because it has similarities, in terms of culture it is also not difficult to adjust, and from a geographical location that is limited by land and sea, it makes the process of trafficking easier.

2. The Role of East Lombok District Government in Preventing Human Trafficking

2.1 The Role of East Lombok District Government in Preventing Human Trafficking

Human trafficking is the worst act of violation of human dignity and dignity because it is considered a form of slavery in the modern era. Therefore, prevention by providing education related to human rights needs to be given to women and children, especially in rural areas⁴⁵ including in East Lombok District. East Lombok District as one of the source areas or areas of origin of human trafficking victims in NTB needs serious attention from the local government to prevent the problem. The roles of the government in preventing human trafficking are as follows:

(a) Socialization

Prevention carried out through socialization media has the aim of preventing all forms of human trafficking.⁴⁶ The aim to prevent human trafficking has been carried out by legal means (penal) both at the global, national, provincial, and even the district/city level as carried out by the East Lombok Government which passed Regional Regulation Number 9 of 2013 concerning the Protection of Victims of Trafficking in Persons and Criminal Acts of Violence Against Women and Children. However, the ratification of the regional regulation does

⁴⁴ *Ibid.*

⁴⁵ Dioh-Donohue, Jessica, et al., *Op.Cit.*

⁴⁶ Afifah, Dian Fitriani and Neneng Yani Yuningsih, *Op.Cit.*

not necessarily eliminate the human trafficking in East Lombok. Therefore, facilities other than criminal law called nonpenal are needed to prevent the occurrence of human trafficking⁴⁷ to determine what efforts must be made, especially by the East Lombok Regency Government in preventing human trafficking.

The East Lombok District Government makes efforts to prevent trafficking in persons as a function of the operation of the legal structure. Lawrence Meir Friedman explains that the structure of the law is "the structure of a legal system consists of elements of this kind, the number, and size of courts, their jurisdiction (that is, what kind of cases they hear, and how, and why) and modes of appeal from one court to another. The structure also means how the legislature is organized, how many members sit on the Federal Trade Commission, what the president can (legally) or not do, what procedure the police departments follow and so on, structure in a way, is kind of cross-section of the legal system, a kind of still photograph, which freezes the action".⁴⁸ The legal structure referred to by Friedman includes institutions that carry out various functions in supporting all legal instruments.

The institution that implements the legal system in preventing human trafficking is the East Lombok District Manpower and Transmigration Office, which is also the leading sector. In carrying out its function as the legal system, Dinsakertrans conducted socialization in 21 (twenty-one) sub-districts and 21 (twenty-one) villages/villages from 96 (ninety-six) villages and 13 (thirteen) families in Lotim District. The sub-districts included in the socialization schedule of the Foreign Job Exchange, the Mechanism and Requirements for Working Abroad and the Flow of Recommendations for Passport for Prospective Indonesian Migrant Workers (hereinafter referred to as CPMI) Dinsakertrans are Aikmel, Jerowaru, Keruak, Labuhan Haji, Lenek, Masbagik, Montong Gading, Pringgabaya, Pringgasela, Sakra, Sakra Timur, Sakra Barat,

⁴⁷ Pratama, M. Ilham Wira. "Kebijakan Hukum Pidana Dalam Penanggulangan Tindak Pidana Perdagangan Orang Berdasarkan Undang-Undang Nomor 21 Tahun 2007 Tentang Pemberantasan Tindak Pidana Perdagangan Orang." *Jurnal Fakta Hukum (JFH)*, Vol. 1, No. 2, 2023, pp. 74-83, [https://doi.org/10.58819/jurnalfaktahukum\(jfh\).v1i2.56](https://doi.org/10.58819/jurnalfaktahukum(jfh).v1i2.56).

⁴⁸ Friedman, Lawrence M. *American Law*. New York, W.W Norton and Company, 1984, pp. 19-20.

Sambelia, Selong, Sembalun, Sikur, Sukamulia, Suralaga, Suwela, Terara, and Wanasaba.⁴⁹ While the villages/villages included in the socialization schedule are Toya, Jerowaru, Tanjung Luar, Labuhan Haji, Lenek, Lendang Nangka, Montong Betok, Pringgabaya, Jurit Baru, Sakra, Montong Tangi, Gunung Rajak, Labuhan Pandan, Jorong, Sembalun Bumbung, Kotaraja, Dasan Lekong, Anjani, Ketangga, Sukadana, and Memben Daya.⁵⁰

Based on 21 (twenty-one) sub-districts and 96 (ninety-six) villages, there are villages/wards that are not included in the socialization program carried out by Disnakertrans. The reason behind not all villages/villages are included in the socialization schedule carried out by the Disnakertrans is that the socialization target is carried out in villages/villages where the majority or most of the population works abroad or as migrant workers so they need to get an understanding to work abroad procedurally so as not to become victims of TIP. In carrying out socialization in the Sub-districts and Villages/Villages, Disnakertrans has a regular schedule and carries various themes including the procedure or mechanism for registering as a CPMI procedurally through the Ready to Work application so that CPMI can easily register itself through the application by uploading conditions by the provisions. In addition, Disnakertrans also socializes the types of jobs available and destination countries that are open in the sense of receiving PMI.⁵¹ The theme of socialization carried out by Disnakertrans is one form of the government's role in preventing human trafficking.

In addition, the Government that has a role in socializing human trafficking prevention from the sub-district to village levels is DP3AKB East Lombok Regency. DP3AKB is divided into two fields, namely in the field of women and the field of children so that the theme of socialization carried out by the two fields is different. DP3AKB in the field of women conducts socialization on

⁴⁹ Interview with R. Bambang Dwi Minardi, Head of the Placement and Expansion of Job Opportunities Division of the East Lombok Regency Local Labor and Transmigration Office, 27 July 2023.

⁵⁰ Interview with R. Bambang Dwi Minardi, Head of the Placement and Expansion of Job Opportunities Division of the East Lombok Regency Local Labor and Transmigration Office, 27 July 2023.

⁵¹ Interview with R. Bambang Dwi Minardi, Head of the Placement and Expansion of Job Opportunities Division of the East Lombok Regency Local Labor and Transmigration Office, 27 July 2023.

preventing violence against women, but the explanation in the socialization is that there is material about human trafficking because human trafficking is one type of violence against women. Meanwhile, in the field of children conducting socialization, the theme is not related to human trafficking but to the prevention of bullying in schools, including bullying of children who are victims of human trafficking or migrant workers.⁵² This means that the prevention socialization carried out by DP3AKB does not refer to human trafficking prevention but is still part of socialization related to preventing violence against women and children. However, DP3AKB's plan in the future will carry out human trafficking prevention socialization without relying on the theme of violence against women and children.⁵³

(b) Forming Productive Migrant Villages

Productive Migrant Village (Demigratif) is one of the Ministry of Manpower's programs to provide CPMI/PMI services and protection.⁵⁴ Demigrative village development is based on 4 main pillars, namely: First, the village will become the center of information and communication services. Second, the creation of productive businesses through business training, business assistance, and assistance with productive business facilities to marketing. Third, developing community parenting to the community, parents, and husbands/wives who stay at home to nurture educating, guiding, and raising children appropriately and correctly. Fourth, fostering and directing the community to strengthen productive businesses for the long term and ease of obtaining organized capital such as business cooperatives and others that become joint initiatives of the community and government.⁵⁵

⁵² Interview with H. Husnul Hadi, Women's Empowerment, Child Protection and Family Planning Local Office in the Children's Sector, East Lombok Regency, 27 July 2023.

⁵³ Interview with Ibrahim, Women's Empowerment, Child Protection and Family Planning Local Office in the Children's Sector, East Lombok Regency, 27 July 2023.

⁵⁴ Nuraeni, Yeni. "Pembangunan Desa Migran Produktif (Desmigratif) Dengan Pendekatan Perencanaan Secara Holistik, Temanik, Integratif, Dan Spasial." *Jurnal Ketenagakerjaan*, Vol. 16, No. 1, 2021, p. 29, <https://doi.org/10.47198/naker.v16i1.90>.

⁵⁵ Interview with R. Bambang Dwi Minardi, Head of the Placement and Expansion of Job Opportunities Division of the East Lombok Regency Local Labor and Transmigration Office, 27 July 2023.

The East Lombok Regency Government, namely Disnakertrans, has formed a demigrative village. Demigrative in the first pillar, there is Anjani village, Suralaga District, East Lombok Regency, East Sakra, and there are 6 other villages that are used as information and communication service centers for CPMI / PMI which in this case have been active and education of its residents has been carried out.⁵⁶ In addition, Disnakertrans has also implemented the second pillar of demmigration, by forming an independent workforce, forming novice entrepreneurs, and training retired PMI in the hope that PMI / PMI families can manage productive businesses with the aim of not working abroad again.⁵⁷ This means that the prevention strategies carried out are targeted at individuals and communities at risk so that they do not become victims of human trafficking again.⁵⁸ Furthermore, Demigrative with independent workers formed by the Disnakertrans, there are 6 (six) groups that receive capital from the Ministry of Manpower.

Based on the four pillars above, the third pillar has not been implemented, namely, the community parenting program carried out by Disnakertrans. In other words, the Demigrative that has been formed by the Disnakertrans is part of the program to prevent human trafficking from happening again to human trafficking victims/survivors by providing assistance in the business sector to support their economy. In other words, the efforts made by Disakertrans are one way to overcome further human trafficking by understanding that the vulnerability of a person to become a victim of human trafficking is due to economic factors⁵⁹ so Demigratif was formed.

(c) Coordination Between Institutions

⁵⁶ Interview with R. Bambang Dwi Minardi, Head of the Placement and Expansion of Job Opportunities Division of the East Lombok Regency Local Labor and Transmigration Office, 27 July 2023.

⁵⁷ Interview with R. Bambang Dwi Minardi, Head of the Placement and Expansion of Job Opportunities Division of the East Lombok Regency Local Labor and Transmigration Office, 27 July 2023.

⁵⁸ Konrad, Renata A. "Designing awareness campaigns to counter human trafficking: An analytic approach." *Socio-Economic Planning Sciences*, Vol. 67, 2019, pp. 86-93, <https://doi.org/10.1016/j.seps.2018.10.005>.

⁵⁹ Pate, Symone S., et al. "Learning from child welfare case narratives: A directed content analysis of indicators for human trafficking." *Children and Youth Services Review*, Vol. 121, 2021, p. 7, <https://psycnet.apa.org/doi/10.1016/j.chilyouth.2020.105838>.

TIP prevention needs to be carried out continuously and cross-sectorally because the mode of human trafficking has evolved and diversified.⁶⁰ The revocation of human trafficking requires the involvement of all parties across sectors as mandated in the anti-trafficking law, Presidential Regulation No. 69/2008 on the Task Force for the Prevention and Handling of Trafficking, Gubernatorial Regulation No. 60/2019 on the Task Force for the Prevention and Handling of Trafficking in NTB Province, and East Lombok Regional Regulation No. 9/2013 on the Protection of Victims of Trafficking in Persons and Acts of Violence against Women and Children. The regulation involves various related parties/policy implementing actors, especially in the field of prevention as stipulated in Governor Regulation Number 60 of 2019 consisting of various government agencies such as Dinsanakertrans and DP3AKB which include UPTD PPA.

The East Lombok Government has made efforts to carry out comprehensive and integrated prevention of human trafficking with other agencies such as those carried out by Disnakertrans, DP3AKB, and UPTD PPA. Disnakertrans conducts human trafficking prevention through socialization activities, forms Demigratif by providing entrepreneurship training, forming an independent workforce by obtaining capital from the Ministry of Manpower, and training for retired migrant workers. In implementing the program, Disnakertrans coordinates with the village government, Village Head, or related village parties. Disnakertrans created a village WhatsApp group to facilitate coordination and communication related to villagers who want to work abroad, destination countries that open/receive PMI, residents who want to make permits, and so on. In addition, Disnakertrans also coordinates/cooperates with DP3AKB when it comes to Women and Children who are victims of human trafficking. Furthermore, DPA3AKB coordinates UPTD PPA and non-governmental organizations (NGOs) such as Adi BMI East Lombok Regency if there are human trafficking victims.

⁶⁰ Dermawan, Windy, et al. "Sosialisasi Mengenai Perdagangan Manusia (Human Trafficking) dalam Upaya Pencegahan Tindak Pidana Perdagangan Orang (TPPO) di Kecamatan Tempuran Kabupaten Karawang." *Kumawula: Jurnal Pengabdian Kepada Masyarakat*, Vol. 1, No. 2, 2018, p. 90, <https://doi.org/10.24198/kumawula.v1i2.19794>.

Meanwhile, to prevent documents in the form of falsification of the identity of human trafficking victims, DP3AKB also coordinates with the Population and Civil Registration Service (Dukcapil).⁶¹ Dukcapil provides population administration services in the form of population registration and civil registration services to the community as stipulated in Law Number 23 of 2006 concerning Population Administration.⁶² This means that falsification of population identity can be prevented by Dukcapil so Dukcapil is required to be careful in providing administrative services to the community to prevent document forgery for human trafficking victims.

The coordination between institutions in preventing trafficking in persons carried out by the above institutions is the implementation of one of the legal substances. Friedman explains that the substance of the law is "another aspect of the legal system is its substance. By this is meant the actual rules, norms, and behavior patterns of people inside the norms".⁶³ That is, the substance of law is norms, and patterns of real human behavior, and applicable laws and regulations have binding force and as guidelines for policy-implementing actors so that they reflect the implementation of a regulation. In other words, the coordination carried out between Dinsanakertrans and DP3AKB which includes UPTD PPA is a form of behavioral reflection in preventing trafficking in East Lombok Regency based on applicable regulations.

2.2 Government Obstacles in Preventing Human Trafficking in East Lombok District

Obstacles and challenges in preventing human trafficking often occur in each area which is the origin, transit, and destination of human trafficking victims. Starting from coordination or cooperation between institutions, public awareness, and lack of

⁶¹ Interview with Ibrahim, Women's Empowerment, Child Protection and Family Planning Local Office in the Children's Sector, East Lombok Regency, 27 July 2023.

⁶² Fadhil, Muhammad and Muhammad Ilham. "Peranan Dinas Kependudukan dan Pencatatan Sipil Dalam Mengoptimalkan Pelayanan Gerakan Indonesia Sadar Administrasi Kependudukan (GISA) di Kota Bandung Provinsi Jawa Barat." *Jurnal Registratie*, Vol. 1, No. 1, 2019, p. 3, <https://www.census.gov/popclock/world>.

⁶³ Friedman, *Op.Cit.*, pp. 19-20.

funds in implementing human trafficking prevention in East Lombok District. The obstacles and challenges faced by Disnakertrans, DP3AKB, and UPTD PPA are as mentioned as follows:

(a) Coordination/cooperation between institutions

Coordination between institutions is good, but cooperation between institutions needs to be improved, especially when there are TIP victims. This refers to the different data on victims between the Disnakertrans and UPTD PPA institutions. Data from Disnakertrans shows that there were 22 (twenty-two) victims of illegal or unprocedural migrant workers in 2023, of these potential victims of PMI were indicated as victims of human trafficking. Meanwhile, data from the UPTD PPA showed that there were 3 (three) victims of trafficking from 2022 to 2023. The difference in data indicates a lack of data sharing mechanisms as part of inter-agency coordination. The lack of coordination between these institutions indicates that the institutions have not maximized their function as one of the implementers of the legal system in the field of human trafficking prevention.

The reason for the lack of coordination is because each agency still carries out their respective duties and authorities without involving other agencies except when TIP victims are in urgent circumstances or severe conditions such as illness, broken bones such as one example of a case that has been handled by UPTDA PPA. This indicates that the legal culture of each institution can affect the operation of the law. Friedman argues that "the third component of a legal system is the legal culture, by this we mean people's attitudes toward the law and legal system, their beliefs, values, ideas, and expectations." In other words, it is part of the legal culture. In other words, it is hat part of the general culture which concerns the legal system. The legal system in other words is the climate of social thought and social force that determines how law is used, avoided, or abused. Without the legal culture, the legal system is inert".⁶⁴ Furthermore, Friedman divides legal culture into two, namely external legal culture and

⁶⁴ *Ibid.*

internal legal culture.⁶⁵ The legal culture carried out by the Disnakertrans, UPTD PPA, and DP3AP2KB of East Lombok Regency is an internal legal culture, namely the legal culture carried out by policy implementing actors. Therefore, the internal legal culture carried out by these institutions needs to be improved in preventing human trafficking.

(b) Public awareness

Public awareness is one of the difficult obstacles in preventing human trafficking. People prefer the procedural route or through Tekong because they do not want to be complicated by old administrative matters so what is conveyed by the government during socialization to register as PMI is procedurally ignored. In other words, people believe more in Tekong's appeals or promises because it is administratively facilitated and fast, even taking care of making all the required documents for free. In addition, people do not want to take part in training organized by the government, namely Disnakertrans because it takes a long time, while people want to go quickly abroad. In this case, it is an opportunity for Tekong to facilitate people who want to work abroad through instant channels. This means that people ignore existing legal rules in favor of instant ones. The actions taken by the community are one of the external legal cultures as stated by Friedman.⁶⁶ People do not follow the applicable rules, causing them to become victims of human trafficking.

Meanwhile, people do not consider themselves victims of human trafficking and consider human trafficking perpetrators to be heroes or meritorious people for helping them to go abroad and get jobs so that when a case occurs they will protect the identity of the perpetrator in all kinds of ways and will even withdraw the report if they have been given compensation or compensation money by the perpetrator. On the other hand, human trafficking victims received threats from Tekong to withdraw the report so cooperation was needed to protect human trafficking victims. Therefore, the government has difficulties in preventing and handling human trafficking cases.

⁶⁵ *Ibid.*

⁶⁶ *Ibid.*

III. CONCLUSION

Human trafficking in East Lombok Regency is motivated by the most important economic factor, the existence of disharmony in the family or divorce, the mindset of the community, and sociology so as to form several patterns of human trafficking in East Lombok Regency which starts from the recruitment process carried out by the victim's closest people such as family, neighbors, friends, or people who have been or have been abroad, falsification of documents and manipulation of the victim's personal data made outside East Lombok Regency to facilitate and speed up the departure process, and the departure process is not from East Lombok Regency but from another area or place of document making and relay departure to the destination country. As for the role of the East Lombok Regency Government in preventing human trafficking is carried out by socializing media related to human trafficking and procedures for becoming a migrant worker procedurally and forming productive migrant villages in villages/sub-districts as one of the efforts to prevent human trafficking. However, efforts to prevent human trafficking have not been optimal and effective due to the lack of coordination between related institutions and public awareness of the dangers of trafficking in persons.

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