

TRAFFICKING OF WOMEN AND CHILDREN IN MAKASSAR CITY SOUTH SULAWESI INDONESIA

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Abstract

Human rights are basic rights brought by humans from birth as the gift of God Almighty. The state guarantees the fulfillment of human rights and the public is willing to tolerate various differences. The level of human trafficking of women and children is increasing in large cities in Indonesia, including in Makassar City, South Sulawesi province. The style is increasingly widespread and neatly organized. This research was conducted using the qualitative technique, namely in-depth interviews with the perpetrators and victims of trafficking. Data analysis was carried out intensively, researchers participated in the field, carefully noted what things happened, carried out reflective analysis of various documents found in the field and made detailed research reports. UU No. 21 Tahun 2007 which is a regulation specifically regulating the criminal nature of trafficking in persons becomes a referral policy in this research and at the same time serves as a means for law enforcement, especially in handling trafficking in persons. Being the main focus of this paper is the protection of victims who have not received maximum attention. This can be seen from the lack of rules in the legislation regarding the rights of victims of trafficking in persons. Allegiance to victims who seems compared to the accused (defendant) compared to the victim.

The purpose of the study is to find out more about what factors cause women and children who are still in their productive age but choose to work as prostitutes. In addition, it explains the factors that hinder the implementation of policies carried out by the Makassar City Social Service, Makassar City Manpower Office and the South Sulawesi provincial police to anticipate cases of human trafficking and how collaboration between agencies is carried out. The results of the study can be a reference material for stakeholders about the methods that need to be done to handle cases of trafficking, especially women and children in Makassar City, South Sulawesi.

Keywords: Human Trafficking, Women, Children, Policy Implementation

1. BACKGROUND

At present Indonesia has a population that is increasingly increasing so there is also an increase in the needs of all sectors of life and the interesting thing is, that even though Indonesia is still classified as a developing country, it cannot be denied that the level of human trafficking of women and children is increasing in the city big cities in Indonesia. The modus operandi is even more widespread and neatly organized. Freedom and equality are manifested in social and state life. Human trafficking is very contrary to human rights because trafficking in persons through threats, coercion, kidnapping, fraud, fraud, lies and abuse of power and aims at prostitution, pornography, violence or exploitation, forced labor, slavery or similar practices. If one of the above methods is fulfilled, there will be trafficking in persons which are

included as crimes that violate human rights.

It is important to note that human trafficking of women and children constitutes grave violations of human rights that result in physical and mental suffering of victims, disrupt child development and development, contract sexually transmitted diseases and eliminate the future. Human trafficking of women and children is an act that contains one or more acts of recruitment, transportation between regions or between countries, transfer of hands, departure, reception and temporary accommodation, with threats or use of verbal or physical violence, kidnapping, fraud, deception, take advantage of the position of vulnerability, give or receive payments or benefits, where women and children are used for prostitution, sexual exploitation, migrant workers, legal or illegal, adoption of children, jermal workers, mail order brides, housemaids, pornography industry, drug dealers, removal of organs and other exploitation. In supporting prevention efforts, success is highly dependent on the commitment of government administrators at various levels. The participation of community organizations / NGOs and the community itself is also very dependent on law enforcement efforts. Before the enactment of UU No. 21 Tahun 2007 concerning the eradication of non-criminal trafficking in persons in April 2007, existing and in force regulations have not been sufficient to tackle trafficking in persons, to ensnare traffickers and fulfill a sense of justice for the protection of victims because of regulations legislation that can be used, pasal 297 KUHP and UU No. 39 Tahun 1999 concerning Human Rights there are no sanctions. After being passed UU No 21 Tahun 2007 which is a special regulation governing criminal acts of trafficking in persons, so that it can be a means for law enforcement, particularly in dealing with trafficking in persons. The protection of victims has not received attention. This can be seen from the still lack of rules in the legislation regarding the rights of victims. The legal partisanship of the victim who seems to be lame when compared to the suspect (defendant) compared to the victim.

By increasingly showing an increasing trend, followed by an increasingly diverse and complex modus operandi, so that comprehensive handling and synergy is needed by all parties and in this case the object of the party that must be analyzed is the government. It is the government who must take an extra role in overcoming this problem, although it is undeniable that the community should also take part. The ongoing trafficking of people is increasingly alarming and depressing when the consequences have shackled the human rights and independence of victims of the majority of women or hampered the growth and development of the personality of the children concerned, which will further hamper also the process of developing potential and quality human resources.

2. RESEARCH METHODS

The type of research carried out, namely using a qualitative approach in exploration and using in-depth interviews. The qualitative approach to be used is a case study. Case studies are one type of qualitative approach that examines a case in the context or setting of contemporary real life. The main procedure involves purposeful sampling (to select cases that are considered important), which is then followed by a holistic analysis of the case through detailed descriptions of the patterns, context and settings in which the cases occur. (Creswell, 2015).

3. DISCUSSION

3.1 Implementation of the Human Trafficking Policy

The implementation of the policy is seen in a broad sense, constituting the stage of the policy process immediately after the enactment of the law. Implementation is widely seen as having the meaning of implementing a law in which various actors, organizations, procedures and techniques work together to implement policies in an effort to achieve policy or program objectives. Implementation on the other is a complex phenomenon which may be understood as a process, an output as well as a matter of justice.

Repley and Franklin argue that implementation is what happens after laws are enacted that provide program authority, policy, benefits or a type of tangible output. The term implementation refers to a number of activities that follow the statement of intent regarding program objectives and desired outcomes by government officials. Implementation includes actions (without actions) by various actors, especially bureaucrats, who are intended to make the program run. Furthermore according to them, implementation includes many types of activities. First , implementing agencies tasked with legislation with responsibility for running programs must obtain the resources needed for implementation to run smoothly. These sources include personnel, equipment, land, raw materials, and above all money. Second , implementing agencies develop the language of the constitution into concrete directions, regulations, and program plans and designs. Third , implementing agencies must organize their activities by creating bureaucratic units and routines to overcome workloads. Finally , implementing agencies provide benefits or restrictions to

customers or target groups. They also provide services or payments or restrictions on activities or anything else that can be seen as a manifestation of the real output of a program. The following policies on human trafficking in Indonesia . Human Trafficking version of UU No..21 Tahun 2007 . In pasal 1 ayat 7 UU No.21 Tahun 2007 concerning Eradication of the Criminal Act of Trafficking in Persons is as follows:

"The act of recruiting, collecting, transporting, sending, transferring or accepting someone with the threat of violence, kidnapping, use of force, confinement, fraud, forgery, abuse of power or vulnerable position, giving payment or entrapment of debt or benefits, so that they can get approval from people who hold control over these other people, whether carried out between countries and within the state, for the purpose of exploiting or causing people to be exploited".

UU No. 21 Tahun 2007 concerning Eradication of Trafficking in Persons, the definition of exploitation in human trafficking is explained in pasal 1 ayat 7 which states that:

"Exploitation is an act with or without the consent of the victim which includes, but is not limited to slavery, prostitution, or similar practices of slavery, forced labor or services, physical use, oppression, extortion, reproductive organs, sexual, or unlawfully. Transplanting or transferring organs and / or body tissues, or the ability of a person or one's energy by other parties to benefit both materially and immaterially ".

People Trafficking Framework :

Process	Method	Purpose
Recruitment, or	Threats, or	Prostitution, or
Submission, or	Force, or	Pornography, or
Transfer, or	Abduction, or	Violence/sexual exploitation, or
Shelter, or	Fraud, or	Forced Labor
Acceptance	Lies, or	Slavery / similar practices, or
	Abuse of power	Harvesting of organs

(Source : Indonesian Women's and Child Trafficking , Ruth Sorenberg, 2003).

Any act of recruitment, transfer, transfer, placement, or acceptance of a child for the purpose of exploitation is considered trafficking, even though the methods of coercion or fraud in the above sense are not used. It is emphasized that for victims of trafficking, without the fulfillment of the second element, which is using threats or the use of violence or other forms of violence, kidnapping, fraud, abuse of power, or vulnerable positions or giving or receiving payments or benefits obtaining approval from people people are already a form of trafficking in people. (Indonesian Trafficking , Farhana, p. 22)

3.1.1 Actors (Traffickers), Motives and Operational Modes

The prolonged monetary crisis and sluggish economy caused many families to lose their source of income in this condition, prostitution is considered to provide a better opportunity for children and women to get money. Many children and women from villages who want to leave their hometowns are tempted by the promises given by traffickers to work in the city with high salaries, but when they arrive in the city, are deceived or forced to become commercial sex workers. Child and Women Trafficking is the recruitment, transmission, transfer, shelter or acceptance of a person with threats or uses of violence or other forms of coercion, kidnapping, fraud, deception, or abuse of power, member or receiving payment to obtain benefits in order to obtain approval from someone who rules over others for the purpose of exploitation. The forms of exploitation are sexual exploitation, forced labor or services, slavery or slavery-like practices, servitude or organ harvesting. The negative impact of the violence experienced causes scars such as physical, psychological, sexual, financial, spiritual, and functional disturbed.

Trafficking in persons is a heinous crime against human rights, which ignores a person's right to live freely, not tortured, personal freedom, mind and conscience, religion, the right not to be enslaved, and others. Children and women are the most victims of trafficking in persons , placing them in a very risky position especially those related to their physical and mental health, and are very vulnerable to violence, unwanted pregnancies, and infectious diseases sexual including HIV / AIDS. Such conditions of children and women will threaten the quality of the nation's mother and the future generation of the Indonesian nation. The trading

patterns begin with a manipulative stage. Prospective victims are not given the option of what work is, and the risks. Usually they are taken out of town and promised high-paying jobs. Sometimes the potential victims and their families have been asked for money or given debt status. At the same time, there was also a falsification of National Identity Card (Kartu Tanda Penduduk) so that victims were considered to be of sufficient age.

During this time, the mode developed by the perpetrators or syndicates who trade girls for commercial business services is relatively diverse. Some may be by coaxing and deception, but not infrequently it happens by force or coercion. A girl who looks confused in crowded places, such as terminals, highways, or train stations, surely they are potential victims of child trafficking cases. Another mode is under the guise of seeking employment for the entertainment business, work in plantations or services abroad with a high salary. Pregnant women who have difficulty with the cost of giving birth or raising children are persuaded by debt bondage so that their children may be adopted so that they can live better, but then sell it to those who want to. Underage children are persuaded to be willing to serve pedophiles by giving away their needs and even promising to go to school.

3.1.2 Drivers of Human Trafficking

Some factors that cause trafficking cases in Indonesia, including in several large cities, are as follows:

➤ *Economic factors*

Most of the victims of trafficking are people who have low economic capacity or can be said to be poor. Because their economy is weak and unable to fulfill their daily needs. So that they easily become victims of trafficking that is nothing but because of the influence of the trafficker . As has happened now that many migrant workers work in Malaysia to find and get money. Most of the Indonesian workers (TKI) are from the poor so that they are easily influenced by traffickers and promised to get a lot of money and can be brought back to Indonesia. From the results of the author's research, both in the form of secondary data and the results of interviews conducted by the author directly to one of the heads of government agencies in one area in the province of South Sulawesi, it was found that economic factors were also what made the pimps as traffickers and prostitute women (WTS) does not want to quit his job.

➤ *Low Education Factors*

Just as above, low education is one of the factors causing trafficking . Because of the lack of education they are very difficult to get a job so that the cost of daily needs is not enough. So that most of the victims of trafficking are people who are used by traffickers and have become targets of trafficking . Cases of sexual exploitation of women and children are also caused by low educational factors. There are even victims of trafficking who are illiterate and completely unable to read and write, this proves that the level of education in Indonesia is still uneven.

➤ *Hed Hedonic Lifestyle and Environment*

Most trafficking victims like this are neither poor nor highly educated. They are not poor and also have jobs and enough for their daily needs. Their education is also quite good. However, because of the feeling of being dissatisfied with the value of the rupiah, they only wanted to try the night world. so, for example when there is an offer from someone unknown, to work as prostitutes (Wanita Tuna Susila), they are willing. Those who have never been satisfied with their financial situation (financial) and always feel lacking in making money. In other words, it is always excessive (too loving the world). Never think that those who are always victims of trafficking are people whose economy is weak, and have low education. However, people who have been successful can also be victims of trafficking if he has a hedonist attitude in his life. Those who feel they have a hedonist lifestyle, are also supported by a multi-environment environment, and are close to them traffickers, so that they are easily influenced and enter into a shaken world, as the results of the author's research found that not all victims want to become tuna women immorality (WTS) due to economic factors and low educational factors, there are just some of them caused by environmental factors.

3.2 Inhibiting Factors of Human Trafficking

The attitude of the Government of Indonesia to combat trafficking in persons is reaffirmed in Keputusan Presiden RI No. 88 Tahun 2002 concerning the National Action Plan for the Elimination of Trafficking of Women and Children (RAN P3A), as well as the submission of the Law on the Eradication of Trafficking in Persons as a proposal of the Government's initiative to the Indonesian Parliament in 2004. This bill was in the 2005 Proses Legislasi Nasional (Prolegnas) ranked 22 out of 55 bills to be discussed by the DPR RI Results of the 2004 General Elections. Efforts to eliminate trafficking in persons include preventive

measures, strict prosecution and prosecution of traffickers, and protecting victims through repatriation, rehabilitation, counseling, education and skills training efforts, including ensuring matters related to human rights so that they can be independent and reintegrate into society. Bearing in mind that trafficking in persons is linked to transnational organized crime, bilateral and regional cooperation between countries and cooperation with international bodies and NGOs will continue to be fostered and developed. Then the efforts made by the government in addressing cases of human trafficking is as follows:

3.2.1 Campaigning the Movement to Combat Human Trafficking in Indonesia

The Indonesian government should be able to provide protection for victims of trafficking in persons, as well as other forms of modern slavery. Although the Indonesian government has passed the Law on the Eradication of Trafficking in Persons namely Law number 21 of 2007 (UUPTPO), this is a monumental achievement containing articles that criminalize trafficking in persons and mandate all Indonesians to provide protection and assistance to victims trafficking in persons but not yet maximized.

The government must act more aggressively, one of which is to campaign for the fight against human trafficking in Indonesia, especially the basic and general introduction among the people classified as young people. This is a concrete step as an effort to prevent human trafficking in Indonesia.

3.2.2 Capacity Building and Direct Assistance

Direct assistance can be provided by the government to victims of trafficking both women or children. If they are in economic constraints then the government should be able to provide subsidies in several ways. Including also if their limitations in education matters, the government can provide special educational assistance to those who have been victims of human trafficking cases, this is so that they can continue their education like other people who can get formal education in Indonesia. The process of rehabilitation and guidance of victims of trafficking conducted by government agencies has not yet run optimally, it was found that there are still 60% of prostitutes (WTS) who returned to work as CSWs after going through the rehabilitation and mentoring process in the form of mental, spiritual, and religious, and only 40% want to stop working as prostitutes (WTS) and choose to work according to the fields they have studied during the rehabilitation and mentoring process. The implementation of policies relating to the prevention and elimination of human trafficking UU No. 21 Tahun 2007 concerning the eradication of the crime of trafficking in persons, as well as other Regional Regulations on the prevention and human trafficking of women and children have not been optimally implemented.

3.2.3 Social Awareness of All Elements of Society

It cannot be denied that social awareness is the main key in combating the crime of human trafficking in Indonesia. Many of the victims and traffickers are completely unaware of the risks of their actions. They do not understand and know more about the negative effects of human trafficking crimes. This awareness is difficult to grow in the community because they do not get stimulus about the risk directly, especially if the victims and traffickers are already in a vulnerable condition, such as being in the poverty line, do not have proper education and other vulnerable conditions.

4. CONCLUSION

In the end the ability to examine each policy must indeed be done. Policy urgency should not be ignored by policy makers. Each related element has its own role in the prevention and elimination of trafficking of women and children in Indonesia. Women and children are the biggest assets owned by Indonesia today. So that its existence and its existence, including all forms of crime relating to it, must be eliminated. Therefore, policies on human trafficking must continue to be improved because the modes and operands of crimes against human rights violations are increasingly diverse and complex.

Not only focused on the method of eradication, but the process of evaluation of any preventive measures carried out by the authorities in it must be a matter of special attention to continue to be improved. In accordance with the mandate of the law on the prevention and elimination of human trafficking of women and children, victims must be protected and given training and stimulus so that they want to quit their jobs or everything they do regarding human trafficking crimes. In my opinion, the policy on the protection of victims especially women and children must be specifically issued. I mean this to specify preventive methods that can be done to prevent trafficking that most affects women and minors, of course, after going through a research and research.

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