

Justice Beyond Borders: Strengthening International Alliances to Eradicate Human Trafficking in Southeast Asia

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ABSTRACT. Human trafficking remains a critical issue in Southeast Asia, exacerbated by socio-political, economic, and cultural factors. This paper examines the concept of justice, advocating for enhanced international cooperation to effectively combat human trafficking in the region. It identifies the limitations of current national-level approaches, which fail to address the transnational nature of trafficking networks. The paper highlights significant normative and legal gaps, such as inconsistent definitions of trafficking, lack of harmonized laws, and weak enforcement mechanisms, which undermine anti-trafficking efforts. Drawing on international law and human rights frameworks, the paper argues for a more coordinated approach among Southeast Asian nations, international organizations, and civil society. Central to this approach is legal harmonization, improved intelligence sharing, and stronger enforcement to combat trafficking. The paper also integrates restorative justice and victim-centered policies, emphasizing comprehensive rehabilitation for survivors. By analyzing successful case studies and pinpointing gaps in existing legal frameworks, it offers practical recommendations for policymakers, including the establishment of regional task forces and the creation of victim support networks. Ultimately, this paper advocates for a paradigm shift in the fight against human trafficking, calling for a holistic, justice-oriented approach that goes beyond borders and empowers victims and frontline actors in Southeast Asia.

KEYWORDS. Human Trafficking, International Cooperation, Southeast Asia, Legal Harmonization, Victim-Centered Policies

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Introduction

Human trafficking is a grave and pervasive crime, often classified as a form of crime against humanity due to its violation of human dignity and fundamental rights.¹ This crime involves the exploitation of individuals through coercion, deceit, or force, subjecting them to inhumane treatment that strips away their autonomy.² According to Law No. 21 of 2007 on the Eradication of Trafficking in Persons (*Indonesian Anti-Human Trafficking*

¹ Joachim Renzikowski, "Trafficking in human beings as a crime and as a human rights violation." *Routledge Handbook of Human Trafficking*. (London: Routledge, 2017), pp. 13-20; Marvellous Igbelokoto Oaikhen, and Ikhayere Aziegbemhin. "Infringement on fundamental human rights through human trafficking." *Arabian Journal of Business and Management Review (Kuwait Chapter)* 12, no. 2 (2023): 35-44.

² Jean Allain, "Conceptualizing the exploitation of human trafficking." *The SAGE Handbook of Human Trafficking and Modern Day Slavery* (2020): 1-18; Jay S. Albanese, Rose Broad, and David Gadd. "Consent, coercion, and fraud in human trafficking relationships." *The Field of Human Trafficking*. (London: Routledge, 2023), pp. 13-32.

Law), *trafficking* is defined as actions involving threats or deception to gain control over individuals with the intent to exploit them.³ This exploitation can manifest in forms such as forced labor or slavery, where victims are compelled to serve the interests of those exerting power over them. Trafficking victims are often powerless to resist these coercive actions, as they find themselves trapped in situations where they feel incapable of escaping or asserting their rights. These victims are typically part of vulnerable groups whose rights need to be fully protected and upheld. The legal framework underscores the need for systemic protection, as it is crucial to address both the exploitation and the legal gaps that allow such crimes to persist.⁴ The continued vulnerability of these individuals highlights the urgent need for comprehensive efforts to combat human trafficking on a national and international scale.

Based on data obtained from the official website of the U.S. Embassy & Consulates in Indonesia, the 2022 Annual Trafficking in Persons Report found that in the last 5 years, the majority of victims of 71% of trafficking crimes were women and children out of 40.3 million people.⁵ Women are recruited through unregistered illegal bureaus and trap victims in situations of suspension/reduction of wages, confiscation of passports, and verbal and physical threats for trafficking, especially for commercial sex.⁶ Meanwhile, for children between the ages of 10-17 years, the practice of fake job recruitment or debt bondage generally experienced by children with economic backgrounds comes from underprivileged families and / or abandoned children. In Indonesia alone in 2020, 16,000 children out of 4 million abandoned children were victims of trafficking, thus identifying the potential for abandoned children. Human *trafficking* of children such as under-minimum wages, criminals such as the production or distribution of illegal drugs, and even sex servants are also among the highest with an

³ Republic of Indonesia, "Undang-Undang Nomor 21 Tahun 2007 Tentang Pemberantasan Tindak Pidana Perdagangan Orang" (2007), *see* Article 1(1) of this Law.

⁴ Ryszard Piotrowicz, "The Legal Nature of Trafficking in Human Beings." *Intercultural Human Rights Law Review* 4 (2009): 175-203; Anne Gallagher, and Klara Skrivankova. "Human rights and trafficking in persons." *15th Informal ASEM Seminar on Human Rights: A Background Paper*. 2015.

⁵ US Embassy Jakarta. *2020 Trafficking in Person Report*. Retrieved from, <https://id.usembassy.gov/2022-trafficking-in-persons-report/>

⁶ Renaldi Afriansyah, Valentine Febrianti, and Irma Sari. "Upaya Asean dalam Menangani Human Trafficking di Regional Asean: Studi Kasus: Perdagangan Perempuan & Anak." *Aufklarung: Jurnal Pendidikan, Sosial dan Humaniora* 2, no. 3 (2022): 223-230.

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allocation value of 30% (thirty percent) of various forms of trafficking to children.

Factors behind the high trafficking rate include economic, environmental, educational, social (poverty), stigmatized gender inequality, and law enforcement ⁷. Economic factors are the cause of human trafficking against the background of poverty and non-existent or inadequate employment with a large population, so these two things cause a person to do something, namely looking for a job even though he has to leave his home area with no small risk. Lack of environmental attention that causes a person not to get attention and do wrong things and be used by traffickers ⁸. Education is also a contributing factor to trafficking, as the lower one's education, the easier it is to be influenced by traffickers. Therefore, more or less education usually influences a person to get a job. Social factors, having a less decent and unprosperous livelihood can cause families to be easily influenced to find any way to improve their family's economy ⁹. Therefore, poor people may be more vulnerable to trafficking, not only because there are fewer options available for living, but also because they wield less social power, so they do not have too much access to aid and redress. Although it is not the only factor that poverty causes trafficking vulnerability ¹⁰.

⁷ Yuliana Plantika, "Faktor Penyebab Perdagangan Orang di Wilayah Hukum Polres Malang Kota: Factors of Causes of Trafficking People in the Malang City Police Area." *Dialektika* 14, no. 1 (2019): 9-15; Abdul Rahman Prakoso, and Putri Ayu Nurmawati. "Legal Policy on Human Trafficking Crimes." *Indonesian Journal of Criminal Law Studies* 3, no. 2 (2018): 133-146; Riki Ramadhan, and Satria Unggul Wicakaksana Prakasa. "Political Economic Analysis of the Protection of Migrant Workers Victims of Human Trafficking Crimes." *Law Research Review Quarterly* 10, no. 2 (2024); Yuda Prasetya, "Legal Analysis of Human Trafficking Case as a Transnational Organized Crime That is Threatening State Security." *Lex Scientia Law Review* 4, no. 1 (2020): 134-141.

⁸ Plantika, "Faktor Penyebab Perdagangan Orang di Wilayah Hukum Polres Malang Kota: Factors of Causes of Trafficking People in the Malang City Police Area." *See also* Raden Muhammad Arvy Ilyasa, "Legal and Victimological Perspective on Sexual Violence against Children Cases in Indonesia." *The Indonesian Journal of International Clinical Legal Education* 3, no. 3 (2021): 281-300; Dwi Nur Fauziah Ahmad, and Nucharee Nuchkoom Smith. "Digital Safety for Women and Children: Legal and Policy Challenges Indonesia, Philippines, and Thailand." *Journal of Law and Legal Reform* 5, no. 4 (2024).

⁹ Ni Putu Rai Yulianti, and Dewa Gede Sudika Mangku. "Legal Protection for Women Victims of Trafficking in Indonesia in An International Human Rights Perspective." *International Journal of Criminology and Sociology* 9, no. 2 (2020): 1397; Giofanni Dian Novika, Hari Sutra Disemadi, and Nur Rochaeti. "Legal Protection in Restitution to the Victims of Human Trafficking." *Legality: Jurnal Ilmiah Hukum* 28, no. 1 (2022): 1-11.

¹⁰ Yulianti and Mangku.

There is a stigma of gender inequality in relations between men and women that makes women cornered and trapped in the problem of human trafficking ¹¹. This happens to women who experience rape and usually society's attitude or response is generally not in their favor. This societal treatment encourages women to enter the world of commercial sexual exploitation. Actually, the existence of women in the world of commercial sexual exploitation is more not due to their own volition, but the conditions of the socio-cultural environment in which women come from very strongly influence their plunge into the world of social exploitation, especially to be sent to big cities ¹². The law enforcement factor lies in the activity of harmonizing the values described in solid and manifesting rules and attitudes of action as a series of final stage value elaboration, to create, maintain, and maintain social peace. In a true sense, law enforcers act as people who act to maintain security and order. But in fact, any human behavior that is based on limitations on certain knowledge, will have an impact on mistakes to do things on a larger scale ¹³. These rules become guidelines for behavior or attitudes that are considered appropriate or appropriate. The behavior or attitude of the act aims to create, maintain and maintain peace. It can also be said that law enforcement in society means talking about the working power of the law in regulating and forcing people to obey the law. Law enforcement does not occur in society because of incompatibility among other values, rules, and behavior patterns. Therefore, the problem in law enforcement lies in the factors that affect law enforcement itself.

The suffering of trafficking victims is of great urgency, as not only physically, but psychologically and socially victims are also affected. The complex factors driving trafficking victims that expose them to situations of human rights violations and crime lie in the nexus of poverty, injustice,

¹¹ Byung Deuk Woo, "The Impacts of Gender-Related Factors on the Adoption of Anti-Human Trafficking Laws in Sub-Saharan African Countries," *SAGE Open* 12, no. 2 (2022): 1–17, <https://doi.org/10.1177/21582440221096128>.

¹² Miriam Wijkman and Edward Kleemans, "Female Offenders of Human Trafficking and Sexual Exploitation," *Crime, Law and Social Change* 72, no. 1 (2019): 53–72, <https://doi.org/10.1007/s10611-019-09840-x>.

¹³ Ella Cockbain and Kate Bowers, "Human Trafficking for Sex, Labour and Domestic Servitude: How Do Key Trafficking Types Compare and What Are Their Predictors?," *Crime, Law and Social Change* 72, no. 1 (2019): 9–34, <https://doi.org/10.1007/s10611-019-09836-7>.

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development and weak institutions¹⁴. Therefore, the phenomenon of human trafficking practices is a big concern at the international level so that it needs seriousness for people, organizations, and countries in the world in preventing and handling it. Trafficking in persons is an organized or unorganized crime. Also, not only carried out by individuals but corporations, even state institutions / officials with their misuse make the trafficking environment network very wide, both scope, national, regional, and global¹⁵. Therefore, synergy is needed by elements of society in the world to suppress trafficking through various cooperative efforts, especially ASEAN regional cooperation in agreeing on the handling and prevention of trafficking that may occur to harmonize the provisions of laws and regulations, whether they regulate formally, materially, or other relationships that are applicable and in accordance with the needs of the community¹⁶. *The United Nations of Women (UN Women)* records that more than 225,000 women and children are victims of trafficking each year in Southeast Asia¹⁷.

The new challenge points to the fact that in the modern era, trafficking is increasingly categorized as a crime with revenue, data on which it is most difficult to define and collect. In fact, in this era of globalization, human trafficking cases often occur and afflict many countries, including in the ASEAN region. Human trafficking is closely associated with violations of human rights, particularly the rights to freedom, life, and welfare. In the crime of human trafficking, these values are violated because the victim is treated like an object by being trafficked to achieve individual profit, and then the victim is easily exploited¹⁸. Based on the number of cases and the increase in several member states, since 1995 ASEAN has discussed this issue related to human trafficking which led to the establishment of the

¹⁴ Raymond Saner, Lichia Yiu, and Laurel Rush, "The Measuring and Monitoring of Human Trafficking," *Public Administration and Policy* 21, no. 2 (2018): 94–106, <https://doi.org/10.1108/PAP-10-2018-011>.

¹⁵ Iskandar Iskandar and Nursiti Nursiti, "Peran Organisasi Internasional Dan Regional Dalam Penyelesaian Pelanggaran Hak Asasi Manusia Perdagangan Orang Di Indonesia," *Jurnal HAM* 12, no. 3 (2021): 385, <https://doi.org/10.30641/ham.2021.12.385-404>.

¹⁶ Nanda Ivan Natsir, "Applicative Policy for Human Trafficking," *Jatiswara Journal* 34, no. 1 (2019): 72, <https://doi.org/10.29303/jatiswara.v34i1.197>.

¹⁷ Sartika Soesilowati, "ASEAN Regional Cooperation on Anti Trafficking in Persons Especially Women and Children," in *National Human Rights Institution in Southeast Asia* (Bangkok, Thailand: Asia Centre, 2017), 37–49.

¹⁸ Yselle Flora Kuete Malah and Simplicie Asongu, "An Empirical Analysis of Human Trafficking in an Era of Globalization," *Journal of Economic Studies* 49, no. 7 (2022): 1269–83, <https://doi.org/10.1108/JES-06-2021-0288>.

ASEAN Declaration on Transnational Crimes in 1997.¹⁹ Until finally the *ASEAN Convention Against Trafficking in Persons, Especially Women and Children* (ACTIP) was formed in 2015. ACTIP provides effective victim protection through the use of legal procedures and coordination processes among ASEAN member states²⁰. Based on this background, the author will conduct a review of trafficking through a comparative analysis of cross-sectoral relations between laws and regulations and institutional cooperation, both national and regional, developed by governments and organizations.

Based on the problems described earlier, the *research questions* in this study include 3 (three) main things, namely, *first* how international cooperation in the ASEAN region in handling trafficking cases; *second*, the obstacles and challenges in international cooperation on *human trafficking* in the ASEAN region; and *third*, the government's role in providing protection for trafficking victims in Indonesia.

The method in this study uses normative juridical methods with a qualitative research approach. Qualitative research is research that produces analytical procedures that do not use statistical analysis procedures or other quantification methods²¹. The data sources used are primary and secondary data sources with data collection in this study using literature studies, then analyzed using triangulation techniques, which are data checking techniques

¹⁹ M Aldi Setiawan, "Implementasi Asean Convention Against Trafficking in Persons, Especially Women and Children (Actip) Di Indonesia" (Universitas Sriwijaya, 2021).

²⁰ Dung Van Nguyen et al., "Human Trafficking in Vietnam: The Issues and Responses of the Vietnamese Government," *International Journal of Innovation, Creativity and Change. Wwww.Ijicc.Net* 13, no. 7 (2020): 2020.

²¹ Lexy J. Moleong, *Metodologi Penelitian Kualitatif*, Bandung: PT Rosdakarya, pp.6-10. Furthermore, it is also emphasized that qualitative research methods are research methods that emphasize aspects of deep understanding of a problem rather than seeing problems for generalization research, namely using in-depth analysis techniques, namely examining problems in case cases, because qualitative methodology believes that the nature of one problem will be different from the nature of other problems. According to qualitative research theory, in order for researchers to be truly qualified, the data collected must be complete, in the form of primary data and secondary data. Primary data are data in the form of verbal or verbally spoken words, gestures or behaviors carried out by trustworthy subjects, in this case the subject of research (informant) regarding the variables studied, while secondary data are data obtained from graphic documents (tables, notes, meeting minutes, etc.), photos, films, video recordings, objects, etc. that can enrich primary data so that the purpose of qualitative methods is not generalization, but a deep understanding of a problem. *See also* Mike McConville, (ed), *Research Methods for Law*. Edinburgh UK: Edinburgh University Press, 2017, pp. 67-70; Robert M. Lawless, Jennifer K. Robbennolt, & Thomas Ulen, *Empirical Methods in Law*. New York: Aspen, 2010, pp. 115-120.

that utilize something other than this data²², The author also uses qualitative data analysis methods i.e., the effort made by working with data, organizing data, breaking it down into manageable units, synthesizing it, searching and finding patterns, discovering what is important and what is learned, and deciding what can be told to others.²³

International Cooperation in the ASEAN Region in Handling Trafficking in Persons

The increase in the number of trafficking cases points to the fact that security is one of the factors that can affect the welfare and stability of a country. Therefore, countries are encouraged to collaborate, particularly international cooperation in cases of human trafficking. Human trafficking in general is a crime problem transnational/transnational involving human trafficking (workers, immigrants, slaves, etc.)²⁴. In this case, ASEAN is concerned about the outbreak of various transnational crimes, one of which is human trafficking. With the birth of the ASEAN Charter which became the foundation for the establishment of the ASEAN Community, ASEAN cooperation in combating human trafficking crimes gained significant momentum. Based on the preamble to the ASEAN Charter, the Community is supported by three pillars such as the Political-Security Community, the Economic Community, and the Socio-Cultural Community. To achieve this, in particular the ASEAN Political-Security Community, a blueprint has been published outlining the strategic steps that ASEAN will take²⁵. One step is to work together to combat transnational crimes, such as human trafficking.

ASEAN has made various efforts to address the problem of human trafficking. First, the *ASEAN Human Rights Declaration* (AHRD), a declaration agreed by ASEAN member states to uphold human rights in the Southeast Asian region, clearly states ASEAN's initial efforts in combating the issue of transnational crime²⁶. One of the issues raised was human trafficking. It states in this declaration that no community is a victim or affected by the crime of trafficking. The human trafficking mentioned in this Declaration shows that it is a very dangerous social phenomenon and has a negative impact on people or individuals in the Southeast Asian region.

²² Moleong, *Metodologi Penelitian Kualitatif*, p.330

²³ Moleong, p. 247.

²⁴ Felix Ferdin Bakker, Andhika Parama Putra, and Respati Triana Putri, "The Role of ASEAN in Tackling the Main Issues of Transnational Crime in the Southeast Asia Region," *Journal of Law and Border Protection* 2, no. 1 (2020): 47–58.

²⁵ Rodolfo C. Severino, *ASEAN* (Institute of Southeast Asian Studies, 2008).

²⁶ Bakker, Putra, and Putri, "The Role of ASEAN in Tackling the Main Issues of Transnational Crime in the Southeast Asia Region."

Second, the *ASEAN Declaration on Transnational Crime* is the first declaration of cooperation in addressing transnational crime²⁷. This declaration was reached at the ASEAN Home Affairs Ministers' meeting in Manila in 1997. This meeting also marked the start of the *ASEAN Ministerial Meeting on Transnational Crime (AMMTC)*. The forum also discussed transnational crime through regional cooperation and coordination. Human trafficking is one of the transnational crimes discussed in the ASEAN Action Plan to Combat Transnational Crime. As victims of the crimes addressed in this declaration, women and children are given priority protection. This concern arises because human trafficking is increasingly structured and therefore increasingly difficult to eradicate. The type of cooperation outlined in this declaration includes the exchange of information on laws and regulations in each country so that the problem of cross-border crime can be addressed collaboratively.

Third, the *ASEAN Regional Forum (ARF)* is a form of regional cooperation that discusses political and security issues²⁸. This forum is a form of regional cooperation in the field of security and peace in the form of a forum for discussion and consultation on political and security issues. The ASEAN Regional Forum (ARF) is used as a forum for equalizing views and thoughts between ARF participating countries to minimize threats to stability and security in the Asia Pacific region, in addition to being a forum for discussion and consultation. The ASEAN Regional Forum, as one of the sectoral bodies in the ASEAN Political-Security Community Pillar, has four priority areas of cooperation, including disaster management, maritime security, non-proliferation and disarmament, counter-terrorism, and transnational crime, which includes human trafficking.

Fourth, *The ASEAN Declaration Against Human Trafficking in Persons Particularly Women and Children*. ASEAN made this declaration as a commitment to the UN Convention on the Eradication of Transnational Organized Crime²⁹. The renewal of *The ASEAN Declaration Against Human Trafficking in Persons Particularly Women and Children* is one of ASEAN's efforts in combating human trafficking. As a successor to ASEAN's commitment against human trafficking, *The ASEAN Convention Against Human Trafficking in Persons, Especially Women and Children (ACTIP)* was born at the 27th ASEAN Summit in 2015. ACTIP has a specific discussion on trafficking crimes and has four main focuses: prevention of

²⁷ Chika Monika Sitinjak, Shafa Maulana Dewi Kurniawan, and Sagaralange Paramahita, "Upaya Asean Menangani Perdagangan Manusia Di Asia Tenggara," *Jurnal Pena Wima* 2, no. 2 (2022): 1–17, <https://doi.org/10.31315/jpw.v2i2.7183>.

²⁸ Liftihar Rafitri, "Implementation of Asean Regional Forum (ARF) on Trafficking in Persons in The Asia Pacific Area," *Jurnal Diplomasi Pertahanan* 7, no. 1 (2021): 77–100.

²⁹ Rosmala Dewi, "Analisis Keputusan Indonesia dalam Meratifikasi Asean Convention Against Trafficking in Persons Especially Women and Children Tahun 2017", *Thesis*. (Jakarta: UIN Syarif Hidayatullah Jakarta, 2022).

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trafficking, law enforcement and punishment and prosecution of trafficking offenders, protection of trafficking victims, cooperation and coordination among ASEAN member states, and the international community.

ACTIP developed the *ASEAN Plan of Action Against Trafficking in Persons, Especially Women and Children* (APA), a strategy to combat human trafficking. To prevent, suppress, and enforce trafficking laws in all forms of illegal labor, slaves, sex trafficking, childbirth, and the sale of victims' organs, strong and comprehensive international and regional cooperation is needed. The APA, as a policy plan embedded in the ACTIP concept, will later become an action in the domestic laws and policies of ASEAN Member States.

Fifth, the *Bohol TIP Work Plan 2017-2020* includes ASEAN cooperation in combating human trafficking³⁰. This Working Plan is the ASEAN Multi-Sectoral Plan, created by SOMTC (Meeting of Senior Officials on Transnational Crime) and the collaborative efforts of ASEAN Sectoral Bodies. ASEAN developed this TIP Work Plan to implement ACTIP and APA in a more planned and targeted manner. This Work Plan includes four important elements such as prevention, victim protection, law enforcement, and external cooperation. The document includes a programme of regional and multisectoral counter-trafficking activities to be implemented by 9 ASEAN sectoral bodies from the 80 Pillars of the ASEAN Community.

Along with this international cooperation, Indonesia through the Indonesian Representative at the ASEAN Intergovernmental Commission on Human Rights also actively encourages the realization of a human rights-based approach in dealing with trafficking victims, which in practice includes providing assistance to trafficking victims³¹. that does not rely on court proceedings and migration law requirements in the country concerned, focuses on victims without discrimination, and addresses all aspects of the problem.

Sixth, the ASEAN Leaders' Declaration on Combating Trafficking in Persons agreed at the 42nd Summit in Labuan Bajo on May 10-11, 2023.³² Concerns about the increasing misuse of technology to facilitate human trafficking in Southeast Asia and globally. The complex, cross-cutting and multidimensional nature of TIP, as well as the additional challenges it poses through technology that require a collective and immediate regional response. In looking at these problems, the *ASEAN Leaders' Declaration on Combating Trafficking in Persons* focuses on

³⁰ Setiawan, "Implementasi Asean Convention Against Trafficking in Persons, Especially Women and Children (ACTIP) Di Indonesia."

³¹ Iskandar and Nursiti, "Peran Organisasi Internasional dan Regional dalam Penyelesaian Pelanggaran Hak Asasi Manusia Perdagangan Orang di Indonesia."

³² ASEAN Chair, "ASEAN Chair. ASEAN Leaders' Declaration on Combating Trafficking in Persons Caused by The Abuse of Technology," asean2023.id, 2023, <https://asean2023.id/id/news/asean-leaders-declaration-on-combating-trafficking-in-persons-caused-by-the-abuse-of-technology>.

prevention, persecution of perpetrators, and protection of victims, which then goes to several agreed matters such as³³:

1. Increase cooperation and coordination against trafficking caused by misuse of technology through regional mechanisms and ASEAN initiatives,
2. Promote the effective implementation of ASEAN instruments related to the TIP, such as the ACTIP, to maintain their relevance and adaptability in the context of emerging and future challenges,
3. Strengthen joint cooperation in the areas of border management, prevention, investigation, law enforcement and prosecution, protection, repatriation and support such as rehabilitation and reintegration of victims.

Indonesia, as an ASEAN member, has ratified the ASEAN Convention against Trafficking in Persons, particularly Women and Children. Indonesia's interest in ratifying the Convention stems not only from the country's international obligations, but also from the country's national goals, as stated in the Preamble to the Constitution of the Republic of Indonesia Year 1945 (UUD NRI Year 1945). The obligation of the state to protect and respect human rights is contained in the Preamble to the 1945 Constitution.

Human trafficking in Indonesia is considered one form of transnational crime that must be addressed comprehensively, ranging from prevention, victim protection, and multifaceted law enforcement. In terms of international cooperation, Indonesia has consistently pushed for regional mechanisms to address the issue of human trafficking. Through Law Number 12 of 2017 concerning the Ratification of the *ASEAN Convention Against Trafficking In Person Especially Women and Children*, Indonesia became the ninth country to ratify ACTIP on November 10, 2017³⁴. The signing of ACTIP reflects the strong commitment of ASEAN member states in optimizing human trafficking. Law enforcement against trafficking cases in the region, as well as mechanisms to strengthen the implementation of the Palermo Protocol in the Southeast Asian region.

ASEAN cooperation to combat human trafficking can be viewed as a commitment to long-term development. Thus, the effort to end sexual abuse, human resource exploitation, human trafficking, and all forms of violence against children is undoubtedly the struggle of ACTIP and APA. Furthermore, it aims to support the implementation of legal instruments at the national and international levels, as well as the availability of equal access to justice for all, which can affect the effectiveness of law enforcement related to these crimes.

³³ ASEAN Chair, "ASEAN Chair. ASEAN Leaders' Declaration on Combating Trafficking in Persons Caused by The Abuse of Technology,"

³⁴ Setiawan, "Implementasi Asean Convention Against Trafficking in Persons, Especially Women and Children (ACTIP) Di Indonesia."

Obstacles and Challenges in International Cooperation on *Human Trafficking* in the ASEAN Region

Human trafficking according to the United Nations Office on Drugs and Crime (UNODC) is a crime against humans by recruiting, transferring, harboring, or receiving people through violence, coercion, or other evil acts with the aim of exploiting them. Southeast Asia is a region particularly vulnerable to human trafficking. According to the International Organization for Migration, nearly one-third of the world's human traffickers, or about 225,000 women and children, are victims of human trafficking practices in Southeast Asia.³⁵ Human trafficking in the Southeast Asian region is triggered by a number of interconnected factors, including regional economic disparities, labor migration patterns, and domestic problems faced by each ASEAN member state, such as poverty and weak law enforcement.

ASEAN member states in Southeast Asia have highly variable levels of economic development. Several countries in the region have experienced rapid economic growth. Southeast Asia is a growing economic region in terms of global economic development. Rapid population growth in the Southeast Asian region is driving consistent increases in economic growth, ensuring that countries in the region continue to thrive as growth hubs. However, the economic growth of the Southeast Asian region has not been able to overcome the problem of economic inequality among ASEAN member countries. Every ASEAN member state faces economic disparity and poverty. Regional economic disparities, as well as the dynamics of regional economic change and integration, have resulted in increased labor migration flows in the Southeast Asian region.

The 1997 economic crisis that occurred in a number of Southeast Asian countries had a significant impact on labor migration flows. The economic crisis not only increased labor migration, but also changed labor migration patterns in the region. The pattern of labor migration in Southeast Asia is increasingly colored by the dominance of female workers, which she refers to as the feminization of labor migration. They are usually low-skilled workers with limited educational backgrounds. They usually work in the informal sector, such as domestic helpers. Jobs in the informal sector are

³⁵ Rahmah Daniah and Fajar Apriani, "National Anti-Trafficking Policies in International Migration," *Politica* 8, no. 2 (2017): 137–62, <https://doi.org/10.22212/jp.v8i2.1140>.

generally not protected by law. As a result, Southeast Asia has become a region targeted by various countries and regions for cross-border traffic in legal and illegal activities such as finding jobs, a better life and future, human trafficking, drug smuggling, and terrorist acts.³⁶

According to Pujiono, always the head of UPT BP2MI, obstacles to international cooperation regarding *human trafficking* are inseparable from important factors in determining life such as:

1. Economic factors are the most basic factors that hinder the achievement of the goal of cooperation to avoid trafficking in persons. The economic factors in question are about poverty, lack of knowledge in school, having debts, family problems, consumption that causes bankruptcy, unavailability of job vacancies, and the influence of the local environment which results in victims being involved in human trafficking.
2. Weak law enforcement capabilities in maintaining state security and order, resulting in cross-border trafficking activities.
3. Technological advances such as being able to access transportation internationally. National crime takes advantage of the opportunities of technological progress to mobilize at the international level.
4. Economic and political changes at the global level lead to human trafficking activities.
5. A culture that cannot be ruled out such as differences in the status of women and men as if women are considered weak and limit women's rights.

A number of factors, both domestic and international, contribute to trafficking in persons, including:³⁷:

1. Social structures that still regard women as second-class citizens, resulting in gender discrimination. This in turn leads to poverty for women, as well as gender-based violence, which pushes female victims into trafficking traps;

³⁶ Nony Woro Pangastuti, Bruce Anzward, and Elsa Aprina, "Hambatan Indonesia dalam Memberantas Perdagangan Against Trafficking in Persons Especially Women and Indonesian: Obstacles in Combat Trafficking in Person to Realize Asean Convention Against Trafficking," *Lex Suprema* 1, no. 2 (2019).

³⁷ United Nations, *Human Rights and Human Trafficking* (New York and Geneva: UN Human Rights, Office of the High Commissioner, 2014).

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2. Patriarchal structures that support women's educational patterns of submission and prioritizing family honor and interests, often causing them to sacrifice themselves in trafficking;
3. The proliferation of sex industries in underdeveloped countries as a result of limited financial resources, a condition that has been inhumanely abused and exploited by traffickers;
4. The occurrence of conflicts in a number of countries that place women and children in a very vulnerable position, deprived of protection, security, and other human rights that force them to enter the cycle of trafficking;
5. The inability of disadvantaged countries to provide assistance.

These trafficking practices are exacerbated by ASEAN countries' domestic limitations in providing labor protection, particularly for women and children. The fact that not all ASEAN countries have ratified international conventions designed to prevent and address human trafficking demonstrates the lack of state protection of workers. One international convention, the UN Protocol to Prevent, Reduce, and Punish Trafficking in Women and Children, for example, has not been ratified by all ASEAN countries.

ASEAN has played an important role in encouraging its members to combat human trafficking as a forum for regional cooperation. However, ASEAN's role is still limited to encouraging and building commitments among ASEAN member states to combat human trafficking. ASEAN's limitations in *'forcing'* its members to ratify and incorporate into national law are limited by the principles of *the ASEAN Way* set by ASEAN itself, namely respect for state sovereignty and non-interference in internal affairs. The ASEAN Way principle was a norm that was upheld at the time of the establishment of ASEAN and seemed very relevant at that time to answer the challenges of regionalism. However, it is becoming increasingly limited in addressing the challenges of more complex security issues, such as human trafficking.

It is not surprising that ASEAN countries use bilateral relations, such as the MOU, to combat human trafficking. However, this MOU has limitations in protecting migrant workers, especially when the sending country (country of origin) has a *'bargaining power'* that is weaker relative to the recipient country. The challenge for ASEAN regionalism is how ASEAN can translate the principles of the ASEAN Way to be more flexible in responding to the challenges and environmental changes it faces.

ASEAN has expressed concern about combating human trafficking. ASEAN considers human trafficking to be one of the most serious issues that must not only be discussed but also resolved.³⁸ ASEAN has urged its member states and the international community to pay more attention to the issue. The Southeast Asian region has grown from a transit country to a destination for human trafficking crimes. Economic factors are most influential in the prevalence of human trafficking crimes in Southeast Asia. Poverty, unemployment, and social inequality are major contributors. Of course, there will be challenges and obstacles in the implementation of international cooperation in the field of human trafficking. However, the difficulties faced should be an opportunity for ASEAN to reflect and find solutions to these problems.

The Government's Role in Providing Protection for Trafficking Victims in Indonesia.

There have been previous studies that have broadly reviewed and found findings related to *human trafficking*, however, none of the existing studies have specifically examined international cooperation in ASEAN or the role of the Indonesian government in tackling human trafficking cases³⁹. The urgency of the Government of Indonesia's role in providing protection for trafficking victims, whether in the form of forced labor, sexual exploitation, enslavement, abuse of power, or in various other forms as in real phenomena around the world. Of course, as is well known, trafficking in persons is a crime against human rights (crimes against humanity) so even in a juridical perspective, based on this view, trafficking is categorized as a special crime whose criminal and criminal provisions are regulated in a special law, namely Law Number 21 of 2007 concerning the Eradication of Trafficking in Persons⁴⁰. The enactment of the law identifies the application of the principle of *lex*

³⁸ R Yusran, "The ASEAN Convention Against Trafficking in Persons: A Preliminary Assessment," *Asian Journal of International Law* 8 (2018): 258–92.

³⁹ Nur Rahmawati and Ardli Johan Kusuma, "Peran Pemerintah Indonesia Bersama IOM Dalam Mengatasi Masalah Perdagangan Perempuan Indonesia Ke Timur Tengah Periode 2016-2019," *Global Insight Journal* 7, no. 1 (2022): 51–66, <https://doi.org/10.52447/gij.v7i1.5950>.

⁴⁰ Falen Oktavionita and Ahmad Riyadh, "Legal Protection for Victims of Trafficking in Persons From a Human Rights Perspective," *Indonesian Journal of Law and Economics Review* 16 (2022): 5–13, [https://doi.org/10.1016/s1000-9361\(22\)00214-x](https://doi.org/10.1016/s1000-9361(22)00214-x).

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specialis derogat legi generali in the legal order in Indonesia. Thus, it is clear and unequivocal that trafficking is a serious crime that needs to be eradicated.

Various efforts have been taken by the Indonesian government to prevent and mitigate trafficking, especially for all Indonesian citizens (WNI). Such efforts include: *First*, establish international cooperation. International Cooperation is organized by the Government of Indonesia with International Countries, including government-based International Organizations (*Inter-Governmental Organization*) and non-governmental (*Non-Governmental Organization*). In implementing the points that become agreements, of course, the Government of Indonesia always prioritizes the noble values of the Indonesian people by upholding tolerance, habits, customs, active participation, and neutrality in dealing with problems that may occur. The main purpose of establishing a cooperation is so that consultation and consensus can be carried out in determining a decision to achieve common goals.

The important role of international cooperation is to maintain security and the implementation of law enforcement, including for perpetrators of crime. With cooperation, information exchange, operational coordination, as well as limitations on the mobility of perpetrators and the implementation of punishment for criminal offenders who flee to other countries can be carried out to ensure effective law enforcement for perpetrators so as to produce the performance of a comprehensive investigation, evidence collection, and fair trial. International agreements created by international cooperation reflect the government's commitment to curb trafficking and protect the human rights of its citizens, including women and children vulnerable to trafficking. International cooperation that has been carried out, such as ACTIP (*Convention Against Trafficking in Persons, Especially Women and Children*) which contains mechanisms for the prevention and enforcement of trafficking cases; and UNODC (*United Nations Office on Drugs and Crime*) to address trafficking in persons through the provision of technical assistance, training, and prevention programs ⁴¹. The importance of international agreements proves the position of legal sources in the legislative hierarchy.⁴²

Second, ratify international provisions for legal reform. The ratification provisions are regulated in Law Number 24 of 2000 concerning International

⁴¹ Linda Ikawati, "Penanggulangan Kasus Human Trafficking di Indonesia Melalui Peran International Organization of Migration (IOM)," *Syariat Jurnal Studi Al-Quran dan Hukum* 8, no. 1 (2022): 123–34.

⁴² Sumaryo Suryokusumo, *Hukum Perjanjian Internasional* (Jakarta: Tata Nusa, 2008).

Treaties, as an implementation arrangement of Article 11 of the 1945 Constitution which mandates "*the President with the approval of the House of Representatives declares war, makes peace and treaties with other countries*"⁴³. In this case, the President as a representative of the country with the approval of the DPR has the right to ratify/adopt an appropriate international provision (*international legal harmony*) with consideration of the benefits and legal needs of his country as outlined in the Presidential Decree⁴⁴. Thus, the enactment of international treaties as laws procedurally causes rights and obligations for a wide audience⁴⁵. The importance of political power to the ratification process influenced the juridical-sociological interpretation of national legal reform. So that the approval of the president and the DPR in ratification is two sides that must balance each other (*checks and balances*) so that the ratified provisions are used as a valid legal basis, both materially and formally⁴⁶. The ratification results as the Indonesian government's commitment to reduce trafficking levels, such as Law No. 14/2009 on the Ratification of the Protocol to Prevent, Prosecute and Punish Trafficking in Persons, Especially Women and Children, to complement the United Nations Convention against Transnational Organized Crime.

Third, establish specialized institutions and integrated systems. As an implementation of the Indonesian government's commitment, several agencies/institutions were established that play an important role in efforts to prevent and combat trafficking, including:

- 1) The National Commission *on Anti-Trafficking in Persons* (KANATIP) focused on anti-trafficking and played a role in policy development, interagency coordination, law enforcement, victim protection, and education and public campaigns related to trafficking.
- 2) The Ministry of Women's Empowerment and Child Protection (KemenPPPA), conducts prevention and protection of victims of violence, especially against women and children. In order to combat

⁴³ Republic of Indonesia, "Undang-Undang Dasar Negara Republik Indonesia Tahun 1945" (1945).

⁴⁴ S. M. Noor, "Politik Hukum Dalam Praktek Ratifikasi Di Indonesia" (Universitas Hasanuddin, 2020).

⁴⁵ Kementerian ESDM, "Mengenal Proses Ratifikasi Perjanjian Internasional," 2019.

⁴⁶ Erlina Maria Christin Sinaga and Grenata Petra Claudia, "Pembaharuan Sistem Hukum Nasional Terkait Pengesahan Perjanjian Internasional Dalam Perlindungan Hak Konstitusional," *Jurnal Konstitusi* 18, no. 3 (2022): 677, <https://doi.org/10.31078/jk1839>.

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trafficking, the Ministry of PPPA pursuant to Law No. 21/2007 formulated a Task Force for the Prevention and Handling of Trafficking (GT PP TPPO) involving all levels of government, from the smallest to the central government throughout Indonesia.⁴⁷

- 3) The Directorate General of Citizen Protection and Legal Aid (Dirjen PWNI) provides protection for Indonesian citizens domiciled abroad, including trafficking victims⁴⁸.
- 4) The National Agency for the Placement and Protection of Indonesian Workers (BNP2TKI) plays a role in regulating labor placement to avoid the risk of trafficking⁴⁹, and;
- 5) Law enforcement agencies such as the Indonesian Police and the Indonesian Prosecutor's Office whose role is to ensure that perpetrators are faced with appropriate punishment.
- 6) Nongovernmental organizations (NGOs) act as private or non-profit organizations that play an important role in the protection of trafficking victims. Generally, what is done is the provision of report assistance services, rehabilitation, legal assistance, education, to socio-economic support for victims.

Collaboration between one institution and another certainly affects the success or failure of the implementation of the prevention and handling of Trafficking in Persons. So, in other words, comprehensive synergy is needed from all parties, especially from the Regional and Central Trafficking Task Forces. Because trafficking cases in Indonesia are increasingly rife, it also requires proof of strong commitment, implementation, and synergy from all interested parties. Moreover, the participation of all elements of Indonesian society who are aware of trafficking practices can directly report them to the authorities, such as the *Sahabat Perempuan dan Anak* (SAPA) Service through *call center* 129, or *WhatsApp* 08111-129-129 so that it can be followed up.

⁴⁷ Andi Fardian and Gerralda Chintyaarizma Putriaksa, "Peran Pusat Pelayanan Terpadu Pemberdayaan Perempuan dan Anak (P2TP2aA) Di Indonesia Dalam Menangani Kasus Human Trafficking," *Widya Pranata Hukum: Jurnal Kajian Dan Penelitian Hukum* 3, no. 1 (2020): 40–55, <https://doi.org/10.37631/widyapranata.v3i1.83>.

⁴⁸ Jenriani Joroh, "Perlindungan Hukum Bagi Tenaga Kerja Wanita (TKW) Terhadap Tindak Pidana Trafficking Dalam Perspektif Hak Asasi Manusia (HAM)," *Lex Privatum* VI, no. 6 (2018): 70–77.

⁴⁹ Safrida Yusitarani, "Analisis Yuridis Perlindungan Hukum Tenaga Migran Korban Perdagangan Manusia Oleh Pemerintah Indonesia," *Jurnal Pembangunan Hukum Indonesia* 2, no. 1 (2020): 24–37, <https://doi.org/10.14710/jphi.v2i1.24-37>.

Fourth, provide prevention and treatment of trafficking victims and witnesses. Article 56 of Law No. 21/2007 affirms the government's obligation to prevent and address trafficking. Prevention is carried out by the government by adopting or ratifying all provisions of international law prohibiting trafficking in persons and imposing strict penalties for perpetrators of these crimes. The provision of strict laws is expected to provide "*nestapa*" or "pressure" for perpetrators to discourage their intention to commit crimes. Prevention is important by strengthening the criminal justice system and increasing surveillance of potential traffickers. In addition, educational efforts need to be made through outreach programs to the wider community (including students) to increase awareness and awareness about the dangers of trafficking, both for victims, families, and communities. If public awareness is high, it will result in high public participation to prevent, report, and address trafficking in the community. So, in this case, it is necessary to create a space for dialogue about various government policies and programs to the public or the public so that there is good synergy and coordination between the two ⁵⁰.

Meanwhile, victim management is carried out by providing support and assistance to trafficking victims, both physically, psychologically, legally, and socially, including shelters, legal assistance, health services, psychosocial services, communication information, and education after the trafficking outbreak. The provision of legal services is aimed at creating a fair justice system for the optimization of law enforcement ⁵¹. These efforts demonstrated that the government not only prevented, but also worked to restore the dignity or social standing of trafficking victims, especially for small and vulnerable groups, and at the same time helped victims recover from trauma and start new lives. Not only trafficking victims, witnesses must also be guaranteed their right to protection by the Witness and Victim Protection Agency (LPSK).

Conclusion

⁵⁰ Dhani Akbar and Indrawan Indrawan, "Tinjauan Hukum Dan Peran Pemerintah Dalam Tindak Pidana Perdagangan Orang (TPPO) Di Kabupaten Karimun Dan Kota Batam," *Jurnal Selat* 5, no. 2 (2018): 134–47, <https://doi.org/10.31629/selat.v5i2.467>.

⁵¹ Pinoke Steyvan T. B., "International Cooperation in Combating Trafficking in Persons According to Law No. 21/2007 on the Eradication of Trafficking in Persons," *Lex et Societatis* VI, no. 5 (2018): 18–25.

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International cooperation in the prevention and handling of trafficking cases in the ASEAN Region has been well pursued, with several declarations of cooperation between countries in the ASEAN Region. The declaration was also implemented in Indonesia with the establishment of several institutions that specifically handle trafficking cases, these institutions act not only to prevent trafficking cases, but also to restore the physical, mental, and dignity of victims of trafficking crimes to their original condition, so that victims can return to their proper activities. The efforts of the government and ASEAN countries have not been easy, there are several obstacles in its implementation such as economic factors as the main actors that play a role in the rise of trafficking crimes, as well as other factors such as culture and technology. Therefore, a renewable and massive effort is needed in responding to and preventing trafficking in persons in the ASEAN region, especially in the current era of globalization where there are many motives and ways to commit crimes, such as human trafficking.

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