

How Patriarchal Culture Localizes Human Trafficking Eradication Norm: Case Study on the Implementation of Human Trafficking Eradication Law in Indonesia

Gema Ramadhan Bastari, Prakerti Collective Intelligence, Indonesia

Abstract

One of the main critical notes on the effort to combat trafficking in persons is the lack of victim protection in favor of criminal prosecution. This paper argues that this problem can be explained by looking at the norm that shapes the effort to eradicate human trafficking. In this paper, the author will employ norm localization theory to explain how existing patriarchal culture in Indonesia is threatened by the norm of human trafficking eradication socialized by Palermo Protocol and localizes the norm to sustain their existence. This will be done by studying the implementation of human trafficking eradication law in Indonesia, i.e. Law No. 21 of 2007 concerning the Eradication of the Crime of Human Trafficking. Ultimately, this paper finds that the norm of human trafficking eradication in Indonesia has been localized by reducing the definition of human trafficking into a crime of rape against women. This localized norm then complements the rape culture in Indonesia by allowing the continuation of victim blaming practice which in turn denies the victim of their right to receive protection as well as freedom of movement.

Keywords: Norm diffusion, Human trafficking, Localization

INTRODUCTION

Most people in a liberal-democratic society would agree that slavery is simply wrong and that trafficking in persons, its modern counterpart, is absolutely abhorrent. This sentiment is agreed upon as societal norm, manifested on legal regulations and also embedded in some national and transnational policies. Yet despite the many attempts to demonize, prevent and combat trafficking in persons by various institutions, this so-called

“crime-against-humanity” is still as pervasive as ever — if not more prevalent and organized — in our contemporary globalized world. However, the more complex reality of trafficking today is also due, in large part, to our improved understanding on this matter (Heinrich, *Ten Years After the Palermo Protocol: Where are Protections for Human Trafficking Victims?*, 2010).

The growing literatures on human trafficking after Palermo Protocol have painted a bleaker picture on the contemporary situation of human trafficking. Prior to the Palermo Protocol, trafficking in persons was only

*Correspondence: Jakarta Selatan, DKI Jakarta
12150 Indonesia

Email: gemarbastari@gmail.com

thought to be relevant to women and children — hence the Protocol included the words “Especially Women and Children” in its name — and only for the case of sexual exploitation. Nowadays, there has been a greater attention on men and boys trapped in forced labor and sex industries (Jones, 2010). There has also been a greater awareness on the case of exploitation in seemingly innocent industries such as domestic workers, construction workers and tourism industries (Weitzer, 2014). People have also begun to understand that trafficking in persons can occur without the victims moving across national borders (Cho, 2015). There is also a transition in the portrayal of victims of trafficking from a naïve people who are easily swindled into debt bondage and force labor situation to a person who aim to “seek a better life in the face of difficult circumstances, even at the risk of being in harm’s way (Heinrich, *Ten Years After the Palermo Protocol: Where are Protections for Human Trafficking Victims?*, 2010).” All of these new understandings on human trafficking allow us to see the more complex nature of this crime than before the adoption of Palermo Protocol.

One of the major critical notes on efforts to combat trafficking in persons is that states are ignoring efforts to protect victims of trafficking – one of the three principles (3P) of Palermo Protocol (i.e. prevention, protection and prosecution). In that regard, scholars have pointed out that state are often more concerned with the prosecution of perpetrators of human trafficking than protecting the rights of the victims (Davidson, 2006). For example, criminal adjudication on

the case of human trafficking will often end with the penal provision against the perpetrators but abandoning the victim’s right to obtain restitution and reintegration assistance (Ratnaningsih, 2016). States also often opt to limit the rights of their citizen to seek a better life (such as by working abroad) in the name of preventing trafficking in persons. This type of measure is often ineffective and dangerous since people will then be forced to rely on irregular route of migration which makes them more vulnerable to being trafficked (Feingold, 2005).

There are at least three perspectives in explaining state’s lack of willingness to protect victims of trafficking. The first perspective argues that there is a gap between legal regulations and national policies on combatting human trafficking. This is possible due to poor implementation and coordination among state institutions, lack of awareness on the problems they are facing and essentially weak enforcement of the rule of law (Cho, 2015). The second perspective argues that there is a problem in the legal and academic discourse on combatting human trafficking. What it means is that each state will often decide to what extent they will adopt the definition of human trafficking as mentioned in Palermo Protocol – hence each state has the power to decide “what constitutes ‘trafficking in persons’ within their own national jurisdiction (Allain, 2013).” Furthermore, most state employs the definition and policies on human trafficking without prior evidence-based research, resulting in mostly sensationalized and formulaic approach

to combat trafficking in persons (Weitzer, 2014). Finally, the third perspective argues that the lack of victim protection in the case of human trafficking is a symptom of society dominated by patriarchal culture. By employing structural paradigm and power analysis, this type of research pointed out how politics and patriarchy influences the decision and policy-making on combatting human trafficking (Davidson, 2006; Chuang, 2014).

This paper will contribute to the study on trafficking in persons by taking all of the above perspectives into account to criticize the implementation of national law of trafficking in persons in Indonesia, i.e. Law No. 21 of 2007 concerning The Eradication of Crime of Human Trafficking (HT Law). Indonesia is classified as a tier-2 country in the effort to eradicate trafficking in persons by the 2018 US Trafficking in Persons Report. The report argues that Indonesia is classified as such due to endemic corruption among state officials and weak enforcement of law resulting from that circumstance (US Department of State, 2018). On another note, the Government of Indonesia has also shown its lack of willingness to protect victims of trafficking by consistently focusing only on the protection of migrant workers abroad (due to President Jokowi's political contract in 2014 election as well as migrant workers being the primary source of foreign exchange) (Rifawan, Darmawan, & Relaksana, 2017) and limiting their people's right to seek a better life (e.g. by imposing moratorium for migrant workers working in the Middle East)

(Istiqomah, 2017). On another note, the Government of Indonesia also creates a state of exception where they make human trafficking business illegal but allowing licensed recruitment agents with trafficking-like practices to continue existing (Palmer, 2012).

This paper argues that all of the aforementioned problems are symptoms of a bigger structural problem which shapes how trafficking in persons eradication efforts are implemented. To prove its argument, this paper will employ norm localization theory which explains how local elements within state boundary co-opts international norm that came from above (e.g. international institutions). Finally, this paper will explain the impact caused by said power relations within HT Law to the efforts to eradicate human trafficking in Indonesia.

Norm Localization Theory

Theories of norm localization in International Relations are mostly derived from Martha Finnemore and Kathryn Sikkink's (1998) theory of norm diffusion. They argued that international norms are first emerged via the construction of an epistemic community before being introduced and promoted by agents known as norm entrepreneur into the global political-economy arena. Once the newly-emerging norm reaches a certain tipping point of acceptance within international community, it will cascade into national level, indicated by national governments start adopting the new norm in the form of national policies and socialization, among other things. Finally, the adopted norm will be internalized into an unquestionable truth

that people will take for granted. Once a norm has been internalized, there will be institutions, either formal or non-formal, to sustain the existence of the norm.

However, Finnemore and Sikkink's theory of norm diffusion has received much criticism because it is considered lacking in explaining dynamics that can occur when an international norm is internalized at the domestic level. Sikkink herself, in her work with Margaret Keck (1998), has explained how domestic political structures can influence state compliance to norms promoted by transnational activists. This idea was further elaborated by Cortell and Davis (2000) who explained comprehensively about domestic salience of international norms. According to them, not all international norms can be taken for granted in the domestic arena. This situation will be more likely to happen, especially when many local norms compete with international norms in local discourse. As a result, international norms will have different levels of salience (penetration) in each locale. Cortell and Davis's theory on norm salience explains the many cases where international norms fail to be internalized at the domestic level.¹ Amitav Acharya (2004) then continues this theory by postulating that international norms can not only be rejected when entering the domestic arena, but can also be appropriated by local interests.

In general, the literature on the diffusion of international norms is divided into two perspectives. The first perspective, pioneered by Finnemore and Sikkink, emphasizes the universal nature of norms that are considered 'cosmopolitan'. This perspective believes that international norms are inherently good and must be disseminated as far as possible so that everyone accepts them. This view has finally led to a tendency to treat international norms as a recipe that must be adopted by countries in the world to achieve 'progress.' As a result, the agency of local actors who will accept these norms is neglected because they are assumed to always be willing to accept this 'good' norm (Acharya, 2004).

The second perspective tries to oppose the assumptions as stated above. In this case, they believe that local actors have a significant role to influence the diffusion of international norms. This perspective is used by Acharya when explaining his theory on the localization of international norms. According to Acharya (2004), when an international norm is cascading and entering the domestic level, there will be a process called localization. Localization is defined as the process of redefining international norms by embedding local characteristics into the norm. However, Acharya emphasized that localization cannot be equated with adaptation. Although both concepts both refer to the process of adjusting to change, localization is unique because the initiative to do so is entirely in the hands of local actors. Adaptation generally involves a back and forth process to find a middle ground between local and international norms to select aspects that

¹ For example, countries who are not adopting democracy into their governance system even after the end of Cold War can be explained by this norm salience theory, in which liberal-democratic value have weaker norm salience in those countries.

can be accepted and discarded. Meanwhile, localization is a conscious act of local actors to appropriate international norms and present them in ways that retain local norms. Furthermore, while adaptation is carried out to comply with international norms, localization is carried out specifically to meet local interests. The end result of localization is a practice that at first glance appears to adhere to international norms, but maintains local norms that have existed before.

Theoretically, localization can occur due to three factors: (1) existing domestic norms that are threatened to be replaced by international norms have a stronger level of uniqueness and acceptance power; (2) domestic elites feel that international norms can be modified to strengthen the legitimacy of practices at the domestic level based on existing domestic norms; (3) the presence of domestic actors who have a stronger discursive influence than international norms from outside the country (Acharya, 2004). Referring to the theory of norm localization, this paper will explain how local norms in Indonesia, particularly patriarchal culture, co-opts the norms of human eradication and produce practices that are more concerned with state security than human security. This argument can be proven by first identifying the power relations within Human Trafficking Eradication Law in Indonesia (Law No. 21 of 2007).

Problems in the Implementation of Human Trafficking Law

Though cases of trafficking in persons have been known since the

ancient times, a truly concerted effort by the international community to define what we are talking about when we talk about trafficking in persons as well as how to deal with it has only begun since December 2000 through the adoption of *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (otherwise known as Palermo Protocol) by the United Nations. Ever since, the protocol has become the framework for national policies and regulations on combatting trafficking in persons (Brusca, 2011). The main objective that the UN wants to achieve from defining the crime of human trafficking is to prevent and eradicate human trafficking (especially women and children) and protect victims by giving full attention to their human rights. This goal is represented in the 3P Principles of Palermo Protocol which includes prevention, protection and prosecution. The protocol then explains the state's obligation to provide protection to victims of trafficking, starting from repatriation, allowing them an opportunity to express their views on their situation, and restoring their physical and mental condition (Article 6,7 & 8 of the Palermo Protocol).

In Indonesia, Law No. 21 of 2007 concerning the Eradication of Crimes of Human Trafficking (HT Law) can be said to be the representation of the norms of human trafficking eradication which is socialized through the Palermo Protocol. The HT Law has complemented Article 297 of the Indonesian Criminal Code (KUHP) concerning the prohibition on trafficking of women and children and Law No. 23 of 2002 concerning Child Protection by

providing a strict definition on the crime of human trafficking as well as providing heavier penalties than the two existing legal instruments (Rismiyanti, 2009). In addition, Chapter V of HT Law has paid attention to the protection of witnesses and victims, regulates the government's obligation to carry out rehabilitation, and the defendant's obligation to pay restitution fee. Furthermore, Chapter VI of HT Law also regulates preventive measures through the formation of GT-PPTPPO (Human Trafficking Eradication Task Force) which consists of all societal elements,

ranging from the government, community-based organizations, to law enforcer.

Normatively, the HT Law has indeed represented the recommendations of Palermo Protocol by integrating each of the 3P Principles into its written regulation. However, most of these normative arrangements has not translated well into practice. The following table compiles all publicly accessible verdicts of trafficking in persons criminal court in Indonesia from 2007-2014.

Table 1. Verdicts of Trafficking in Persons Criminal Court in Indonesia (2007-2014)

No	Verdict Register	Articles being Considered	Compensation Fee	Type of Exploitation
1	93/Pid.B/2007/PN.MGL	2 (1)	No	Sex Trafficking
2	795 K/Pid/2008	10	No	Domestic Worker Abuse
3	1533 K/Pid.Sus/2008	11	No	<i>No Information</i>
4	1501 K/Pid.Sus/2008	11	Yes	Sex Trafficking
5	1535 K/Pid.Sus/2008	11	Yes	Sex Trafficking
6	2748 K/Pid.Sus/2009	2 (1) jo 11	Yes	Baby Trafficking
7	2561 PK/Pid.Sus/2009	12	No	Sex Trafficking
8	880 K/Pid.Sus/2009	4 jo 10	No	Domestic Worker Abuse
9	708 K Pid.Sus 2009	2 (1)	No	Forced Labor as Street Beggar
10	1028 K/Pid.Sus/2009	2	No	Sex Trafficking
11	1782 K/Pid.Sus/2009	-	No	Domestic Worker Abuse
12	2364 K/Pid.Sus/2009	2 (1)	No	Sex Trafficking
13	2460 K/Pid.Sus/2009	46	No	Forced Labor as Seafarer
14	1997 K/Pid.Sus/2009	2 jo 17	No	Sex Trafficking
15	2272 K/Pid. Sus/2009	10	No	Sex Trafficking
16	1348 K/Pid. Sus/2009	-	No	Domestic Worker Abuse
17	856 K/Pid.Sus/2010	-	No	Domestic Worker Abuse
18	140 K Pid.Sus/2010	2 jo 17 jo 11	No	Sex Trafficking
19	1699 K/Pid.Sus/2010	2 (1) jo 7	No	Sex Trafficking
20	1539 K/Pid.Sus/2010	2 (1)	No	Forced Labor as Pub Worker
21	85 PK/Pid.Sus/2010	2 (1) jo 11	No	Domestic Worker Abuse
22	78 K/Pid.Sus/2010	-	No	Domestic Worker Abuse
23	84 PK/Pid.Sus/2010	2 (1) jo 11	No	Domestic Worker Abuse
24	1264 K/Pid.Sus/2010	2	No	Domestic Worker Abuse
25	1265 K/Pid.Sus/2010	2	No	Domestic Worker Abuse

No	Verdict Register	Articles being Considered	Compensation Fee	Type of Exploitation
26	331/Pid.B/2011/PN.MDO	2 (1)	No	Forced Labor as Pub Worker
27	1297 k/Pid. Sus/2011	2 (1)	No	Forced Labor as Pub Worker
28	04./PID B.2011/PN.RNI	10 jo 2 (1)	No	Forced Labor as Pub Worker
29	217/Pid.B/2011/PN.BTM	4	No	Domestic Worker Abuse
30	13/Pid.Sus/2011/PN.CMS	2 (1)	No	Sex Trafficking
31	85/Pid.B/2011/PN.SMI	2	No	Sex Trafficking
32	421 K/Pid.Sus/2011	2 (1)	No	Sex Trafficking
33	21 PK/Pid.Sus/2011	2 (1)	No	Sex Trafficking
34	702/PID/2011/PT-MDN	2	No	Sex Trafficking
35	1506/Pid.B/2011/PN.Jkt.Tim.	2	Yes	Forced Labor as Pub Worker
36	263/Pid.B/Sus/2011/PN.Im	2	No	Sex Trafficking
37	550/PID.B/2011/PN.JKT.TIM.	2 (1)	No	Domestic Worker Abuse
38	1861/Pid.B/2011/PN.SBY	2 (1)	No	Sex Trafficking
39	691 /PID/2011/PT-MDN	10	No	Sex Trafficking
40	03/Pid.B/2012/PN.SBG	10	No	Domestic Worker Abuse
41	06/PID.SUS/2012/PT.PR	2 (1)	No	Sex Trafficking
42	65/Pid.B/2012/PN.Im	6	No	Domestic Worker Abuse
43	04/PID.B/2012/PN.SBG	10	No	Domestic Worker Abuse
44	1250 K/Pid.Sus/2012	2 (1)	No	Sex Trafficking
45	125/PID.SUS/2012/PT.PTK	4	No	Sex Trafficking
46	295/Pid./Sus./2012/PN.Bgl.	2 (1)	No	Sex Trafficking
47	120/Pid.B/2012/PN.Kdr.	-	No	Domestic Worker Abuse
48	360/Pid.Sus/2012/PN.BGL	2 (1)	No	Sex Trafficking
49	387 /Pid.Sus/2012/PN Krw.	-	No	Domestic Worker Abuse
50	10/PID.SUS/2013/PNCj	6	No	Sex Trafficking
51	37/PID/2013/PT.MDO	2 (1)	No	Sex Trafficking
52	1259 K/Pid.Sus/2013	2 (1)	No	Sex Trafficking
53	2044/Pid.Sus/2013/PN.Jkt.Bar.	19	Yes	Forced Labor as Seafarer
54	294/Pid.Sus./2013/PN.Bgr.	2 (1)	No	Sex Trafficking
55	107/Pid.B/2013/PN.KNG	12	No	Sex Trafficking
56	40/PID/2014/PT.BTN	2 (1)	Yes	Industrial Forced Labor
57	46/PID/2014/PT.BTN	2 (1)	No	Industrial Forced Labor
58	123/Pid.Sus/2014/PN.Cj	2	No	Sex Trafficking
59	132/Pid. B/Sus/2014/PN. Im.	2 (1)	Yes	Sex Trafficking
60	179/Pid.Sus/2014/PN.Cj	6	No	Sex Trafficking
61	247/PID/2014/PT-MDN.	2 (1)	No	Baby Trafficking
62	XXXXS/PID/2014/PT.PLG	10	No	Sex Trafficking

source: compiled from putusan.mahkamahagung.co.id

The most striking insight that we can gain from looking at the above table is that judges and prosecutors were only using the HT Law in reference to the penal provision for perpetrators of

trafficking in persons (Article 2, 4, 6, 7, 10, 11, 12, 17, 19). In other words, HT Law in Indonesia are only used for the purpose of prosecution with no regard to protecting victims of trafficking. As

such, of the 62 cases compiled above, there are only seven cases where the verdict rules a restitution fee for the victim. In most cases, the law enforcer in charge did not inform the victim about the mechanism to obtain restitution fee. Even in the case where victim can obtain restitution, the judge still allow an ancillary in the form of prison sentences if the perpetrator refuse or unable to pay the restitution fee (Ratnaningsih, 2016). Even worse, there are also six cases where the judge and prosecutor did not refer to the HT Law at all – instead they refer to Law No. 39 of 2004 concerning Migrant Worker or Law No. 23 of 2002 concerning Child Protection. All of the six cases are related to the case of domestic worker abuse. This data clearly show how victim protection has not been the main concern of Indonesian Law Enforcer when it comes to eradicating trafficking in persons.

The reason why victim protection has to be an integral part of efforts to combat trafficking in persons is because most of the case of human trafficking can only be prosecuted based on the victim's report. However, crime of human trafficking is the type of crime where prosecuting it will pose some degree of risk to the victim reporting it as they will be forced to testify to their experience of being exploited and have to go face to face with the criminal who might have traumatized them. There is also a risk associated with a society where rape culture is still prevalent where victims of sexual exploitation are often seen as the cause of the tragedy befallen to them (Asmarani, Ending Rape Culture in Indonesia, 2016). As a matter of fact, there are some cases where the police on

duty questioned the victim's consent to the sexual exploitation as a basis to nullify their claim as a victim of trafficking (Ratnaningsih, 2016). Victims of trafficking in general are also prone to being ridiculed by their peers due to their status as victim and will find it hard to reintegrate to the society where they belong (Harkrisnowo, 2003). On top of having to expose themselves to the aforementioned risks, there is also no guarantee that the prosecution can successfully prove the perpetrators guilty. Thus, victim protection which includes paying restitution fee to victims of trafficking is ultimately necessary to encourage the victim to speak loudly about their experience. Without focusing on victim protection, Indonesian law enforcers have practically discouraged victims of trafficking to report about their experience – effectively making most cases of trafficking in persons went unnoticed.

Another problem related to the implementation of HT Law, based on the data on Table 1, is that the enforcement of this law has been biased heavily toward the case of sex trafficking, pub worker and domestic worker abuse where the victims are women and girls. As a result, most of the case of trafficking in persons involving male victims tends to only be prosecuted in reference to Industrial Relations Law or Migrant Worker Law. There are also some cases where a number of men who identify themselves as victims of trafficking were rejected at victim rehabilitation centers (Hidayati, 2012). This means that Indonesian law enforcers are still taking the "Especially Women and Children" part of Palermo

Protocol literally by believing that the crime of human trafficking is only relevant to women and children. Hence, efforts to eradicate human trafficking in Indonesia at the local level have been reduced to simply an effort to eradicate the crime of rape whose victims are limited to women and children. This is very contrary to the norm of combating human trafficking at the international level which is universal or applies to anyone. In the end, efforts to combat trafficking in persons in Indonesia have only gone as far as capturing and punishing perpetrators while forgetting victims' protection. In other words, efforts to combat human trafficking in Indonesia are still focused on criminal law enforcement but minimal protection of human rights.

Patriarchal Culture Co-Opts Human Trafficking Eradiction

The various problems mentioned above can be explained as a symptom of localization to the norms of human trafficking eradication at the local level. Overall, this paper argues that there is a tendency to attach women gender to victims of trafficking. Furthermore, the crime of human trafficking has been placed in the domestic space as taboo in which the victim is considered as guilty as the perpetrator. This situation, in addition to discouraging the victims from reporting on their experiences, makes the rights of victims tend to be ignored above the interests of enforcing criminal law. All of these points indicate that efforts to eradicate human trafficking in Indonesia have been appropriated by patriarchal norms.

In general, Indonesia is a country that still adheres to a patriarchal culture and has norms that normalize rape as mere sexual relations (Asmarani, *Ending Rape Culture in Indonesia*, 2016). This culture is deeply rooted in various regions of Indonesia and is responsible for the lack of access for women to education and employment. Even worse, this culture places a double burden on women by requiring them to play multiple roles in the domestic and public sectors without giving a just appreciation (Sakina & Siti, 2007). This is done for the purpose of making women an inferior gender than men. In relation to the norm of human trafficking eradication, patriarchal culture has a reason to feel threatened because this norm can erode its existence by elevating women's position in the society.

In principle, the norm of human trafficking eradication affirms the idea that no human being can be reduced to become a trade commodity. But in its history, humans who are most often trafficked are women and children (Hidayati, 2012). This is even confirmed by the Palermo Protocol which specifically mentions 'women and children' in the title of the document. Women and children tend to be trafficked more often because of their subordinate position in society. In West Kalimantan, for example, parents are more willing to let their daughters be sold as brides to Taiwanese, because boys are still considered able to support their families by working 'normally'. In this case, girls are considered unable to produce more value for the family than being sold to other countries (Sikwan, 2006). In other words, subordination to

women made possible by patriarchal culture is one of the main drivers behind the rampant crime of human trafficking. In a society where nobody is expendable, nobody can be sold as a commodity (Hrženjak, 2009). This shows how patriarchal culture guarantees the existence of supply of person who can be commodified.

In addition, the norm of combating human trafficking also affirms the idea that women can have more access to material resources by working anywhere. Protection and restitution for victims of trafficking which are included in the norms of combating trafficking in persons indirectly acknowledges that women are not guilty if they want to work, including abroad. The state is even asked to actively ensure that women can enjoy their rights to work (Hidayati N. , 2014). If such norms are internalized, there can be changes to power relations in the society where women can be free from poverty and have higher bargaining power. This is automatically opposed to patriarchal culture which requires structural impoverishment of women so that their position is always weaker than men (Rice, 2001). Therefore, eradicating the crime of human trafficking will be tantamount to tearing down patriarchal culture. This is where we can see how patriarchal culture feels threatened by the existence of norms to eradicate human trafficking – hence it has an interest to localize it.

Localization of the norms of eradicating human trafficking can be seen in how this crime is often equated with the crime of rape. This was done by the existence of discourse that victims of

human trafficking were actually guilty of tempting the perpetrators to exploit them. This is generally done in the context of court and academic research which tends to emphasize the background and motivation of victims compared to the perpetrators themselves (Asmarani, 2016). For example, in one of the Court Verdicts, the victim was described as a materialistic person and only wanted fast money so that it was easily tempted by perpetrators of human trafficking. In the case of victims who are trafficked as migrant workers, many media seem to blame the victim's decision to leave her family to get money. The various exploits they experienced also seemed to be portrayed as a logical consequence of their actions. This caused the public and even judges to find it difficult to sympathize with them.

In the end, the norm of eradicating human trafficking is redefined and reduced to being merely complementary to the rape culture that has been embedded in Indonesian society (Asmarani, 2016). This localization of human trafficking eradication norm has led to efforts to eradicate human trafficking in Indonesia to stop at criminal enforcement while forgetting about human rights enforcement. Efforts to eradicate human trafficking that only focus on criminal enforcement will ultimately benefit the government by portraying itself as a heroic figure. In this case, the actions of rescuing victims carried out by the state can be framed as a major achievement from the government where they not only save lives, but also uncover international human trafficking

syndicates. This can be seen in Kompas's report entitled "Chronology of The Rescue of 39 Indonesian Citizens being Trafficked in Saudi Arabia,"

"Setelah dengan berbagai cara yang penuh risiko selama empat hari, KBRI berhasil mengeluarkan TAT (inisial korban) dari penampungan tersebut dan mengumpulkan bukti-bukti awal. Mereka juga meyakinkan Badan Investigasi dan Penuntutan Umum (BIPU) untuk melakukan penggeledahan rumah warga negara Arab Saudi atas nama Basma Al-Ghanif pada 10 Oktober (Movanita, 2015)."

"After a implementing a variety of risky strategies for four days, the Indonesian Embassy succeeded in rescuing TAT (victim's initials) from the shelter and collecting initial evidence. They also convinced the Public Investigation and Prosecution Agency (BIPU) to search the house of Saudi Citizen, Basma Al-Ghanif, on October 10th (Movanita, 2015)."

The narrative of saving helpless victims (damsel in distress) as exemplified above is one of the main elements of patriarchal culture. In this case, the savior is framed as a strong person with male gender while the victim is framed as a weak person with female gender. This narrative appears in many classic stories as the finale where afterwards the victim can "live happily ever after" (Sarkeesian, 2013).

However, using this kind of narrative in reporting the efforts to eradicate human trafficking is the same as ignoring the fact that the rescued victim still does not have a place to live (if she is sold by her own family), does not have a permanent job, and is likely to be exiled by the people from her community (Kotz, 2017). This narrative

hides the fact that the repatriated victims did not receive adequate justice or rehabilitation. The public does not know how victims are simply repatriated to their home areas without getting help to restore their psychological and economic conditions (Wahyuningsih, 2007). It also hides the fact that perpetrators of human trafficking who disguise themselves as licensed recruitment agency or brokers in the local level have never been dealt with. In fact in Nusa Tenggara Timur, the human trafficking syndicate is actually suspected of having links with the local police (Li, 2014; Susilo, 2018). The main problem of the above narrative is that it makes the public assume that the human trafficking case will be resolved once the state captures the perpetrators and ignores the fact that the state still owes a lot of obligation even after the victim has been rescued.

The next problem of the damsel in distress narrative in the effort to eradicate human trafficking is that it turns the government into a protagonist character (hero) while the victim is reduced to a plot device to show how great the hero is in this story. In this case, the victim is portrayed as an ignorant and naïve person who needs to be pitied and cannot do anything without being saved by the hero (government). This can be seen in Kompas's report entitled "The Story of Elikah, a Women Migrant Worker Who Becomes Victims of Trafficking,"

"Elikah menuruti perintah wanita tersebut dan masuk ke dalam mobil. Mobil yang ditumpanginya bergerak meninggalkan bandara. Akan tetapi, bukan menuju ke kampung halaman. Ibu satu anak itu dipertemukan dengan seseorang yang mengaku agen tenaga kerja berinisial As di

Cianjur. Tanpa sepengetahuan Elikah, AS membawanya ke penampungan tenaga kerja di Cipayung, Jakarta Timur, yaitu PT Bhayangkara (Kuwado, 2015)."

"Elikah obeyed the woman's order and entered the car. The car then left the airport. However, instead of heading to her hometown, the mother of one child was forced to meet with someone (AS) who claimed to be an agent of a licensed recruitment agency in Cianjur. Unbeknownst to Elikah, AS took her to a shelter in Cipayung, East Jakarta, namely PT Bhayangkara (Kuwado, 2015)."

When compared with the previous report, we can see that when the government saves victims of trafficking, they will be portrayed as a selfless hero who fought any danger in order to save the helpless victims (Movanita, 2015). On the contrary, when victims of trafficking get a spotlight on the news, they tend to be portrayed as a naïve, meek and easily deceived by the temptation of money or work opportunity. The media will then highlight the economic conditions and low education of the victims to justify their 'ignorance' (Kuwado, 2015). In the end, the existence of such narrative makes the effort to eradicate human trafficking unable to deal with the structural problem that allows this crime to continue existing. Structural subordination and impoverishment that allows or forces women to enter exploitative conditions will simply become unthinkable. The public is made to assume that the crime of human trafficking occurs solely because there are a number of ignorant women who want to find work through 'illegal channels' (Kotz, 2017).

In situations where the government is portrayed as a hero and victims of human trafficking are portrayed as 'troublemakers' who need to be saved, victim blaming practices can take place (Andari, 2012). For example, the people in the community tend to consider that Indonesian migrant workers who become victims of trafficking are allowing themselves to be exposed to such crime due to wearing clothes that 'tempt' their employers or because they do not understand the culture in Arab countries (Soemitro, 2010). This kind of idea is spread so widely in society and it hides the idea that the government has neglected to provide enough protection for citizens working abroad. Since victims of trafficking have been established as the main cause of their misfortune, the state can have a justification to limit their freedom of movement. This is done through a moratorium policy that prohibits Indonesian citizens from working in certain countries, such as Arab countries (Aria, 2016). Again, this policy was made by ignoring the fact that victims who had been saved still did not have a permanent job and had difficulty finding work in their place of origin. Such conditions will generally encourage victims to return to work in places where they were previously exploited because they have no other choice. But because the government has closed the legal channels, they are forced to rely on the services of brokers or other illegal providers that actually increase their vulnerability to the crime of trafficking (Parrenas, Hwang, & Lee, 2012).

CONCLUSION

The diffusion of norms of eradicating human trafficking in Indonesia shows that the principle of human security has been absent from the life cycle of the norm. As an international legal instrument that socializes the norms of eradicating human trafficking, the Palermo Protocol strongly emphasizes the importance of protecting victims in the effort to eradicate this extraordinary crime. But when this norm reaches the domestic level, localization takes place which reduces values in the norm and allowing it to reinforce the existing patriarchal culture. Efforts to eradicate human trafficking are eventually reduced to efforts to arrest the perpetrators so that the state looks heroic while the victims are blamed and their freedom is removed.

One of the most surprising things is that no discourse is capable of questioning the construction that has been built on norms that dictate efforts to eradicate human trafficking in Indonesia. Discussions related to this issue tend to be minimal. People prefer to believe that someone becomes a victim of trafficking because of their own mistakes, rather than because the state has neglected to complete its obligations to protect the victims. Andari (2012) explained that the pattern of victimization of victims of trafficking has been structurally carried out through power relations in society. In this kind of patriarchal society, the explanation that a person is a victim of human trafficking because of 'their own undoing' becomes much more logical than other explanations. This indicates that the norm of human trafficking eradication

localized by patriarchal values has become an unquestionable truth. Not only that, subordination to women by patriarchal culture can also be maintained. This is the end of the life cycle of the norm on combating trafficking in persons in Indonesia: from a norm that regulates human rights protection for victims into a norm that legitimizes the power of the state to restrict the freedom of its own citizens.

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