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## INDONESIAN COOPERATION AND ASEAN INTERGOVERNMENTAL COMMISSION ON HUMAN RIGHTS IN OVERCOMING HUMAN TRAFFICKING IN INDONESIA 2018 – 2020

**Agung Budi Prastyo, Hendra Maujana Saragih**

International Relations Department Faculty of Social and Political Science  
Universitas Nasional

[hendramaujanasaragih@civitas.unas.ac.id](mailto:hendramaujanasaragih@civitas.unas.ac.id)\* (corresponding Author)

**Abstract :** Human trafficking that occurs in Indonesia every year has increased significantly, this is influenced by various factors in its development. Indonesia is assisted by the Regional Human Rights Institution, namely AICHR, trying to overcome these problems by establishing regional cooperation. In addition, the role of the government internally also determines the policies made in overcoming the problem of human trafficking in Indonesia. The research entitled "Indonesian Cooperation and ASEAN Intergovernmental Commission on Human Rights in Overcoming Human Trafficking in Indonesia 2018-2020" has a problem formulation of how the Cooperation between the Government of Indonesia and AICHR is carried out in overcoming human trafficking in Indonesia, and what is the role of the Government of Indonesia itself in overcoming human trafficking in his country. This study aims to find out what collaborations are carried out by Indonesia and AICHR and how the Indonesian government is trying to tackle human trafficking. This study uses a qualitative approach and literature study in collecting data related to this matter. The theories or concepts used to help analyze this research are the concept of human trafficking, the concept of transnational crime, the theory of institutionalism liberalism and the theory of international organizations. Based on the data analysis carried out, it was concluded that Indonesia in cooperation with AICHR resulted in several agreements that were useful for Indonesia in overcoming human trafficking for both victims and perpetrators. The government's role has also resulted in several policies that assist in the process of prosecuting traffickers.

**Keyword :** Human Trafficking, AICHR, Convention

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### INTRODUCTION

Human trafficking or commonly known as Human Trafficking is a type of crime that violates human rights and is categorized as a gross violation of human rights. Human trafficking is a consciously planned violation that violates human rights and tarnishes the value of humanity itself for personal or group gain. In practice, human trafficking

generally targets weak or vulnerable groups such as women and children and in most cases reported in agrarian countries where the population between men and women is not balanced.

Often the notion of trafficking in persons refers to an explanation adapted from UN negotiations aimed at preventing, reducing and providing a deterrent effect to traffickers, especially children and women. In the agreement, human trafficking generally includes recruitment, transportation, transfer, concealment through threats and pressure ranging from using force, kidnapping, fraud with the aim of exploitation.

Quoting from reporting on slavery practices globally, they give an opinion that around 403 million people are victims of human trafficking practices and 71% of them are vulnerable groups. Southeast Asia is a region with alarming levels of human trafficking. The Southeast Asian region makes a large contribution to human trafficking because its territory is a place of transit, as well as the country of origin of the practice (Soesilowatti, 2020).

One of the countries that are the most originating and sending countries in the Southeast Asia Region is Indonesia, which occupies the position after Thailand. Even though the government has established regulations or laws that oversee it, it still keeps happening. The Indonesian Migrant Workers Advocacy Consortium (KOPBUMI) explains that there are at least 1.4 million to 2.1 million female migrant workers currently residing abroad, although not all Indonesian migrant workers experience "trafficking" but there are many indications that shows that the fate of these migrant workers is very vulnerable. With the population of Indonesian migrant workers which is quite large, the potential for trafficking cases will be very large (David, 2020).

Indonesia is one of the second largest labor supply countries after the Philippines for almost a decade. Around 72% of workers are women. 90% of the workers from Indonesia work as domestic helpers in Singapore, Taiwan, Hong Kong to Malaysia and the Middle East (Sinaga, 2011). Indonesia is not only a supplying country, but also a stopover and destination for human trafficking. UNICEF estimates that 10,000 women and children are trafficked for exploitation. The causes are very diverse, such as the birth rate and population density which are the main problems in Indonesia. There are up to 60% of children aged 5 years and under do not have proof or birth certificates and some have not been registered, this is a trigger for human trafficking in Indonesia (David, 2020).

According to a report compiled by the Witness and Victim Protection Agency or Lembaga Perlindungan Saksi dan Korban (LPSK), the number of applications for the protection of victims of human trafficking in Indonesia is increasing every year (Hidayati, 2021), as shown in the following table:

**Table 1. Number of Cases of Applications for Protection of Victims of Human Trafficking in Indonesia**

No	Tahun	Jumlah Pemohonan
1	2015	46
2	2017	117
3	2019	176
4	2020	120

Source : LPSK

There are around 704 applicants or victims of TIP who reported and expected protection from LPSK from 2015 to June 2020. On average, the victims were 438 women and 266 men. Most of the victims were children, of which 126 of the 147 children who were victims were women. The reasons for some Indonesian citizens to become Indonesian Migrant Workers (PMI) are due to the lack of employment opportunities in Indonesia, as well as higher wages when working abroad (Hidayati N. , 2021).

In addition to economic problems, the absence of a comprehensive law regulating human trafficking has made this problem more and more widespread from year to year and eventually becomes a major challenge and problem that must be faced by the government. Human trafficking that occurs in Indonesia is increasingly complex to discuss, because there are many Indonesian citizens who are the main targets in this human trafficking case, so efforts and roles from all relevant parties are needed, especially the government and international organizations that oversee it. (Hidayati M. N., 2012).

There are several regional institutions in the ASEAN region that work together to promote the issue of human trafficking, one of which is the ASEAN Intergovernmental Commission on Human Rights or better known as AICHR which is an implementation of the mandate of Article 14 of the ASEAN Charter regarding ASEAN Human Rights Bodies at the ASEAN Summit. 15 in Cha Hua Hin, Thailand on October 23, 2009.

According to data published by the AICHR (ASEAN Intergovernmental Commission On Human Rights) about 85% of cases of human trafficking in the Southeast Asia Region go through legal channels. Traffickers deceive the public and their victims and have written consent from the victims to be transferred to other areas. With the existence of AICHR, this is a step forward for the implementation of human rights enforcement in the Southeast Asia Region, especially in addressing the issue of Human Trafficking, the establishment of this institution indicates that there will be a political compromise by policy makers in Southeast Asia in upholding human rights. Countries are starting to realize that it is important to get international recognition in improving themselves as a form of legal entity's efforts to uphold human rights.

Referring to the Terms of Reference (TOR) of AICHR, AICHR has the mandate and responsibility to promote and protect human rights within ASEAN, one of which is

Indonesia which has cases of human trafficking with a fairly high rating. It is hoped that the problem of human trafficking that is increasingly spreading in Indonesia can be overcome with cooperation between the government and related international institutions because the protection of citizens is very essential and absolute for humanity and is the right of every individual and the obligation of the state to ensure their safety.

In conducting research, of course, requires guidelines in order to produce goals that can provide an objective picture of the phenomenon raised. Likewise, this research has several objectives, such as:

1. Explain the collaboration between the Government of Indonesia and AICHR in overcoming the problem of human trafficking in Indonesia.
2. Knowing the efforts made by the Government of Indonesia in preventing human trafficking in their country.

## **LITERATURE REVIEW**

Many thinkers talk about the cooperation carried out by AICHR and other organizations in relation to overcoming human trafficking in the Southeast Asian Region such as Indonesia. Research conducted by Naufal Fikri Khairi which was published in the Journal of the University of Muhammadiyah Palangkaraya published in April 2021 entitled "ASEAN's Efforts in Dealing with the Problem of Human Trafficking in Southeast Asia" provides an overview of how ASEAN's efforts and steps have been taken to overcome cases of human trafficking in Southeast Asia through various declarations, policies and conventions carried out by member countries. Researchers see that policy makers only pay attention to the security sector but not to the welfare sector of the community, this point is also a trigger for the rampant human trafficking in the Southeast Asia Region. Furthermore, Ghani Wal Arif in "The Role of the International Organization for Migration (IOM) in Overcoming Human Trafficking in Indonesia in 2010-2014" which was published in the University of Riau Online Student Journal Vol.3 No.1 explained the collaboration carried out by IOM with the Indonesian government in overcoming human trafficking problem. The focus of this research is on the collaboration between IOM and Indonesia to make regulations or rules with the Indonesian government. IOM seeks to assist the Indonesian government in an effort to formulate legal instruments related to human trafficking, besides that IOM also cooperates with the Indonesian National Police in helping to deal with the problem of human trafficking in Indonesia.

In this paper, the author uses the concept of human trafficking as a basis or benchmark in knowing the rules of human trafficking. Trafficking in persons also often refers to the definition set out in Article 3 of the United Nations Protocol which means recruitment, promotion, transfer, and accommodation where traffickers accept victims using threats that harm the victim and force the victim to give consent to exploitation. The exploitation in question consists at least of the prostitution of others or other forms of sexual activity such as labour, slavery or practices similar to slavery, servitude or organ harvesting.

In addition, the concept of transnational crime is used to examine human trafficking which is included in transnational crime. In its article, the United Nations Office on Drugs

and Crime provides information that transnational crime, which includes drug trafficking, migrant smuggling, human trafficking, money laundering, trafficking in firearms, counterfeit goods, wildlife to cultural assets, threatens peace and humanity as well as security that causes human rights are violated and undermine the economic, social, cultural, political and civil development of societies around the world.

The theory of institutionalism liberalism is used to examine the cooperation between Indonesia and AICHR in the case of Human Trafficking. The theory that was born from the thoughts of Joseph Nye and Robert Keohane has the view that the cause and effect of the birth of Institutional Liberalism is to assist countries in building cooperation and providing security protection and running international institutions. This school also states that international institutions or institutions can have an impact that advances cooperation between countries where the thinking is taken from previous thoughts about the effects of international benefits. This school also explains that an institution must provide information flow and negotiation opportunities, as well as increase the role and ability of the government in monitoring the capabilities of other countries and putting their commitments into practice. (Ikbar, 2014). This theory has a very important role in increasing international cooperation. The cooperation carried out is an effort to prioritize peace in every problem faced in international crossroads. because of this, this school has a focus on the very complex idea of dependence as a result of cooperation that is forged with the aim of mutual trust and commitment.

The theory of international organizations used as a basis for describing international organizations is AICHR. An international organization is a form of forum between countries that are indirectly bound by an agreement with a common goal (Mas'oed, 1990). Often, international organizations are formed with the aim of being a forum for cooperation and preventing conflicts between regions or countries. International organizations were also formed to produce several mutually beneficial agreements among their members.

## METHOD

In this study, the research approach used is a qualitative research approach. A qualitative approach is a type of research that emphasizes social phenomena obtained from observations and research on these phenomena. Attention in qualitative research focuses more on human elements, objects, institutions and the relationship between these elements in an effort to understand an event or phenomenon (Majid, 2010). Qualitative approaches are commonly used in studying matters concerning history, behavior, community life, social activities and others. This method is expected to produce a comprehensive description and research on writing, speech or behavior resulting from personal, group or institutional observations that are studied from a comprehensive and holistic perspective. In addition, the authors also use internet-based methods or E-Research using information and communication technology facilities. E-Research is a research activity that uses information and communication technology facilities in searching for data or materials related to the research being raised.

## RESULT AND DISCUSSION

## Human Trafficking as a Form of Transnational Crime

Human trafficking is a problem that is rapidly developing in the era of globalization because its scope has occurred in various countries, one of which is Indonesia. Historically, human trafficking has occurred since the days of slavery in Ancient Egypt and has grown to this day which is basically due to a lack of employment opportunities and very minimal wages and a quality of life that can be considered poor, but that does not mean that human trafficking does not affect people from the middle class. to the top.

In its definition, organized crime is a criminal act committed across countries or regions. It was first introduced publicly in the 1990s through The Eight United Nations Congress on the Prevention of Crime and the Treatment of Offenders (R.Wagley, 2006) which was previously organized crime. The United Nations also stated that this transnational crime is an act that is categorized as a criminal offense on a fairly large scale which is carried out by individuals and groups and is carried out in a very organized manner. In addition, the United Nations also regulates human trafficking in the United Nation Convention Against Transnational Organized Crime (UNCATOC) or the Palermo Convention in 2000. In the agreement there are five types of classification of crimes that are included in the practice of organized transnational trafficking, including:

- 1) Money Laundering;
- 2) Corruption;
- 3) Human Trafficking;
- 4) Illegal Firearms Trade (R.Wagley, 2006).

The Indonesian government itself stipulates Law Number 5 of 2009 regarding the submission of the United Nations Convention Against Transnational Organized Crime. The Indonesian government is also aware that the impact of globalization has had such a large effect on the development of transnational crimes that can become a threat to the state. Human trafficking is one of the transnational criminal practices that has become a focus in many countries. Along with the development of technology, the cases are increasing every year. Previously, there have been several conventions or agreements declaring war on this act of human trafficking, in addition to having a very detrimental effect on the country, the impact is also large for the victims. These international agreements include:

- 1) International Convention for the Suppression of Traffic in Women and Children in 1921;
- 2) International Convention for the Suppression of White Slave Traffic in 1921;
- 3) International Convention for the Suppression of Traffic in Women of Full Age in 1933;
- 4) Convention on the Elimination of All Form of Discrimination Against Women, CEDAW in 1979 (Hatta, 2012).

There are several aspects to crimes that can fall into the category of transnational crimes, including:

- 1) Crimes committed not only in one country, but in more than one country;
- 2) Done in one country, but planning, preparation, materials and supervision is done in another country;
- 3) Organized.;
- 4) Give serious effects to a country involved (Hatta, 2012).

Human trafficking is a crime with a serious classification that violates human rights. In addition, in the process of human trafficking there is also a violation of the physical and human dignity itself by discriminating against people who are victims. In practice, human trafficking often involves violence, rape, slavery or the like. The existence of this makes human trafficking a crime that violates human rights.

### **Characteristics of Human Trafficking in Indonesia**

Victims of human trafficking in Indonesia have various characteristics because they adapt to the form of exploitation carried out. Traffickers divide them according to age, for example, victims of forced labor usually range from 31 to 52 years old (Azman, 2015). Then for the purpose of sexual exploitation usually under 30 years old (Wismayanti, 2015).

Another characteristic is having a relatively low level of education which causes victims to have a lack of access to information and lack of understanding of procedures or rules for migrant workers in a country which causes victims to be easily tricked into exploitation. (Data, 2011). However, education is also not a determinant of traffickers in ensnaring their victims, because the victims will be employed in sectors that sometimes do not require high education and adequate skills. (Satriani, 2013).

The fact is that some of the victims are lured in by light work with a fairly high salary, this of course makes the victim immediately have a desire and is easily tempted by the promises of traffickers. This often happens because the victim comes from a poor family, this factor makes a victim very easily influenced to be exploited because at first the victim had hopes of improving the social status of his family. (Makhfudz, 2013).

Data published by the Department of State, United State of America in 2019 regarding human trafficking that occurred in Indonesia explained that Indonesia was in tier or ranked second in the case of human trafficking. Indonesia is considered not to be able to meet the standards in fulfilling the eradication of human trafficking that occurs. The Indonesian government has also formed a task force to combat the problem of human trafficking. The government has also provided counseling to oblige the government in each region to do the same thing, namely eradicating human trafficking as a priority in ensuring the human rights of its citizens. However, the Indonesian government is still unable to meet the standards set in the goal of eradicating human trafficking (Azman, 2015).

## Indonesia as a Transit Country for Human Trafficking

Indonesia is a country that has an area with geographically wide characteristics and is surrounded by waters (Junef, 2020). Indonesia is a country that is often used as a destination, transit and source of the flow of human trafficking due to geographical factors and its people who are easy to mobilize in utilizing the economy around the border. Indonesia also has many islands that are close to other countries which make these islands the headquarters in carrying out their actions. There are several routes in Indonesia that are often used as routes for carrying out these transnational crimes, such as Santolo and Jayanti beaches in West Java, Batam, Surabaya, and Rote Island. (Dewi, 2020).

The Criminal Investigation Unit of the POLRI explained that they found several modes of operation of human trafficking that occurred in Indonesia because countries in ASEAN were not only destination countries, but had become transit countries during 2018. There are several forms of this crime, including ordered brides whose data is increasing and expanding in the provinces of West Kalimantan, West Java, Central Java, East Java and Banten. Traffickers use social media as a tool in carrying out their operations (Laporan Sekretariat Gugus Tugas TPPO, 2018).

The increase and expansion in human trafficking in Indonesia is of course related to several supporting aspects. Indonesia is a transit country and the origin of human trafficking which is ideal where this condition is supported by the fact that Indonesia has a large population, in addition to the limitations in employment and poverty are also one of the factors supporting Indonesia to become a transit country in human trafficking.

Human trafficking is a serious problem in Indonesia. Indonesia is no longer a sending country but as a transit point and also a destination country for perpetrators or traffickers to carry out or trade their victims who are obtained from outside Indonesia. Although the economy in Indonesia continues to experience improvement, the increase that occurs is only in certain sectors and the benefits are not felt directly.

Human trafficking that occurs in Indonesia begins with a series of processes that start with recruiting victims in their area of origin, then moving the victim to another location using transportation, after that there is a transaction process or a change of hands, which in the end usually the victim is given a false identity. (Kementrian Koordinator Kesejahteraan Rakyat). On the other hand, Indonesia's very strategic geographical location in the Indian and Pacific Oceans as well as the Asian and Australian continents makes the region very vulnerable with many opportunities to enter Indonesian territory in committing human trafficking crimes as a destination and transit.

Traffickers certainly can easily carry out their actions because there are so many border routes to send and receive victims of human trafficking. The Coordinating Ministry for People's Welfare provides a report regarding the recruitment of victims of human trafficking in Indonesia, in general traffickers carry out their actions in several cities and regencies on the islands of West Java, Central Java, East Java, NTT, Bali, South Sulawesi and South Kalimantan. Meanwhile, cities that often become transit points for traffickers



are Medan, Jakarta, Batam, Surabaya, Pare-Pare, Pontianak, Balikpapan and Nunukan and their destination countries include Malaysia, Singapore, Brunei Darussalam, Taiwan, Japan, Hong Kong, South Korea, Saudi Arabia, United Arab Emirates, Qatar, Bahrain, Oman, Egypt, Kuwait, United Kingdom, Europe and United States of America (Kementrian Koordinator Kesejahteraan Rakyat).

Of the many countries in the Asian Region, Indonesia is one of the centers of activity in transit and human trafficking destinations both domestically and abroad. Therefore, human trafficking in Indonesia is a very diverse fact and includes local and international networks in carrying out its actions which are neatly structured and very confidential. With globalization it also makes it easier for traffickers to find victims in various regions.

### **AICHR as a Regional Human Rights Institution**

As a region that has various entities, the Southeast Asia region has problems that can be considered quite general and almost similar to other regions, namely regarding human rights. Human rights issues in the Southeast Asian region can be said to be quite high for groups who are the main targets such as children and women in cases of violence to human trafficking. On the other hand, issues related to gender, minorities and border areas also take part in coloring problems in the Southeast Asian region.

In an effort to deal with human rights issues, ASEAN as a community in the Southeast Asia region decided to form a Human Rights-based Organization or Agency in the ASEAN region. Initially, the establishment of the ASEAN Human Rights Agency was the implementation of the ASEAN Charter which was adapted on December 15, 2008 which in Article 14 of the charter contained an order for ASEAN to establish a human rights commission in the ASEAN body. Therefore, AICHR is one part of the implementation of the ASEAN Charter (Wahyudi Djarar, 2014).

As an international organization in the region, AICHR was formed with the aim of being a forum for collaborating with members and sectoral bodies within ASEAN. AICHR is also formed in order to produce several conventions or treaties that will be used or ratified as the implementation of agreements between its member countries.

AICHR stands for the ASEAN Intergovernmental Commission on Human Rights and was formed as an answer to the existing human rights problems in the South East Asian region. Established on 23 October 2009, in accordance with the provisions of the ASEAN Charter Article 14 concerning Human Rights Bodies (AICHR, 25), and carry out their duties and functions in accordance with the previously established Terms of Reference. The ToR contains the objectives, functions and mandates that AICHR must carry out as a regional human rights organization such as:

- 1) Promote and protect human rights and fundamental freedoms in the region;
- 2) Improving peace, welfare and dignity through rights granted by regional communities;

- 3) Strive for member countries in the ASEAN region to ratify international instruments as an effort to protect human rights and promote them;
- 4) Increase public or regional community awareness regarding human rights through research and education (AICHR, 25).

AICHR is also present as an intermediary for countries or governments as well as an integral part in the structure of the ASEAN Organization. To fulfill this, this institution has the mandate to establish the ASEAN Human Rights Declaration and legal instruments related to human rights; Increase public awareness related to human rights; Strengthening norms in the enforcement of human rights; and Encourage cooperation among member countries in the ASEAN region (RI, n.d.). The ASEAN Charter which was adopted by 10 member countries namely Indonesia, Cambodia, Brunei Darussalam, Laos, Malaysia, Myanmar, Philippines, Thailand, Singapore, and Vietnam on December 15, 2008 became the guideline for the establishment of this AICHR. Article 14 of the Charter contains an order to establish a human rights body in the ASEAN region.

With the protection in human rights that forms the basis of the AICHR, victims of human trafficking are given a platform to seek resolution of cases at the regional level. AICHR must also be able to answer the challenges and security threats that occur by clarifying how to solve them, the practical objectives needed, as well as a description of what conditions all ASEAN member countries must provide. (Saputri, n.d.).

AICHR as the only human rights body in ASEAN was established based on ASEAN principles and the provisions of Article 14 of the ASEAN Charter. In the AICHR's own ToR, this organization has a mandate and responsibility in pursuing the advancement and protection of human rights in the ASEAN region. The establishment of the AICHR is one of the achievements in the development of human rights issues in the Southeast Asia region. The establishment of the ASEAN human rights body is also ASEAN's effort to promote and protect human rights in the region.

### **Strengthening Cooperation as a Form of Prevention of Human Trafficking**

AICHR is one of the human rights bodies in ASEAN that has a vital role in promoting and ensuring the protection of the human rights of the people of ASEAN member countries because AICHR itself is a very important pillar for ASEAN in developing and protecting human rights. (Indrasari, 2015). AICHR works based on the mandate given in the ToR in Article 4 from points 1.1 to 1.14. In addition, AICHR is also tasked with conducting research, capacity building and assisting sectoral bodies by holding regular meetings (Prastyo, 2021).

Along with the improvement and enforcement of democratic values and human rights at the domestic political level, Indonesia has also implemented a strategy known as

outward-looking as a form of realizing Indonesia as a good international citizen (Agussalim, 2013). Indonesia is also a country that has submitted a mechanism for appointing representatives to AICHR in a transparent and accessible manner to the public. Indonesia in the AICHR is also the only country that has a commitment to open up and invite civil society to participate in building human rights institutions in the Southeast Asia region as indicated by the appointment of the director of the Human Rights Working Group, Rafendi Djamin as Indonesia's representative at AICHR (Ralf, 2014).

There are several achievements achieved by Indonesia with AICHR such as acting as a laboratory and a "testbed" in human rights dialogues conducted by AICHR, one of which includes responding to human rights cases such as human trafficking at the national level (Yembise, 2021).

AICHR in the human rights body under ASEAN also strives in various ways to prevent and deal with the problem of human trafficking. In every country, in dealing with the issue of human trafficking, there is a taskforce or task force that collaborates with AICHR in dealing with the issue because the issue of human trafficking cannot be handled by one institution considering that human trafficking involves various activities in practice and cannot be categorized as pure human rights.

In Indonesia itself, there are several task forces that collaborate with AICHR which include the Police, the Ministry of Social Affairs and the Ministry of Women and Children. The task force in Indonesia is also mandated by the TIP Law or the Criminal Act of Trafficking in Persons, namely Law No. 21 of 2007. What AICHR does is conduct meetings or coordinate with each Ministry or Institution because they have full authority in human trafficking issues. in Indonesia.

ASEAN took the first step in fighting against the issue of human trafficking in the Southeast Asia region which was clearly seen in The ASEAN Declaration Against Human Trafficking in Persons Especially Women and Children which was implemented in 2004. This step was carried out with the aim of being a form of ASEAN's commitment to preventing human trafficking (Yembise, 2021).

ASEAN and AICHR also updated the ASEAN Declaration Against Human Trafficking in Persons Especially Women and Children in 2015 at the 27th ASEAN Summit routine meeting and established The ASEAN Convention Against Trafficking in Persons Especially Women and Children or ACTIP as a form of next step. in preventing human trafficking. Furthermore, ACTIP also established the APA or ASEAN Plan of Action Against Trafficking in Persons, Especially Women and Children, which is a plan to deal with the issue of human trafficking. APA is also a policy planner contained in the ACTIP idea which will later become an action in the laws and policies of member countries (Yembise, 2021).

In 2017, the Indonesian government has also ratified ACTIP with Law Number 12 of 2017 and issued Law Number 18 of 2017 concerning the protection of migrant workers in Indonesia. The law also complements Law No. 21 of 2007 regarding human trafficking. The enactment of the law is a form of the Indonesian government's commitment to

guaranteeing the safety of Indonesian workers from the problem of human trafficking, because this problem cannot be resolved only at the national level, it is necessary to cooperate with other parties in eliminating the space for perpetrators to move (ASEAN S. N., n.d.).

The efforts made by AICHR in eradicating human trafficking are contained in the Bohol TIP Work Plan for 2017 – 2020. The Bohol TIP Work plan is a Multi Sectoral Plan where it is not only AICHR that seeks to deal with human trafficking. Focusing on preventing and mitigating human trafficking cases, the 2017-2020 Bohol TIP Work Plan covers areas such as public awareness raising, research and publications, exchange of information and data, capacity building, promotion of collaboration with external partners and areas beyond, law enforcement such as access to health services and social support and engagement with civil society organizations and the private sector (ASEAN, 2022). *The Bohol TIP Work Plan is expected to encourage cooperation between ASEAN and Sectoral Bodies, one of which is the AICHR on human trafficking that occurs in the Southeast Asian region.*

The Indonesian representative to AICHR has continued to encourage cooperation since 2016 so that all parties who have an interest and have a mandate in eradicating trafficking in persons in Indonesia can take advantage of the ways of cooperation developed in ASEAN. AICHR cooperates with law enforcement officials in ASEAN such as the Senior Official Meeting on Transnational Crime (SOMTC) in Indonesia represented by the Criminal Investigation Police, the Senior Official Meeting on Health Development (SOMHD) Indonesia represented by the health authority of the Ministry of Health, Senior Official Meeting on Social Welfare Development (SOMSWD) represented by the Welfare Authority of the Ministry of Social Affairs, the Provincial TIP Prevention and Handling Task Force represented by the International Organization on Migration (IOM) in promoting and disseminating ASEAN and AICHR commitments through local government and non-government stakeholders (ASEAN S. N., n.d.).

AICHR is also active in organizing various activities to increase awareness of human rights for stakeholders in the region as well as capacity building for various professional groups such as lecturers, journalists, law enforcers with the aim of including the human rights dimension in the implementation of their respective professions. (ASEAN, Pilar Politik dan Keamanan ASEAN, n.d.). Until now, Indonesia continues to be committed to initiating a human rights dialogue with AICHR as the implementation of the Universal Periodical Review concept adapted from the human rights reporting system to the United Nations.

Indonesia is also actively involved and will always increase its contribution as an effort to advance democratic values and the protection of human rights in the region through the promotion and protection of human rights in the Southeast Asian region. Indonesia consistently encourages AICHR to always optimize its work as an ASEAN overarching body to mainstream human rights on the pillars of ASEAN (ASEAN, Pilar Politik dan Keamanan ASEAN, n.d.).

## Benefits of Cooperation for Indonesia

Some of the benefits for Indonesia from its collaboration with AICHR are the formation of several agendas resulting from AICHR's meeting with several stakeholders or supporting institutions related to this issue. In addition, AICHR is also open, both at the national and regional levels, in conveying what AICHR is doing to the media, the public and other parties. This can be seen in the framework that AICHR has compiled with a validity period of the next five years and can be accessed on the official AICHR page.

In accordance with the theory of institutionalist liberalism, the birth of the AICHR is one of the efforts to help countries build cooperation and provide security protection. The presence of AICHR has an impact that can advance cooperation among member countries, in this case, Indonesia is trying to overcome human trafficking through cooperation that is forged with the aim of celebrating and forming a joint commitment in alleviating problems or conflicts through the cooperation carried out.

AICHR's collaboration with the Indonesian government provides a very important platform in eradicating the problem of human trafficking in Indonesia through cooperation channels that can be developed in ASEAN as an effort to improve the condition of the country. AICHR also often provides training related to efforts to prevent human trafficking as an implementation of the ASEAN convention against the crime of trafficking in persons. This was done by AICHR as a form to minimize and eliminate the space for the perpetrators of the criminal act of trafficking in persons in Indonesia.

In addition, the benefit of the cooperation between AICHR and Indonesia is the implementation of a human rights-based approach in combating the crime of trafficking in persons. What is meant by a human rights-based approach is that the community departs with concern and concern for what is happening to victims, potential victims and the community itself and sees it from the perspective of the victim, including the apparatus, when dealing with this problem.

Indonesia has also benefited from the ratification of ACTIP as a legal basis for protecting victims of human trafficking. Through ACTIP, law enforcement is given the convenience of carrying out various activities such as exchanging data and information as an effort to prevent and enforce the rules against the criminal act of trafficking in persons because ACTIP is the basis for law makers in Indonesia to be more effective in carrying out cooperation between countries related to cases of human trafficking. . In this way, efforts to prevent and combat international crimes against human trafficking can run efficiently and effectively (Utami, 2017).

In addition to law enforcement, victims also receive benefits from the ratification of ACTIP, such as the fulfillment of the victim's right to obtain restitution from the confiscation of the perpetrator's assets located abroad as well as the victim's right to material value that is not provided by the perpetrator or trafficker from the recruitment area, shelter to other countries. become a place for victim exploitation that can be more effectively carried out across countries (Utami, 2017).

The ratification of ACTIP is also a form of the Indonesian government's efforts to strengthen its national legislation and seek progress in the eradication of human trafficking and the protection of its victims by ensuring fair punishment for traffickers considering the targets to be achieved with the ratification of ACTIP by the Indonesian government through its cooperation with the AICHR, namely protection prevention, prosecution, and the establishment of cooperation.

### **Achievements of the Indonesian Government in Overcoming Trafficking in Persons**

In solving these problems, the Indonesian government has made various anticipations and set various policies as an effort to prevent human trafficking in Indonesia. Indonesia also ratified the palermo declaration as a form of policy taken by the Indonesian government and implemented it into national law (Pratiwi, 2020).

The form of implementation of the Indonesian government's efforts to tackle human trafficking can be seen from Indonesia's enactment of Law No. 21 of 2007. The Indonesian government is also trying to tackle human trafficking by establishing a National Change Action Plan for Human Rights which was implemented in 2004-2009. This plan has the aim of protecting children's rights and activities aimed at tackling human trafficking and protecting them from sexual exploitation (Pratiwi, 2020). The Indonesian government has also established a Task Force for the Prevention and Handling of Trafficking in Persons as a form of the government's commitment and seriousness in overcoming human trafficking.

At the international level, Indonesia has also made efforts to prevent human trafficking by ratifying as stated in the cooperation between Indonesia and AICHR, namely the ASEAN Convention Against Trafficking in Persons, Especially Women and Children or ACTIP by enacting Law Number 12 of 2017 regarding the ratification of ACTIP. the. Indonesia sees the importance of establishing legal instruments at the regional level as an effort to bind the foundation in increasing cooperation related to efforts to prevent human trafficking in the region. In the implementation of ACTIP, there is a work plan or action that has been signed by ASEAN member countries, namely the ASEAN Plan of Action or commonly known as APA (Pratiwi, 2020).

The Witness and Victim Protection Agency also provided a protection program for 314 people who reported cases of human trafficking they experienced. 153 protected people have received the protection program from 2019 to 2020, and the remaining 161 were awarded in 2020.

Picture 1. Victim Protection Program in 2018 - 2020



Source : LPSK

## CONCLUSION

Indonesia cannot solve the problem of human trafficking on its own because Indonesia sees human trafficking as a form of transnational crime or cross-country crime where an important role or contribution from international organizations is needed in this regard. Indonesia feels that human trafficking is a problem that threatens the sovereignty of the country, therefore, its handling must involve cooperation with both the state and the state as well as the state and related organizations. The role of other parties is one form of assistance in overcoming the problem of human trafficking without feeling disturbed by threats from other countries.

Indonesia in collaboration with AICHR established the ASEAN Convention Against Trafficking in Persons, Especially Women and Children as a form of cooperation and legal basis for dealing with human trafficking in Southeast Asia. Indonesia has also ratified the ACTIP convention through Law Number 12 of 2017 concerning the ratification of ACTIP.

In implementing the ASEAN Convention Against Trafficking in Persons, Especially Women and Children, ASEAN and its sectoral bodies formulate a framework or work design related to the handling of Trafficking in Persons or TIP with the aim of implementing a more targeted and planned implementation. Bohol TIP Workplan 2017-2020 which contains 4 elements such as prevention, victim protection, law enforcement and cooperation with external parties.

Indonesia through its AICHR representatives has always actively sought and encouraged the realization of a human rights-based approach as an effort to deal with victims of human trafficking, whose practice includes providing assistance to victims without discrimination in responding to victims at the national, regional and international levels in accordance with applicable human rights instruments. .

Indonesia is a country that has a fairly high rating in the Southeast Asian region in terms of human trafficking. With a large population and a large area, Indonesia has high potential in the rapid development of human trafficking. The Indonesian government made various efforts to overcome these problems considering that Indonesia itself is a country that is used as a destination and transit in this case.

The Indonesian government itself stipulates Law Number 5 of 2009 regarding the submission of the United Nations Convention Against Transnational Organized Crime. The Indonesian government is also aware that the impact of globalization has had such a great effect on the development of transnational crimes that can become a threat to the state. through the TPPO task force, Indonesia has succeeded in advancing its ranking in overcoming human trafficking according to the standards for handling victims of trafficking in persons internationally set by the Department of State, United State of America in 2019.

The Government of Indonesia has also approached through community organizations that have a focus on preventing human trafficking by helping to develop a module on TIP. In addition, LPSK provides a protection program for victims of human trafficking which includes legal, medical, psychological treatment to support for living expenses.

## REFERENCE

- Agussalim, Dkk.(2013). *Indonesia dan Misi Perdamaian PBB : Tinjauan Diplomasi dan Politik Luar Negeri*. Yogyakarta: Intitute of International Studies
- AICHR.About AICHR. Diakses pada 25 Desember 2021, dari <https://aichr.org/about-aichr-2/>
- ASEAN. Irregular Movement of People, People Smuggling, and *Trafficking* in Person. Diakses pada 7 Januari 2022, dari <https://asean.org/our-communities/asean-political-security-community/peaceful-secure-and-stable-region/irregular-movement-of-people-people-smuggling-and-trafficking-in-persons/>
- Azman, Syamsudin.(2015). *Door to door cleaner: A new variant of human trafficking in domestic sector*. *Procedia Social and Behavioral Sciences* Vol.172.405
- Data, Pranati.(2011). *Female Trafficking and Illegal Migration from Bangladesh to India*.*Pakistan Journal of Womens Studies* Vol.(18) No.(01).47
- David, Viona.( 2020). *ASEAN and Trafficking in Person*. Switzerland: IOM
- Dewi, Chloryne.(2020). *Tindak Pidana Kejahatan Penyelundupan Manusia di Indonesia : Tanggung Jawab Indonesia dan Australia*”, *Jurnal of International Law* Vol.(01) No.(01)
- Hatta, Moh.(2012). *Tindak Pidana Perdagangan Orang Dalam Teori dan Praktek*. Yogyakarta:Liberty



- Hidayati, Maslihati Nur. (2012). *Upaya Pemberantasan dan Pencegahan Perdagangan Orang Melalui Hukum Internasional dan Hukum Positif Indonesia*. *Jurnal Al-Azhar Indonesia Sei Pranata Sosial*, Vol.(1) No.(3). 163
- Ikbar, Yanuar. (2014). *Metodologi dan Teori Hubungan Internasional*. Bandung: PT.Refika Adita
- Indasari, Karina Putri.(2015). *Analisis Implementasi ASEAN Human Rights Declaration Terkait Pelanggaran HAM Terhadap Aktivis dan Pembela HAM di Provinsi Papua dan Papua Barat Tahun 2015*.*Jurnal Transformasi Global* Vol.(02) No.(02).68
- Junef, Muhar.(2020). *Penegakan Hukum Dalam Rangka Penataan Ruang Guna Mewujudkan Pembangunan Berkelanjutan*. Jakarta: Kemenkumham
- Kementerian Luar Negeri RI. ASEAN Selayang Pandang. Diakses pada 25 Desember 2021, dari [www.kemlu.go.id](http://www.kemlu.go.id)
- Majid, Abdul, Dkk. (2010). *Tapping new possibility in accounting research, in qualitative research in accounting, Malaysian case*. Universitas Kebangsaan Malaysia
- Makhfudz.(2013). *Kajian Praktek Perdagangan Orang di Indonesia*. *Jurnal Adil* Vol.(04) No.(01).225
- Mas'ood, Mochtar. 1990. *Ilmu Hubungan Internasioal: Disiplin dan Metodologi*. Jakarta: LP3ES
- Pratiwi, Anggie. (2020). *Upaya Indonesia Dalam Menanggulangi Kasus Human Trafficking di Selat Malaka*.*Padjajaran Journal of International Relations* Vol.(1) No.(3).183
- Ralf, Emmers.(2014). *Indonesia's Role in ASEAN : A Case of Incomplete and Sectorial Leadership*.*The Pacific Review* Vol.(27) No.(04).53
- Saputri, Ananda Ruriska. *Peran ASEAN Intergovernmental Commission of Human Rights (AICHR) Dalam Menegakan Hak Asasi Manusia di Kawasan Negara Anggota ASEAN*. Diakses pada 7 Januari 2022, dari <https://adoc.pub/peran-asean-intergovernmental-commission-of-human-rights->
- Satriani.(2013). *Studi Tentang Perdagangan Manusia (Human Trafficking) Pada Remaja Putri Jenjang Menengah di Kota Surabaya*. *Jurnal BK UNESA* Vol.(04) No.(01).67
- Sekretariat ASEAN. Pilar Politik dan Keamanan ASEAN. Diakses pada 9 Januari 2022, dari <http://setnas-asean.id/pilar-politik-dan-keamanan>
- Sinaga, Obstar. (2011). *Fenomena Human Trafficking di Asia Tenggara*. Jatinangor: Universitas Padjajaran
- Soesilowati, Sartika. (2020). *Peran Asean Mengatasi Perdagangan Perempuan dan Anak*. Diakses pada 18 Mei 2021, dari <http://news.unair.ac.id/2020/07/14/peran-asean-mengatasi-perdagangan-perempuan-dan-anak/>
- Utami, Putri. (2017). *Upaya Pemerintah Indonesia Dalam Mengatasi Human Trafficking di Batam*.*Jurnal Ilmu Hubungan Internasional* Vol.(5) No.(4).1267
- Wagley, John R.(2006). *Transnational Organized Crime:Principal Threats and U.S Responses*. Congressional Research Service : The Library of Congress

Wismayanti. *Dunia Kecil Yang Kujalani : Jejak anak perempuan yang dilacurkan di Kota Surabaya*. Yogyakarta : Universitas Gadjah Mada

Yembise, Yohana Susana. *Pointers ASEAN Intergovernmental Commission on Human Rights (AICHR)*. Diakses pada 4 Januari 2022, dari dari <https://www.kemenpppa.go.id/lib/uploads/list/6e178-pointers-asean-intergovermental-commision-on-hhumas-right.pdf>