

CHAPTER I

INTRODUCTION

1.1. BACKGROUND

Human Trafficking is a serious crime and requires both the government and the society's response and concern. Human Trafficking is the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organ.¹ There are much more reasons for people to do trafficking. Every year, millions of men, women, and children are trafficked in countries around the world. It is estimated that human trafficking generates many billions of dollars of profit per year, second only to drug trafficking as the most profitable form of transnational crime.²

The trafficking not only happened abroad, it also happened in their own countries. Trafficking can be found anytime and anywhere, and almost every

¹ *United Nations Office on Drugs and Crime Liam.MCLAUGHLIN -*
<https://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html>

² *Blue Campaign* <https://www.dhs.gov/blue-campaign/what-human-trafficking>

country in the world affected by trafficking, whether as an origin country, transit, or destination for victims. Almost every country in the world affected by trafficking, whether as an origin country, transit, or destination for victims.

Trafficking often occurs from less developed countries to more developed countries, where people are rendered vulnerable to trafficking by virtue of poverty, conflict or other conditions. Europe is the destination for victims from the widest range of destinations, while victims from Asia are trafficked to the widest range of destinations³. One of the problems that occur due to the impact of the increasing flow of migration between countries is the emergence of human trafficking. The victims have been promised a job and better life abroad, this is one of the reason why most of trafficked victims are domestic workers. Domestic workers are subjected to trafficking, the works given to them abroad caused the victims vulnerable to exploitation, modern slavery or forced labor, physical abuse, and commercial sex act.

According to the International Organization for Migration (IOM) data from March 2005 to December 2014, 7193 victims of the identified Human Trafficking victims were suspended. From the data, Indonesia claimed the first position with the number of 6,651 people or approximately (92.46%), with female victims of children aged 950 people and women aged 4,888 people. The victims of male child age 166 people and adult men 647 people.⁴ The main factors of

³ *United Nations Office on Drugs and Crime* diana.teixeira - https://www.unodc.org/unodc/en/human-trafficking/faqs.html#How_is_human_trafficking_different_to_migrant_smuggling

⁴ <http://www.sbmi.info/news-144-mengapa-terjadi-tindak-kejahatan-human-trafficking>

human trafficking are poverty and lack of education, not only that, the unavailability of decent jobs in home country to fulfill their needs, and also the high salary that offered by the destination countries. These factors have become the reason why Indonesian workers looking for a job in neighboring country are also an important factor in this issue. Therefore, working abroad has a great appeal for them to basically living in a decent condition. This high salary and better living offer made many of the victims who were supposed to work as domestic workers did not know that they had actually been trafficked.

As there are many cases where probably almost everyday there will be trafficking happening. As mentioned above, trafficking itself can be anywhere and anytime, means that there would be a possible rise on the victims from human trafficking around the world. This issue has catch many attentions from all people around the world, many methods of protections and preventions are being projected by several countries. The most peace way on handling this issue is through diplomacy.

By having diplomacy, it helps managing and represent how the origin country would be in the international world. Diplomacy can be implement especially during the bilateral and multilateral relationship among countries around the world. Through the relationship that country has built with others will be easier for the diplomacy approach and how the law enforcement and agreed policy by countries in countering human trafficking.

Same goes for Indonesia, which is categorized as one of Indonesia is one of the largest origin countries for trafficking victims, both domestic and cross-border. The majority of victims are women and under aged who are trafficked for the purpose of being employed as laborers or for sexual exploitation.⁵ Meanwhile, Malaysia is a destination and, to a much lesser extent, source and transit country for men, women, and children subjected to forced labor and women and a small number of children subjected to sex trafficking. The majority of trafficking victims are among the estimated two million documented and an even greater number of undocumented migrant laborers in Malaysia. Foreign workers primarily from Indonesia, Bangladesh, the Philippines, Nepal, India, Burma, and other Southeast Asian countries.⁶

Based on these data mentioned above, it can be analyzed that Indonesia-Malaysia should be able to establish good diplomacy in overcoming this issue. Not only because Indonesia is the main country of origin and Malaysia as the main destination country. The diplomacy procurement by both countries would be better. Not to mention, Indonesia and Malaysia has established bilateral relations in migrant workers sector for a long time where it observed a lot of human trafficking, exploitation, forced labor and violence happened to Indonesian migrant workers. Both countries have similar and almost one view regarding this

⁵ *Pemberantasan Perdagangan Manusia* <http://indonesia.iom.int/id/aktivitas-kami/pemberantasan-perdagangan-manusia#sthash.2pjSb4mi.dpuf>

⁶ *Malaysia* <https://www.state.gov/j/tip/rls/tiprpt/countries/2016/258814.html>

issue of human trafficking. Then, the present or future agreement can be more easily to implement by both countries.

Based on these data, it shows how Indonesia-Malaysia should be able to establish good diplomacy in overcoming this issue. Not only because Indonesia is the main country of origin and Malaysia as the main destination country, it is also intended because Indonesia-Malaysia has established bilateral relations in migrant workers sector for a long time where it observed a lot of human trafficking, exploitation, forced labor and violence happened to Indonesian migrant workers. The time period for this research is based on several purposes, which are 2004 is the year where the first MoU of Indonesian Migrant Workers in Malaysia established.

The MoU made for formal sector in that time so there was no protection at all for the unskilled labor or informal sectors on that time. Because of that, it caused the unskilled labor a lot of violence and has a high rate of human trafficking. The end of time period is in 2011 because the amendment of MoU 2011 established where there was a lot of issues happens during that time and before the amendment. In 2009, the rate of violence against migrant workers in Malaysia came to the second rank after Saudi Arabia and even as the highest on this year. The increased rates of violence against Indonesian domestic workers in Malaysia, causing the Indonesian government decided to impose a moratorium on the informal sector in June 2009.

1.2. RESEARCH QUESTIONS

In handling the problems of Indonesian Migrant Workers who are facing Human Trafficking, forced work, violence, and sex exploitation. In this research, in order to understand this study, the author will explain deeper in the problems itself, provides data and cases and be as specific as possible.

- i. What is the substantive problem of Human Trafficking on Indonesian Migrant Workers?
- ii. How Indonesia-Malaysia diplomacy in countering human trafficking on Indonesia Migrant Workers?

1.3. RESEARCH OBJECTIVES

This thesis consists of two main objectives, namely the general objectives and the specific objectives. These objectives will be described as follows:

General Objectives:

The general objective of this thesis is to analyze the diplomacy between Indonesia and Malaysia towards Human Trafficking on Indonesian migrant workers, why Migration and Human Trafficking are inseparable, the legal protection for Indonesian Migrant Workers, and the MoU between Indonesia and Malaysia on this issue.

Indonesian domestic workers have contributed towards Indonesia economic growth by providing job opportunities for Indonesian labors who did not have the qualification or unskilled labors to work for companies. To be equal in gender and job opportunity, to receive their wages. However, working abroad is

not as easy as it seems, migrant workers have to follow the rules and regulations in the country they are working at which are different from Indonesia norms and regulations but have to adapted. Working overseas has many challenges, dangers, and also requirements to go through. It also leads to trafficking where many workers do not know that they have been tricked, forcibly employed, even sold to be sex commercial act. This is particularly vulnerable to female and underage workers where they are exploited to benefit the traffickers.

Specific Objective:

To identify and analyze the issue of Human Trafficking on Indonesian Migrant Workers;

To understand how the government works with their protection to Indonesian migrant workers;

To identify and analyze Indonesia-Malaysia diplomacy challenges and the driving factors in settling or protecting the issues of Human Trafficking on Indonesia migrant workers;

For the author, to develop the ability to think and writing skills through scientific work.

1.4. RESEARCH CONTRIBUTION

This study is for uses to gain awareness both from the government of Indonesia and the society about how important and complex this issue, how important is the government role to protect Indonesian workers by conducting diplomacy towards Malaysia and to be able to improve their standard of workers before placing Indonesian workers in neighboring states, and to clearly explain with some examples how Indonesia workers needs to be protected because they tend to be exposed to human trafficking where caused by weak government control and systems in placing the workers abroad.

1.5 STRUCTURE OF WRITING

Chapter 1: Introduction

The first chapter will be explaining about the background or introduction about the topic, as well as the problems that exist in this particular topic. This chapter will also mention the focus of the writing that is mentioned through research questions. It also includes the purpose of this thesis, and lastly the structure of writing.

Chapter 2: Theoretical Framework

The second chapter will be discussing more about the literature that are used as the references of this research paper. The author will discuss and explain several readings that are explaining the topic. On this chapter, author will also mention and explain the theory, concepts, and literature review that is going to be

used to support this topic. This framework will use the diplomacy, migration, human trafficking, and human rights as the concept and Neoliberalism as the theory.

Chapter 3: Methodology

The third chapter is going to show the method of writing in conducting this research paper. The method that is going to be used will be explained as to why this method is the best way to complete this research and gather all the information needed to support the writing.

Chapter 4: Discussions

The fourth chapter of the writing will explain more on the research itself. The author will explain the topic with several points that are needed to be explained to answer the research questions and explain the introduction more broadly. This chapter will be the discussion part of the research where all the results from the method and concept that is used will be discussed in this chapter.

Chapter 5: Conclusion

The last chapter of the paper will be explaining more on the result of the research. The author will conclude the research by writing a conclusion about the topic as the end of this thesis. Furthermore, the author will also mention about the possible solution or recommendation about the topic.