

## Border Communities Understanding on The Human Trafficking in Indonesia-Malaysia Border Region: Case Study in Sambas District, West Kalimantan

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### ABSTRACT

**Objective** – The aim of this study is to determine the understanding of people in the periphery of Indonesia-Malaysia border on safe migration and human trafficking.

**Methodology/Technique** – This study used survey methodology with quantitative and qualitative approaches. The quantitative approach was used to determine the general data about the knowledge of the society – regarding the content and objectives of the campaign– as campaign target groups. Qualitative approach is also used to measure the Knowledge, Attitude, and Practice (KAP) of the informant. The population of this study are the head of the family or the breadwinner of the family who have productive age as family member(s). Data sampling technique were collected by using purposive sampling. This study was conducted in Sambas district, West Kalimantan Province.

**Findings** –The results showed that among 150 respondents, only 68 people, or approximately 45.3% of them know the terminology of trafficking. The respondents were able acknowledged trafficking when it was replaced with the phrase “perdagangan orang” (trafficking in Bahasa, literally means the selling of people). There were 71 people or about 47% of respondents aware of what can be categorized as trafficking in persons, namely: fraud, use of violence, forgery, threatened with violence, abuse of power, confinement and kidnapping.

**Novelty** – Based on the findings that migrant workers from the border areas, especially at region of Sambas a are vulnerable to human trafficking, due to their very limited knowledge about the crime of Trafficking in Persons and this will suggest for further educational development initiative by authorities in those areas.

**Type of Paper:** Empirical

**Keywords:** Community; Human Trafficking; Indonesia-Malaysia Border; Safe Migration.

**JEL Classification:** I21, I25, K37.

### 1. Introduction

Trafficking in Persons (TIP) is a criminal offense that makes human being as object of trade. The Palermo Protocols (2000), the UN Convention against Transnational Organized Crime, define the concept of Trafficking in Persons as “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, fraud, deception, abuse of power or a position of

\* Paper Info: Received: December 12, 2016

Accepted: July 20, 2017

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vulnerability or the giving or receipt 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 labour or services, slavery or practices similar to slavery, servitude or the removal of organs".

According to Law No. 21 Year 2007 on Combating Trafficking in Persons chapter 1 mentioned that trafficking in persons is "any act or series of actions that meet the elements of offenses in the Act Crime of Trafficking". Based on the report of the United Nations on Drug and Crime (UNODC) in 2012 mentioned that sexual exploitation (79%) is the most common form of human trafficking. The victims of sexual exploitation are predominantly women and children. Interestingly, among 30% of countries that provide information of the victims of sex trafficking, women formed the largest proportion as victims of trafficking. In some parts of the world, trafficking in women is normal. The second most common form of trafficking is forced labor (18%), forced labor is less frequently detected and reported than trafficking for sexual exploitation. Around the world, nearly 20% of all trafficking victims are children. However, in some parts of Africa and the Mekong region, children are the majority (up to 100% in some parts of West Africa).

Referring to Article 9 of the Universal Declaration and the substance of Article 7 of the Rome Statute constitutes TIP as a crime against humanity or also known as extraordinary crime and counted as transnational crime (cross country). Article 1 of Law of Trafficking in Persons mentioned that the crime of trafficking in persons is "any act or series of actions that meet the elements of offenses in the Act Crime of Trafficking." This category indicates that the main elements in this crime is any acts that essentially caused personal exploitation and suffered in psychic, mental, physical, sexual, economic and/or social, which caused by the crime of trafficking in persons.

In Indonesia, one manifestation of this crime is trafficking in women. The concept of trafficking in women means that the victim made as an object of trade, especially with regard to sexual exploitation which includes all forms of utilization of the victim's sexual organs for profit. In regard to the shifted of human trafficking crime qualified as an extraordinary crime, therefore, the element of human exploitation as an act of exploitation of women is an act that violates human rights. In the other hands, trafficking in Indonesia are also caused by the structure of the community who still regard women as second-class citizens that leads to gender-based discrimination and make women as victims of violence. Gender-based violence led to the poverty of women and caused women trapped into human trafficking, and usually those who become the victim of trafficking previously become the victims of domestic violence. Law No. 23 year 2004, in article 8 on the Elimination of Domestic Violence has also been set up on the prohibition of sexual violence to members of the household for commercial purpose and specific objectives. According to the Minister of Women's Empowerment and Child Protection, human trafficking is a crime against humanity which is organized similar to drug crimes and arms sales. Modus trafficking in Indonesia, 70% originated from the illegal placement of Indonesian workers both for internal and international migration. At least 90.3% of the victims of human trafficking are women and 23.6% of them are children. How the trafficking process happen explained in the Table 1 (based on data from UNIMIG 2013).

Table 1. The process of Trafficking

Process	+	Methods	+	Goals
Recruitment		Threat		Prostitution
Transport		Force		Pornography
Transit		Abduction		Sexual abuse/exploitation
Shelter	AND	Deception/Falsification	AND	Labor forced
Acceptance		Fraud		Slavery
		Falsehood		
		Abuse of power		

Source: UNIMIG, 2013

The implementation of the protection of women and children had significant improvement signified by the establishment of various institutions/units and protection centers for women and children victims of violence in various regions in Indonesia (Iqbal, 2016; Iqbal & Gusman, 2015). Recently, there are 25 provinces and 83 districts/cities who allocated budget to deal with violence against women and children (including TIP). The Integrated Service Center for Protection of Women and Children was formed in 27 provinces and 197 districts/cities, The task force for TIP established in 28 provinces and 88 districts/cities; 123 victim service agencies and hospital-based violence formed, and women and children protection units established in 456 police station.

According to the Annual Report Activities of IOM in 2012, Indonesia is a source and destination country of Trafficking in Persons. This is because the high number of population, causing a high poverty rate. According to data from the Central Statistics Agency in March 2013, the number of poor people (the population with per capita consumption per month below the poverty line) in Indonesia reached 28.07 million people (11.37 percent). Therefore, Indonesia has become the major source of low-skilled migrant workers, mostly women, who work in the informal sector. These labor migration, in other side, caused large number of Indonesian trapped into TIP. Among 81% of the 3.943 victims of trafficking were assisted by IOM since 2005 were traded abroad (mostly to Malaysia) and almost 76% were recruited through agents, including those who were recruited from legal registered agencies company (29%).

## 2. Literature Review

There were limited studies focus on migration and human trafficking, some of them could be elaborate from Mahmoud and Trebesch (2010), Tamura (2013), Friebe and Guriev (2006) Aronowitz (2001), Andrijasevic (2010). Mahmoud and Trebesch (2010) developed their argument in the relationship between labor migration and TIP. They stated that trafficking risk higher in high-migration area because the traffickers some number of advantages such as: lower recruitment costs and free-riding opportunities to look for the victims' candidate. They argued that it much easier to find potential victims in high-migration areas, simply because so many people are departing from there. This argument similar with Tamura who also highlighted the same reason for the high-migration areas become the most place for the trafficker to find their victims, because high-migration areas may benefits the traffickers, as significant number of migrant flows attract other former migrant workers or other broker offering services for helping the process to work abroad, such as work procurement, false documents or smuggling across borders. Larger migrant networks provide loan for the costs of migration with high interest which caused the candidate of workers would like to accept any treatment (bad or good) due to the burden they have before departure. Tamura in his writing focuses on the interaction of human smuggling and trafficking. In his model, migrants hire a smuggler to cross borders and find work abroad. Once migrants depart, it depends on the smuggler's decision and the profitability of exploitation whether they end up being trafficked or not.

In other side, Friebe and Guriev (2006) model the market of illegal migration with debt/labour contracts elaborate the response of the victim or family toward human trafficking. As most migrants cannot pay for migration costs in advance, criminal intermediaries and smugglers offer loans to potential migrants, which they have to pay back in the destination country or deducted from their monthly salary. The contracts between migrants and intermediaries can only be enforced in the illegal sector, not in the legal one. Although the enforcement of such contracts can take place through coercion and punishment, the possible risk of exploitation and trafficking by the intermediaries is ruled out. Due to these previous studies, this research would like to portray the level of understanding of people in Sambas as high-migration areas toward TIP and whether the agency and debt/loans also play significance role to the higher number of TIP as shown in previous studies.

### 3. Methodology

This research was conducted with quantitative and qualitative approaches.

#### a. Quantitative approaches

Quantitative approach was used to determine the general data about the knowledge of society about human trafficking. The study population was the head of the family or the main breadwinner of the family who have family member at productive age. Data was collected by the technique of "purposive sampling" in which respondents were selected based on certain criteria, according to the research objectives by choosing respondents from households with members which susceptible as trafficking victims. The total respondents are 150 and the tool used for collecting data was questioner with open and closed questions.

#### b. Qualitative Approaches

Qualitative approaches were used to measure the Knowledge, Attitude and Practice (KAP) of the respondents. The data was collected with Focus Group Discussion (FGD) and in-depth interview, FGD was conducted with 10 informants per session which the total sessions are 3. The categories of the informant are those who have been involved in the program: training on trafficking, then the In-depth interviews were conducted to village heads and community leaders.

### 3.1 Location of The Survey and Time Research

This study was conducted in Sambas district (West Kalimantan), in this survey, respondents (who were selected by purposive accidental) amounted to 150 people. Each respondents consisting of 28 people (18.7%) from the village Peringgi Landu, 10 (6.7%) from the village Sulung, 60 people (40%) from the village Jirak, 50 (33.3%) from Village tengguli and 2 (1.3%) from the village Kartiasa. Respondents consisted of 95 persons (63.3%) women and 55 (36.7%) male, with an average age of respondents was 47 years.

### 3.2 The profile of Sambas, West Kalimantan

The landmass of Sambas district is 6,395.70 km<sup>2</sup> or 639,570 ha (approximately 4.36% of the area of West Kalimantan). Administrative region Sambas district covers nineteen sub-districts: Sambas, Sebawi, Tebas, Semparuk, Pemangkat, Salatiga, Selakau, East Selakau, Tekarang, Jawai, South Jawai, Sajad, Sejangkung, Paloh, Teluk Keramat, Tangaran, Subah Besar, and Sajingan with the 183 total number villages. The population in Sambas district based on the results of population census in 2010 is 496,120 inhabitants, consists of 244,604 male population and 251,516 female population with an average population density is 78 inhabitants/km<sup>2</sup> or 2,697 people per village. Sambas district area directly bonded to the neighboring country Malaysia and has several main problems. Firstly, the poverty, the sustain economic crisis caused nearly all sectors of the economy is not stable. These conditions greatly affect the weak economic community, therefore the real sector which they seek to sustain and meet the needs of families experiencing difficulties. This is shown the reality that big numbers of school-aged children were working to help the family financial. Secondly, the Border Region (State), Sambas is one of district in Indonesia which directly border with Malaysia. This provides the potential and opportunity to the people to work in the neighbor country. Thirdly, the high number of labor migration both internal and international, it is a phenomenon that should be wary as the trigger crime of Trafficking in Persons. Fourthly, the less optimalization of Sambas District Government in creating a program for the prevention and treatment of trafficking victims. This is due to lack of synchronization of activities and budget for each of the agencies involved in the prevention and treatment of human trafficking crime.

## 4. Results

### 4.1 Profile of The Respondents

From the analysis of the data, the majority age of respondents were 40 to 60 years old, the second largest population was between 20 and 40 years old and only few were aged 60 to 80 years. Among 150 respondents, 65.3% did not complete primary school, 20% completed primary school, 8% completed junior high school and 9.3% completed junior high school and none of the respondent graduated from colleges or university.

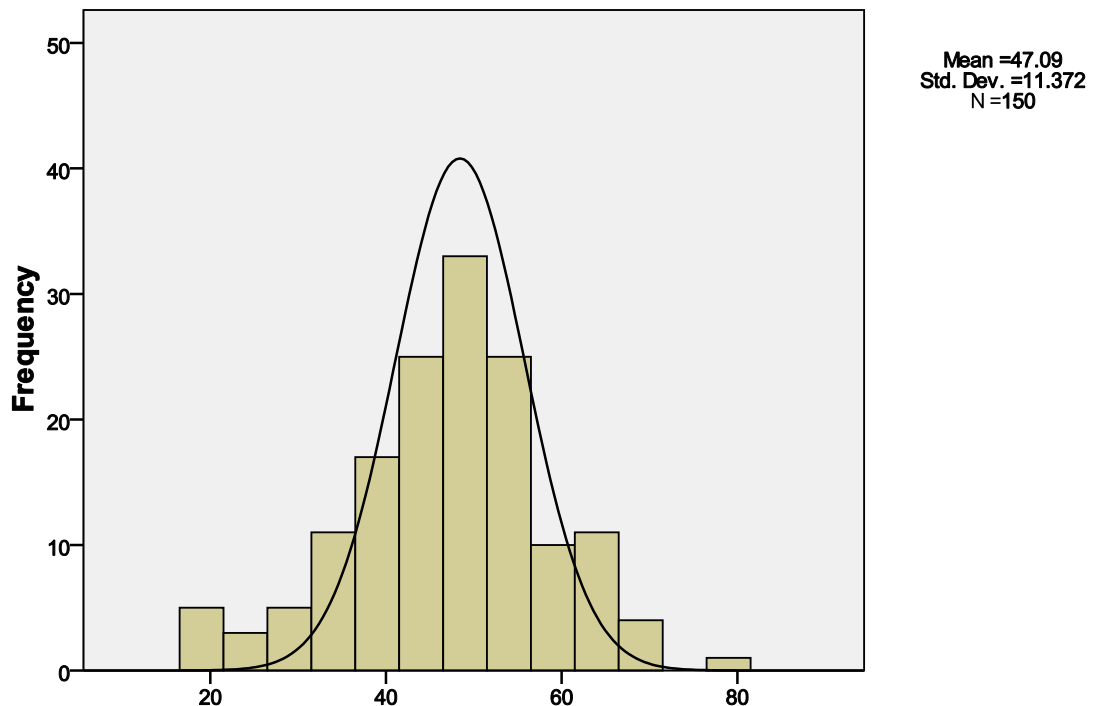


Figure 1. The Age of Respondents

Table 2. Level of Education

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Not graduated from elementary school	98	65.3	65.3	65.3
	Elementary School	30	20.0	20.0	85.3
	Junior High School	8	5.3	5.3	90.7
	Senior High School	14	9.3	9.3	100.0
	Total	150	100.0	100.0	

### 4.2 The Knowledge to Trafficking in Persons

From interviews with respondents and due to the respondents' experiences in the workplace, both at home country and abroad, which susceptible to the risk of exploitation and trafficking, from 150 respondents, only 68 people, or approximately 45.3% of them know the term “trafficking”. However, they can mention anything that can be categorized into trafficking when the word is replaced with “perdagangan orang”. From the total

of 150 respondents, there are 71 people or about 47% are aware of what can be categorized as Trafficking in persons, namely: fraud, use of force, counterfeiting, threatened with violence, abuse of power, confinement and abduction.

#### 4.3 Respondents Knowledge to The Forms and Causes of People Exploited

The forms of treatment are considered as acts of labor exploitation is as follow (sorted by the number of percentage the highest): deception, physical abuse, doing more than one job, work not in accordance with the contract, and the salary is not paid in full or not at the existing in the contract. Among the 71 respondents think that the cause of exploitation occurs because lack of knowledge (55%) and lower education (30%). The other answer is due to the bad performance in the work, because of the fault, the company are not honest, dissatisfaction of the employer, attempt to escape (37%). Only 10% of them answered the exploitation happen because of did not use the official agent.

In general, respondents have the perception that the most vulnerable to exploitation are women (55%), although it did not ignore that men also experienced (38%). Only 14% said that the child may also experience it.

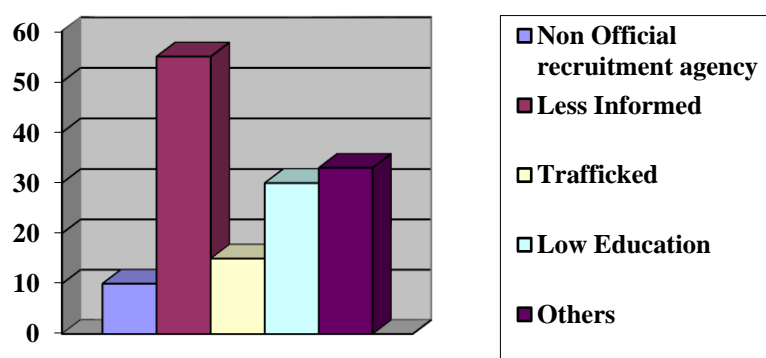


Figure 2. The Causes of Exploitation

#### 4.4 Response to Trafficking Cases

When asked what their reaction when confronted with cases of exploitation, 49% said "do nothing", 32% simply being concerned, angry, or seek protection, 21% will help families find information, 13% will help the recovery of trauma victims, and 6% would seek police assistance. Options isolate, was not selected by any of the respondents. At least this shows the empathy to the victims, although legal action is not the main choice of the attitude of the respondents when faced with a situation like this.

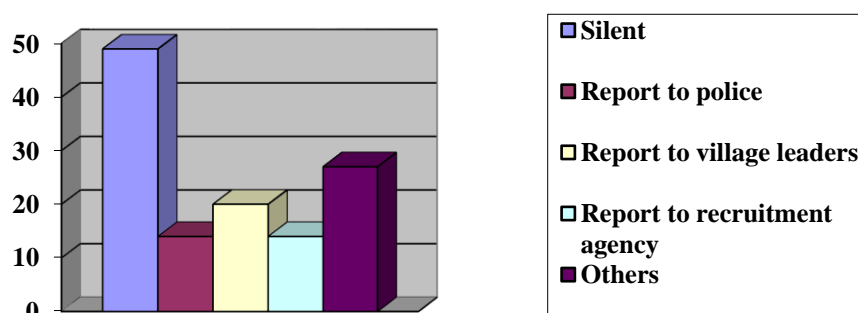


Figure 3. Attitudes to trafficking/exploitation

Apparently, approximately the same attitude was shown when member of their family experienced trafficking. A total of 49% would be "silent", doing nothing, 27% would feel angry, concerned and seek shelter (this is open-ended), 20% will report to head of village, 14% will go to the police and recruitment agencies.

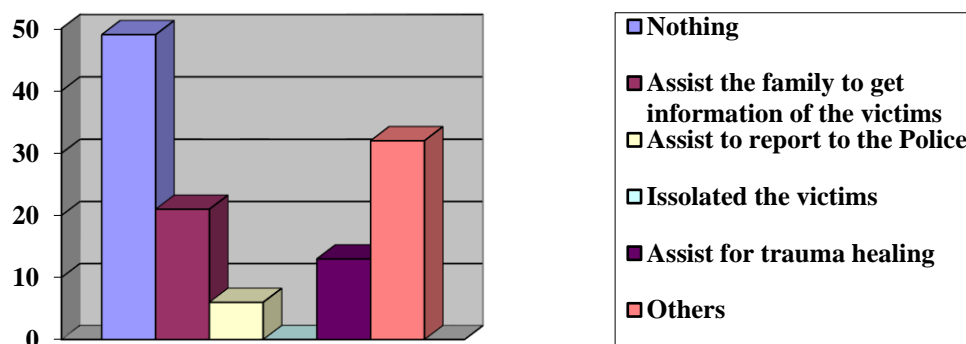


Figure 4. Reaction to the victims

Further analyses with simple linear regression, when tried to find the variable who lead people to report the trafficking case with  $x$  variables were duration of school (school), duration of working at overseas (duration), the knowledge about physical torture (torture) as part of trafficking, the knowledge about unpaid salary (unpaid) as part of trafficking, the knowledge about exploitation (exploitation) as part of trafficking, the knowledge about sexual harassment (harassment) as part of trafficking, the knowledge about raped (raped) as part of trafficking, the knowledge about doing over jobs (overjobs) as part of trafficking, the knowledge about forced jobs (forcejobs) as part of trafficking, and the knowledge about cheated (cheated) as part of trafficking. The result shown that  $R^2 = 0.6331$  Adjusted  $R^2 = 0.6067$  which means the independent variable explains 60,67% of the variability of the dependent variable in the population. In this result, the regression model is statistically significant,  $F(10, 139) = 23.98$ ,  $p = .0000$ . This indicates that, overall, the model applied can statistically significantly predict the dependent variable. From the data only some variables significant with the chance to report the case of trafficking: the duration of working at overseas, the knowledge about unpaid salary as part of trafficking, the knowledge about exploitation as part of trafficking, and the knowledge about raped as part of trafficking. Other actions such as physical torture, sexual harassment, overload jobs, forced jobs and cheated do not consider as human trafficking, therefore they will not report it. It is quite surprise that sexual harassment seems to be unrelated to the reason of people to report the case of human trafficking. This might be related to other situation such as fear or embarrassed to report.

#### 4.5 Resources and Community Campaigns

This survey found that there are 70 respondents among 150 respondents, or approximately 46.66% had heard information about trafficking (trafficking in persons). Their information source from are: media (71%), NGOs (17%), local authorities (11%), trainings or seminars (4%) and others like from friend, told by the victim, or their own experiences (19%).

The knowledge level of respondents in five villages to campaign of safe migration is still low. There are only about 21 respondents out of 150 respondents or 14% who know about the campaign of safe migration conducted in their area/village. About 20 respondents out of 150 respondents or 13.33% are aware there were ever campaign on Trafficking (TIP) in their area/village. Around 20 respondents or 55% knew trafficking campaign since 6 months ago, and 45% of them knew the campaign existed since more than one year ago. Based on the knowledge, the executor of the campaign is: 70% from the village government, 5% from the district government, 10% from county government, 15% from NGOs, and other 5%.

## 5. Conclusion

From the above results show that migrant workers from the border areas, especially at region of Sambas are the migrant workers who are vulnerable to human trafficking, due to their very limited knowledge about the crime of Trafficking in Persons. Therefore, policy makers may increase the awareness campaigns and anti-trafficking policies to the areas where migration flows are high, particularly in the border region.

Beside the awareness of trafficking, the society may also be educated to the report channel when they found trafficking acts or victim of trafficking and the effect of trafficking. Because, based on the survey the low response to take legal action positively correlated with the low number of respondents (only 14 respondents out of 60 respondents, or approximately 23.33%) knew that involved trafficking could be sentenced to imprisonment and fines.

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