THE ACT OF HUMAN TRAFFICKING PARTICULARLY IN THE FORM OF SEXUAL EXPLOITATION TOWARDS WOMEN AND CHILDREN

Cahya Wulandari
Faculty of Law, Semarang State University
E-mail: cahyawulandari@yahoo.com Mobile: +6282138215959

Sonny Saptoajie Wicaksmono
Faculty of Law, Semarang State University
E-mail: sonnywicaksmono007@gmail.com Mobile: +628122909944

ABSTRACT

Human trafficking has raised a deep concern among the society of Indonesian. There are many cases reported on the media and discussed in the researches on the case of children exploitation. Human trafficking, especially towards women and children are often aimed for commercial purposes. The problem becomes more complex and phenomenal both in local and regional area. This research aims to find out the factors which cause human trafficking especially sexual exploitation by means of the electronic media in Semarang, Central Java and the human trafficking crime in the context of sexual exploitation settled by LRC-KJ HAM Semarang. This research used sociological-juridical method of approach specifying on the analytical descriptive research. Both primary and secondary data were collected by using the technique of free guided interview, literature study, and documentation. The respondents were selected by using purposive sampling method. The primary data was acquired through the interview method towards the female victims assisted by the staff of Law Division in Legal Resource Center for Gender and Human Rights Justice or LRC-KJ HAM. The data were analyzed using interactive model of analysis to generate qualified result and accurate data. The results of this research are: 1) The factors which cause human trafficking in the context of sexual exploitation consist of economic factor, gender stratification, and law enforcement; 2) the case of human trafficking, especially in the context of sexual exploitation in LRC-KJ HAM consists of deception in job recruitment which leads to prostitution, migrant workers deception which causes sexual violence and sexual abuse towards the victims and human smuggling which lead to physical, psychological and sexual violence.

Key Words: Crime, Human Trafficking, Sexual Exploitation

A. Introduction

There are many reports about human trafficking on both printed and electronic media. Recently, the issue has become more concerning both in domestic and international society. Human trafficking often happens to women and children for commercial purposes. The modus used in women trafficking are an owner of a karaoke house pretended to look for female workers to work as waiters or lady companions who would actually be forced to work as prostitutes. Some of the owners admitted to do this business while others declined.

The Indonesian government has issued Law Number 21/2007 about Eradication of Human Trafficking which is enacted to eradicate human trafficking. The government of Indonesia agree that human trafficking is obviously against with human rights. There are many number of adolescents trapped in women trafficking due to their mental instability in socializing. These adolescents often became the best target for human trafficking.

According to the data acquired from LRC-KJ HAM in the annual report (2014:48), the case of women trafficking in Central Java tend to increase. In 2012, LRC-KJ HAM recorded 11 cases of women trafficking involving 17 women as a victims. In 2013, the case increased to 22 cases involving 24 women as a victims. The number of the victims increased in 2014 which involved 61 women as a victims of 19 cases of human trafficking. The raising number of victims has invited a deep concern to the academician.

A number of factors have been investigated as the factors which trigger the crime. Poverty and economic needs became the main factors of the increasing number of women trafficking because the victims often deliberately became prostitutes to get some money and to solve these problems. Furthermore sophisticated technology also played a big role in the increasing number of the exploitation on women and children. So it is become a big problem to the academician and to the law enforcers in Indonesia and should to solve because these cases are injustice for women and children who are should be protected by the government.

Based on these cases, the researchers who have a good knowledge and were teaching for more than 10 years in criminal law have responsibility to prevent and to reduce the human trafficking by did this research. At the other side the researchers have a duty as a lecturer or academician to do a research for find a truth, to service the society with our knowledge so that the society can get a benefit from our existence.
In addition the researchers interested to investigate the factors which caused human trafficking in the context of sexual exploitation by means of the electronic media in Semarang and the context of human trafficking in Indonesia. The research was expected to be beneficial in the attempt of preventing human trafficking as well as to suggest several solutions in improving the quality of the Indonesian law enforcers.

Research Problems
1. What are some factors which trigger human trafficking crime in the context of sexual exploitation by means of the electronic media in Semarang?
2. How are the varieties of the cases of human trafficking in the context of sexual exploitation settled by LRC-KJ HAM?

Research Methods
1. Research Approach
   This research used sociological-juridical approach by looking at the aspects of law in social interaction in the society (Sookamto, 1988:10).
2. Method of Data Collection
   This research used both primary and secondary data. Primary data was acquired directly from the staff division of law in LRC-KJ HAM and the secondary data was collected through literature study including laws, books, journals, articles, dictionary, and other law materials which have relevance with this research.
3. Method of Analysis
   The collected data were analyzed by using interactive model of analysis in which the researchers focused on three components, reduction data, display of data and conclusion drawing (Miles & Huberman, 1984).

B. Results And Discussion

B.1. The Factors which Trigger Human Trafficking Crime by means of Electronic Media in Semarang
The modern technology has developed rapidly. Electronic media give a features such as Facebook, Blackberry Messenger, Twitter, Instagram, Path, What’s App, Line and other social media. These features can give good or bad impact, it is depend on the user. In reality at Semarang these features have long been utilized as the media for prostitution which often involved the victims of human trafficking.

The real cases which occur in Semarang are there is a women who have a boy friend looking for a job. The boy friend brought the women to the trafficker and brought her to leave the home, before it the boy friend forced the women to sexual intercourse with him. Finally the women forced to work as a sex worker in the trafficker office. In this case the women is restricted to communicate with her parents or other people. The money which got from the prostitution asked to boy friend (Annual report of LBH APIK 2014).

In this case can be analyzed that the women who is looking for a job is forced by the boy friend to be sex worker and cheated by the boy friend. At the other side the victim also suffered a damage both material and immaterial. Furtermore based on interview with Dian Puspitasari as the staff at the LRC-KJHAM on June 24, 2015 said that the average victim of sexual exploitation of children caused by the condition of the family either poverty or domestic violence and there are at least three cases of sexual exploitation occurred in Semarang.

Several factors which contributed in the act of human trafficking in the context of sexual exploitation in Indonesia based on the interview with the informants and respondents as analyzed by the researchers are:
1. Economic Factors
   The first factor which motivated human trafficking is the economic condition of the victims and family of victims which often lived under the poverty. Jobless had caused them to take an alternative ways by making women and children as the breadwinners which often raised the number of prostitutes. This factor also triggered human trafficking on the migrant workers who often suffered sexual exploitation and they were unable to defend their selves both in the law and in the reintegration process in society. Moreover, it also triggered the case of raping which led to unexpected pregnancy and mental disorder (Heroepoetri, 2012:21).

2. Gender Stratification Factor
   The number of early marriage has raise recently as an attempt to solve of the poverty. This early marriage drove women to be trapped in sexual exploitation for commercial purposes due to several reasons: The first, the high rate of marriage failure which led to divorce where the divorced women had to earn some money by herself without having sufficient education and skill and eventually tended to choose prostitution as the solution. The second, early marriage resulted on the lack of attention towards their children growth which eventually made the children susceptible to sexual exploitation for commercial purposes. At the other side, according to Poerwandi (2005: 53) gender stratification of women and children are more vulnerable to discriminatory treatment and violence. Finally, stratification between men and women often make women cornered and trapped in human trafficking. Nevertheless, Farhana states that gender inequality in Indonesia has been reduced (2010: 63).
3. Law Enforcement Factors

Law enforcement towards the suspect of human trafficking has not been optimized. For example, in Semarang, according to the data from LRC-KJ HAM, 41 from 61 victims received serious investigation. However, none of the suspects got a punishment for the cases of human trafficking. Although the government has strictly regulated this issue in the Law Number 21/2007 Article 2 Clause 1 about Exploitation, the law enforcers have not yet optimally eradicated this case.

In the context of law enforcement based on the research of Hetty Anjite Geru (2012: 5) states that in the law enforcer often occur conflict of interest and finally the suspect can free without punishment. To solve this problem required cooperation between local government and collaboration with others country, and the most important is legal policy (Nuraeny in Ginting, 2015: 8).

B.2. The Variety of the Cases of Human Trafficking in the Context of Sexual Exploitation Settled by LRC-KJ HAM Semarang

In addition a number of public figures such as actresses and singers also trapped in the case of human trafficking by means of on-line prostitutes which currently became an issue due to the extravagant life of the actresses. In Central Java for example, LRC-KJ HAM collected and recorded that 19 cases of human trafficking placing 61 women as the victims of the crime in all area of Central Java in 2014. The dissemination of the cases were centralized in the big cities of Central Java, namely 4 cases in Semarang, 2 cases in Banyumas, 3 cases in Brebes, 2 cases in Kendal, 1 case in Magelang, 1 case in Kudus, 1 case in Purbalingga, 1 case in Sukoharjo and 1 case in Demak. Looking at the ages of the victims, 23 from 61 victims were children and 38 victims were adults. The crime was suspected to be conducted in private area (63%) and 37% of the crime conducted in public area (LRC-KJ HAM’s Annual Report 2014).

The exploitation suffered by the victims varied, namely 5 women suffered from physical abuse, 8 women suffered from sexual abuse, and the other 48 women suffered from psychological abuse. Specifically, these women were forced to do sexual intercourse and were photographed nakedly. The record noted that there were 20 actors in this human trafficking involving individuals, groups, corporates and government with the detail of 6 cases conducted by individuals, 5 cases by groups, 4 cases by corporates and 5 cases conducted by the government. According to LRC-KJ HAM, the involvement of these individuals, groups, corporates and government in the cases of human trafficking was the proof of the state’s inability to prevent the third parties to do the crimes against women’s rights as obliged by the constitution.

There were a number of models of human trafficking which often occurred in Central Java, it is people smuggling and migrant workers. Meanwhile, the cases of sexual exploitation also occurred in the marriage and human trafficking.

Based on these cases Maidin Gultom (2013: 46) states that the cases of trafficking for purposes of prostitution become worrisome problem. However, both the government and the society are still assume that trafficking of people for prostitution is ordinary prostitution and this case is not include in crime against humanity.

With the data gotten from respondents and informants who had interviewed, they are the staff of LRC-KJHAM, the police, the traffickers and supported by annual report, these data is enough to answer the main problems in this research. The data are then processed and analyzed by the researchers using the knowledge so it can be concluded that economic factors, gender stratification, and law enforcement influence to human trafficking. In addition the sexual violence in the context of human trafficking conducted by individuals, corporates and even law enforcer.

Based on the findings of these data, the researchers suggest that the government needs to pay attention to economic factors, gender stratification and the aspects of law enforcement to reduce the number of human trafficking in children and women. Moreover the government needs to cooperate with other countries to catch the offenders because human trafficking not only occurs between regions but also it occurs between country.

Besides that policy makers are also expected to do an active role in the eradication of human trafficking by providing policies that encourages the eradication of human trafficking. This research is expected to be a consideration or reference to make a policy so that policy makers can look at the factors that cause human trafficking.

C. Conclusion

Based on the results and the analysis conducted by the researchers can be concluded that the factors which cause human trafficking in the context of sexual exploitation by means of electronic media in Semarang included: 1) Economic factors of the victims of human trafficking who are the victims often live under poverty so that they are susceptible to do anything to earn some money; 2) Gender stratification factors between men and women which places women in a susceptible condition to sexual exploitation; 3) Law enforcement factor where in the implementation, the traffickers have not yet received adequate sanction and the victims have not received sufficient protection.

Human trafficking can be restrained both preventively and repressively by identifying the causal factors of human trafficking and the attempts to eradicate the crime. Furthermore, the government should cooperate with the local government, society, law enforcers and even non-governmental organizations to prevent the cases of human trafficking. This study have limitation, the data only taken in Semarang and the discussion includes on human trafficking in the context of sexual exploitation which covers the causes and variations of human trafficking.
Based on the result the researchers suggest that the government needs to pay attention to economic factors, gender stratification and the aspects of law enforcement to reduce the number of human trafficking in children and women because these factors trigger human trafficking. Moreover the researchers hope that these findigs are usefull for the policy makers and taking this research to be consideration or reference to make a policy so that policy makers can look at the factors that cause human trafficking and can reduce this case.

In addition the other countries can learn from this research that human trafficking can occurs because several factors not only economic factor but also law enforcement and gender stratification. It is depend on the condition of the country. Furthermore the government in the other countries should to pay attention to this case because human trafficking not only occurs between region but also it occurs between country.

D. References

Books

Journal Articles

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