

Human Trafficking and Sex Slaves: How is International Law Enforcement in the Southeast Asian Region?

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Abstract

Human trafficking and sex slaves are global problems that are very threatening. Southeast Asia is one of the centers of human trafficking activities causing a sense of insecurity in society. This research entitled Human Trafficking and Sex Slaves: How is International Law Enforcement in the Southeast Asian Region seeks to examine how ASEAN and its member countries make and apply international law to eradicate human trafficking. The data collection method used is descriptive qualitative. The results of the research show that there have been many efforts by ASEAN and its member countries against human trafficking. The established conventions and policies are a big boost for the ASEAN community to be aware of and participate in the fight against human trafficking. However, the efforts made by ASEAN are considered less effective due to the unique and distinctive structure of ASEAN society.

INTRODUCTION

Trafficking in human beings and sex slaves is one of the hottest global issues. This international crime has prompted state authorities, international organizations, international institutions and various international parties to spend billions of dollars to establish anti-trafficking programs to eradicate the problem of human trafficking and sex slaves in the world. In fact, all efforts to eradicate this problem have not yielded satisfactory results because human trafficking activities are still common in the world. Human trafficking activities usually turn a person into unpaid forced labor and become exploited sex slaves. [1] Since the promulgation of laws and protocols on human trafficking by the United Nations at the national and regional levels, international initiatives have begun to grow to adopt anti-trafficking policies. The UN policy regarding anti-trafficking in human beings has been embraced by countries and non-governmental organizations in the Southeast Asian region. The Southeast Asian region is known as one of the centers of human

trafficking in the world due to the lack of anti-trafficking programs and laws operating in the region. [2] The main factor driving the large number of human trafficking in Southeast Asia is the low level of human resources. The existence of disparities in the level of the economy accompanied by a high poverty rate forces someone to participate in human trafficking. The next factor is the Southeast Asian region which is a strategic international trade route that can facilitate human trafficking activities. [3] In the research paper "Human Trafficking in Southeast Asia Uncovering the Dynamics of State Commitment and Compliance Human Trafficking in Southeast Asia" by Catherine Renshaw states that the laws governing human trafficking in Southeast Asia are weak and ineffective because the protocols implemented are not in accordance with the social realities in the Southeast Asian Region. Social structure, poverty, economic disparity and development are among the factors weak application of anti-trafficking law. [4]

Profits from human trafficking crimes have fantastic value and even contribute to a

country's division. Economically in Asia, forced labor has a profit value of 412 US Dollars and sex slaves has a profit value of 10,000 US Dollars. The existence of a very strong economic chain structure in human trafficking makes this crime difficult to eradicate. A 2007 report by the United Nations Global Initiative to Fight Human Trafficking (UNGIFT) stated that there were 2.5 million victims of human trafficking in the world, with 56% coming from Asia. [5] The Southeast Asia region has the ASEAN forum which is an international organization of Southeast Asian countries for regional integration so that it becomes an obligation between countries to be able to create security in the ASEAN region. So that Southeast Asian countries must be able to use the ASEAN forum to be able to deal with human trafficking problems.

The formulation of the problem in this research is how the efforts of Southeast Asian countries to deal with the problem of human trafficking and the trade of sex slaves, especially by using the ASEAN forum. The purpose of writing this research is to provide information about international policies or laws applied by Southeast Asian countries against human trafficking and sex slaves. The limitations of this study focus on how countries in the Southeast Asian region deal with human trafficking and the sex slave trade. In this case, we will see how negotiations between countries and international policies or agreements have been implemented through the ASEAN forum. The author sees that this problem needs to be researched because the Southeast Asian Region is one of the centers of human trafficking which is clearly a violation of human rights. This area has even become a transit center for human trafficking around the world. Human trafficking, ranging from forced labor and sex trafficking, is something that must be stopped because it is not in accordance with international law and human rights.

METHODOLOGY

Theoretical Background and Literature Review used are the concepts of human trafficking, human rights and security and

international law to look at the problems of human trafficking and sex slaves in the Southeast Asian region.

Human Trafficking

The United Nations defines human trafficking as the recruitment, sending or receipt of a person using coercion, both threats and violence, and giving or receiving benefits from authorized parties for the purpose of exploitation of a person. In Indonesia, human trafficking according to Law Number 21 of 2007 states about trafficking in persons in article 1 paragraph 1 defines human trafficking as the act of recruiting, transporting, and accepting a person by using a threat, kidnapping, fraud, abuse of power and violence so as to gain control against that person both within the State and across the State for the purpose of exploiting that person. The notion of human trafficking is basically any activity that has control over other people to gain profit by making that person an object of exploitation either as forced labor or as an object of sexuality such as prostitution. [6]

Human rights and security

The concept of human security refers to human rights to obtain a sense of security and without any threats both economically and socially. The concept of Human Security was born in 1944 after the formation of the United Nations agency, namely the United Nations Development Program's report on New Dimensions of Human Security which divided the concept of Human Security that must be fulfilled, namely "freedom from fear" which refers to the protection of individual human rights and "freedom from want" which refers to the protection of an individual in order to meet their basic daily needs. [7] While the concept of human rights refers to the human rights that humans have since birth in the world. Human rights are basically to get a sense of security and get freedom. There are three aspects of human rights in modern times, namely equality and freedom; political legal claims and universal perspective. This aspect requires the power of law to protect human rights through both national and international institutions. [8]

International Law

The concept of international law is one of the political instruments to achieve national interests. The existence of relations between countries in the international world causes conflicts of interest and the emergence of global problems such as terrorism, human rights issues, the environment and other problems. The existence of international law in the international world functions to change the concept to introduce a provision or rule for an activity. International law can also be used as a means of intervening in domestic affairs if countries bound by international law treaties qualify for intervention by other parties. The last one is as a tool of pressure, this is done so that other countries or a party can follow the rules of international law that have been established. [9] The research method in research is a qualitative descriptive method by explaining using sentences that describe phenomena so that they can provide detailed explanations of phenomena. Qualitative descriptive method is used to be able to provide an explanation to describe the data with the facts of a phenomenon. The data collection used comes from secondary data through data library research. [10]

ANALYSIS

Implemented Laws by ASEAN Countries

All ASEAN member countries have taken action in response to the problem of human trafficking by enacting laws that regulate human trafficking. In 2005, Myanmar established a legal policy that regulates human trafficking and prohibits exploitation of a person. [11] Previously, in 2004, Brunei Darussalam announced the stipulation of a Trafficking and Smuggling Persons Order of 2004 policy which prohibited human trafficking using coercive acts either in the form of threats or violence. [12] Then in 2007, Malaysia adopted an anti-trafficking law which adopted an international human trafficking protocol.

The Malaysian government wants to provide a high level of protection and security to the community, especially victims of human trafficking. [13] In 2008, Thailand established an anti-trafficking policy that replaced the previous legal basis, namely the law preventing human trafficking in women and children in 1997. Thailand wanted to strengthen the protection law by also providing protection to men against human trafficking, although Thailand did not adopt international anti-trafficking protocols such as Malaysia. [14] The Cambodian government issued an anti-trafficking policy in 2008 followed by Vietnam which issued an anti-trafficking policy in 2011. Singapore, which had previously relied on labor laws to deal with human trafficking, began adopting an anti-trafficking protocol in 2015 to provide penalties and fines to perpetrators. human trafficking. [15] And the Philippines, which has enacted an anti-trafficking in persons law of the Philippines in 2003. Meanwhile, Indonesia has enacted an anti-trafficking law in 2002 through Presidential Decree number 88, 2002 which announced a national plan to end human trafficking. [16]

Conventions and International Law by ASEAN

ASEAN as an international organization for the Southeast Asian region has carried out various programs to resolve the problem of human trafficking and sex slaves. In 2004 ASEAN issued the ASEAN Declaration Against Human Trafficking in Persons Particularly Women and Children which has the aim of being a plan to deal with the problem of human trafficking in the Southeast Asian region in accordance with ASEAN principles and values to create prosperity and a sense of security in the people of ASEAN countries. Handling the problem of human trafficking and sex slaves requires cooperation between strong state actors to be able to suppress and prevent all human trafficking activities in the form of slaves, forced labor, prostitution, and the sale of the organs of trafficking victims. This

international agreement will become a reference in the domestic policies of ASEAN countries to combat human trafficking in the national territory. [17] The ASEAN Convention Against Human Trafficking in Persons, Especially Women and Children is a renewal of the previous ASEAN declaration which only focused on the protection of women and children, namely the ASEAN Declaration Against Human Trafficking in Persons Particularly Women and Children. This change shows the commitment of ASEAN member countries in working together against human trafficking. This international convention encourages the formation of APA (ASEAN Plan of Action Against Trafficking in Persons, Especially Women & Children) which aims to combat human trafficking. The basic principles of APA are contained in ACTIP which will serve as the basis for guidelines for ASEAN member countries to adopt anti-trafficking policies. The formation of APA is also a form of ASEAN countries complying with international rules and laws, especially in human rights. The matters regulated in ACTIP are encouraging countries to adopt anti-trafficking protocols to strengthen law enforcement at the national level. Second, it provides guarantees of protection for victims of human trafficking. The third is to provide legal sanctions to perpetrators of human trafficking crimes. The fourth is strengthening bilateral cooperation between countries and encouraging regional and international cooperation to fight international human trafficking crimes. The types of policies that can be adopted by ASEAN member countries based on APA are strengthening legal laws and strengthening surveillance at the borders of each country to be able to monitor human trafficking activities that enter illegally into a country. Second, encourage the strengthening of law to give harsh punishments to perpetrators of human trafficking crimes both within countries and across countries. Third, strengthening cooperation between ASEAN member countries to be able to carry out effective programs in preventing human trafficking activities by

handling suspected activities so as to reduce the potential for human trafficking crimes. [18]

The Role of ASEAN International Law in Dealing with Human Trafficking and Sex Slaves

ASEAN's efforts to suppress human trafficking activities can also be seen from the issuance of the ASEAN Multi Sectoral Plan or Bohol TIP Work Plan for 2017-2020 which was designed by the Senior Officials Meeting on Transnational Crime to encourage cooperation between ASEAN countries to fight human trafficking. The content of this policy is to raise awareness to the people of ASEAN about the issue of human trafficking and provide a campaign against human trafficking. Human trafficking is socialized as an international crime that violates human rights. Collaboration between government, society, media and non-government actors is needed to increase public awareness of human trafficking. The second is to strengthen law and law enforcement in dealing with human trafficking activities as a step to prevent human trafficking and to increase public knowledge about human rights and gender equality so that community groups can also collaborate to eradicate human trafficking. Then the third is by implementing a mechanism for monitoring one's identity in the form of personal identity and travel documents to prevent counterfeiting or fraudulent activities through fake identities. The fourth is that ASEAN countries are advised to adopt laws governing manpower, laws of this kind will provide protection to people who are victims of forced labor and human trafficking. This point also provides workers' rights that must be fulfilled by the company and will reduce the number of forced labor trades. The fifth is adopting and implementing anti-trafficking programs that have been agreed upon by the international community. The last is to strengthen the policies that have been set by the government to prevent exploitation of humans and provide protection to people who are victims of human trafficking. [19] The policies

and steps taken by ASEAN are efforts to create security and prosperity for the ASEAN people to uphold people's rights based on human rights and human security. Human trafficking that occurs is a threat to the ASEAN community which creates a sense of insecurity, especially for women and children who are vulnerable to becoming victims of human trafficking.

ASEAN first discussed the issue of human trafficking and sex slaves since the early 1990s due to the increasing number of human trafficking cases in Southeast Asia. ASEAN countries see this problem as an activity that violates international law and establishes laws against this international crime because it is not in accordance with human rights in ASEAN countries where children and women are vulnerable targets to become victims of human trafficking. PPB has also formed The Convention on the Elimination of All Forms of Discrimination against Women which includes ASEAN to report acts of human trafficking that violate ASEAN legal conventions on human rights. ASEAN has a big role in implementing the ACTIP program to combat human trafficking because the ASEAN region is inhabited by countries with large populations that are vulnerable to human trafficking activities. The density of the population also makes the perpetrators of human trafficking crimes make countries in the Southeast Asian region as transit centers and destinations for carrying out human trafficking activities. [20]

The Impact of ASEAN International Law on Human Trafficking and Sex Slavery

The researcher argues that the steps taken by ASEAN and ASEAN member countries to deal with human trafficking and sex slaves in the national area of member countries and the Southeast Asian region are a form of awareness of the ASEAN community in human rights, human security and international law. The existence of an international law that regulates human trafficking can be used as a political

instrument to reduce the number of human trafficking in ASEAN through the ASEAN Convention Against Trafficking in Persons, Especially Women and Children is one of the encouragements for the ASEAN community and even the international community to work together in eradicating human trafficking. Strong collaborative efforts are needed from countries, international organizations, international institutions, NGOs, the media, and the community itself to be able to eradicate human trafficking. Human trafficking, which has dragged millions of victims into forced labor and victims of prostitution, is a violation of human rights and must be eradicated.

There have been many ASEAN efforts in forming anti-human trafficking programs but in their implementation more intensive efforts are needed, international protocols to fight human trafficking are less effective if they are fully implemented in ASEAN countries that have social, economic and cultural structures that are different from western society. The ASEAN community is diverse and the poverty rate is still high, making ASEAN countries have a relatively high level of socio-economic inequality and poverty. Several cases show that human trafficking victims in ASEAN are not only victims of kidnapping, fraud, or imprisonment, but human trafficking victims are forced to become objects of exploitation because of economic problems and poverty that still often occur in ASEAN countries. Issues like this must be taken into consideration in determining legislative steps and policies in dealing with human trafficking in ASEAN. There are many factors that encourage human trafficking activities in ASEAN such as a large population, limited employment opportunities and laws that are not yet strong enough to encourage human trafficking activities to continue in ASEAN countries. The government needs to continue to increase the awareness of the people and the ASEAN community to be aware of the crime of human trafficking as a form of international crime so that people do not fall into human trafficking activities. The issue of human trafficking centered in the

Southeast Asia region also needs to be handled by other international parties such as PPB to provide solutions and establish cooperation aimed at eradicating human trafficking crimes. ASEAN countries need to increase cooperation, especially in controlling the borders of their respective countries because this is a way for human trafficking actors to enter, namely through ports on the border which have a low level of security and supervision by legal authorities. If this is allowed to continue, the funds spent by the government and parties involved in the cooperation in handling human trafficking crimes will be in vain because by allowing this, human trafficking activities can continue and will operate to get more victims. This is of course contrary to international law and human rights because basically humans have the right to live, the right to meet their needs, the right to feel safe, and the right to be free. The issue of the human trafficking protocol requires further in-depth investigation and research, especially the socio-economic structure of the ASEAN community, which is different from most people in Western countries, which have lower levels of inequality and poverty when compared to Southeast Asian countries. With the convention which is an ASEAN effort to eradicate human trafficking, it is hoped that there will be an emphasis on and a reduction in the number of human trafficking in the Southeast Asian Region, because this can provide a sense of security to the ASEAN community.

CONCLUSION

Human trafficking is a form of international crime that has a very wide network. The profits derived from human trafficking activities are enormous, making this problem difficult to eradicate. Human trafficking is difficult to eradicate because there is a large political and economic power in protecting the perpetrators of this human trafficking crime. Southeast Asia is one of the regions with the highest levels of human trafficking and sex slaves in the world, contributing 56% of the total cases of human

trafficking in 2007 according to the United Nations Global Initiative to Fight Human Trafficking report. ASEAN as a forum for countries in the Southeast Asian region has a very important role in dealing with the problem of human trafficking. ASEAN's efforts in dealing with human trafficking with the ASEAN Convention Against Trafficking in Persons, Especially Women and Children and the implementation of the TIP Bohol Work Plan 2017-2020 are major steps in eradicating human trafficking and upholding international law to provide welfare and a sense of security to the people of the ASEAN community. ASEAN's efforts have had a positive impact because it encourages member countries to cooperate with each other in combating the problem of human trafficking. However, in reality, the implementation of these international conventions and laws has not yielded effective results due to the unique and diverse conditions of the social structure of the ASEAN community. The existence of socio-economic inequality and the high level of poverty in society is a problem for the application of appropriate legal policies to deal with the problem of human trafficking. This has become a new issue and problem for the international community, especially ASEAN and Southeast Asian countries which are centers of human trafficking activities. Deeper research and investigations and studies are needed to study the right types of anti-human trafficking policies that can be implemented effectively in the ASEAN community. This requires the cooperation of various parties from the government, international organizations, NGOs, the mass media and society or the community itself. The public needs to know that human trafficking is a form of international crime that violates human rights and is not in accordance with the rules of international law. The government's task is to provide campaigns or outreach to the public in order to increase awareness of the crimes of human trafficking and the sex slave trade. Human trafficking is something that violates human rights and is very detrimental to victims of human trafficking.

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