

A Sociolegal Study of Trafficking in Women and Children in Indonesia

Trubus Rahardiansah Prawiraharja

trubus@trisakti.ac.id

Faculty of Law, Trisakti University, Indonesia

Article Info

Received: 21 -10 - 2021

Revised: 12 - 10 - 2022

Accepted: 29 - 12 - 2022

Keywords:

Human Trafficking;

Sociolegal Approach;

Vulnerability Factors;

Cross-Border Cooperation

Abstract

This research aims to investigate the complex factors fuelling the crime of human trafficking in Indonesia, with a focus on trafficking in women and children. A sociolegal approach was used to understand the relationship between law and society in the context of human trafficking. Research methods, such as surveys, observations, and interviews, were tailored to the complexity of the study and the desired level of analysis. The findings show that human trafficking occurs due to economic, social, and cultural factors, with cases of sexual exploitation, labor, and contract marriage, especially in West Java and North Sumatra. The implication is that the central and local governments should pay attention to human security as a new concept from the national security perspective. Combating human trafficking needs to focus on the factors that make people vulnerable, with cross-border cooperation needed to prevent the movement of this crime before exploitation occurs. This research contributes to a further understanding of the dynamics of the crime of human trafficking. It provides a basis for further policy discussions to engage government, law enforcement officials, and communities in effective countermeasures.

1. Introduction

Trafficking in Persons, especially women and children, is once again being discussed by the public. Our concern is heightened because the majority of trafficking victims are women and children. Child trafficking is a modern form of human slavery and is also one of the worst forms of treatment for violations of human dignity. No country in the world approves of this form of trafficking and continues to strive to eradicate this act based on the understanding that humans are the perfect creatures of God Almighty and must be upheld in dignity so that they do not deserve to be trafficked.

Human trafficking is a form of violation of human security. In interpreting the word "trafficking" in "human trafficking," there is a debate stating the definition of trafficking, which has similarities with the problems of illegal, undetected, undocumented, and irregular international migration. Trafficking is often equated with smuggling. The International Organisation of Migration (in Apap et al., 2001: 14) provides a definition that distinguishes between the two words. Trafficking is defined as the illicit involvement through recruitment, abduction, and other means and the process of movement of people within a country or across its borders in which 'traffickers' obtain benefits (in various forms) using fraud, coercion, and other forms of exploitation in circumstances that violate human rights. Smuggling in the context of migration is defined as facilitating illegal border crossings, usually for financial gain (but not permanently). It does not entail the elements of exploitation and violation of human rights that contradict the definition of trafficking (Appa, 2001, pp. 14-15). In addition to the definition from the International Organization of Migration, the definition of human trafficking is also made in the Palermo Protocol on Trafficking in Person in Article 3, which states that human trafficking focuses on exploitation in various forms, such as sexual exploitation, all forms of forced labor, slavery, or for the removal of human organs through criminal means such as using violence, threats, fraud, coercion, abduction, abuse of power, and taking advantage of the victim's vulnerable condition (United et al., 2000).

Trafficking in women and children has an extensive network. The most dominant practice of trafficking in persons and children is in the prostitution service sector, with most victims being children and women. In Southeast Asia, in recent years, large numbers of children from Myanmar, Cambodia, China, and Laos have been trafficked and forced into prostitution, both girls and boys from poor rural areas.

Furthermore, West Java is one of the provinces that contribute to human trafficking cases in Indonesia (Fitriani & Yuningsih, 2016, p. 331). For victims of human trafficking in Cianjur Regency itself, there are several forms of exploitation that victims must eventually feel. These forms are sexual exploitation, labor exploitation with domestic and foreign destinations, and contract marriage (Mut'ah) (Umar, 2021). Moreover, contract marriage is a typical form of human trafficking in Cianjur Regency (IRN, 2021). In addition, the stages carried out by human trafficking agents in Cianjur Regency are by recruiting with the mode of being lured into jobs with large salaries and professional employment funds in restaurants,

hotels, and other places. For victims of human trafficking, for contract marriage, they will be offered to become domestic servants, but in the end, they will be offered to become contract wives. After recruiting potential trafficking victims, the agents will house the trafficking victims. After being accommodated, the victims of human trafficking will be sent for exploitation in their respective destination areas, such as installs, pubs, discotheques, messes, and massage parlors for victims of human trafficking for sexual exploitation and in place of employers both domestically and abroad for victims of human trafficking for forced labor or labor exploitation (Umar, 2021; IRN, 2021).

According to the latest data released by the Ministry of Women's and Children's Empowerment, one of the regions that holds many problems of trafficking of women and children in Indonesia is the province of North Sumatra. This is because the province of North Sumatra, in the practice of trafficking women and children, has three strategic functions, namely as an origin area (sending area), a temporary shelter area (transit), and a destination area for trafficking. On the other hand, it is related to the strategic geographical position of the North Sumatra region. It has high accessibility to the transportation routes within and outside the country, and the condition of the Sumatra region's development is quite good in various fields. Of the 28 districts/cities in North Sumatra, 12 districts/cities were identified as prone to human trafficking, including Medan, Binjai, Deli Serdang, Serdang Bedagai, Asahan, Batu Bara, Tanjung Balai, Langkat, Tebing Tinggi, Labuhan Batu, Pematang Siantar and Simalungun. The forms of trafficking handled in North Sumatra include trafficking for prostitution and prostitution, baby trafficking, domestic workers, sweatshop workers, and migrant worker fraud. However, from several data and forms of trafficking practices that have developed, most of the cases are for prostitution, ranging from domestic and cross-border trafficking. The modus operandi is mostly inducement or lure, which is deception, and the modus operandi is to spread traps to public zones such as train stations, bus terminals, ports to villages or urban areas, suburbs or city centers, and others.

Sociolegal Approach

The essence of the *sociolegal* approach It is a social science approach to explaining the relationship between law and society through textual studies (articles in legislation that are at the heart of the issue, including the study of judges' decisions) and their application, which manifests in the study of

how the law works in the daily lives of citizens so that it is expected to provide more justice.

The social sciences approach in studying the text of laws and regulations is a legal study that uses a social science methodological approach in a broad sense. The closeness of sociolegal studies to social science is in the realm of methodology. Research methods and techniques in social science are studied and used to collect data. The emphasis lies on the law being studied by not placing it as a given.

Positioning law in a broad societal context, Satjipto Rahardjo understands that law is a human issue and not just a textual issue in the form of regulatory articles. This means the law exists for humans rather than the other way around. Due to the struggle to create justice in society, the law will continue to be limited by human limitations to translate justice in social life, especially into textual articles of regulations.

With their limitations in interpreting justice, humans can choose a sociolegal approach that focuses on studying norms and entirely looks at the context of norms and their enforcement. A combinative approach that seeks to find the truth with a liberating approach.

Sociolegal studies with their characteristics will be applied to find liberating arrangements for using renewable energy in Indonesian waters. Referring to Cotterrell R's research on theory and value in sociolegal studies. The researcher includes values to explain social and legal actions in sociolegal research. The method chosen is to conceptualize value as a cultural component to read two different aspects. However, with value as a bridge in two different aspects, the relationship between the two can be explained.

The values chosen are not random but only those that influence laws and social actions. One of them is Max Weber's opinion on values and research. Weber understands the role of values in specific aspects of the research process; values must be kept away from the actual collection of research data. Regular scientific research procedures, such as accurate observation and automatic comparison, must be carried out without involving values. Values should be limited to the time before social research begins. Values influence the selection of what to study in the research. Once the research begins, values are no longer involved.

What values guide social research in law? There is no escaping the

value commitment that is part of culture. The researcher also concluded that theory can guide in making choices about values as a study in sociolegal studies.

When values are included to explain social and legal action, theory serves to explore the values that exist in attitudes towards the law, attitudes towards the practice of interpretation and application of the law, as well as in the perception of two different interests, namely private and public (social) interests, and tries to bring them closer together. What values and theories can be used as a basis for finding a liberating regulation in human trafficking is the finding of this paper.

The researcher also explained that value commitments are part of the culture, so the preferred way to incorporate values into sociolegal research is to position them as a component of culture. This means that what can be done is to conceptualize culture into four dimensions: (1) the instrumental aspect, which focuses on economics; (2) the value aspect; (3) the tradition aspect; (4) the affective aspect of culture (emotional attachment and identity). However, it is essential to recognize that the relationship between law about instrumental (economic) values and traditions and between law and emotional attachment tends to vary. Culture is thus an ever-changing pattern, with all four aspects intertwining in a particular network of social relations and creating their regulation.

According to Emile Durkheim, sociolegal research that contains value elements always depends on time and place in its social importance. Durkheim has a rather orthodox consensus view of social structure. The characteristic is that social structure consists of norms and values. Durkheim supported the use of science to explain social life. His scientific method is known as positivism. As a consequence, sociology must be scientific in its methods of study. There are empirical observations and empirical evidence.

Studying values in culture empirically takes work. For sociolegal research, what Eugen Ehrlich Coined "*living law*." Living law, because it is not something added from outside historically. It is something existential in the life history of a society. The law is embodied and expressed in their behavior. Ehrlich calls the living law *Rechtsnormen* (legal norms).

The question that remains is how the law relates to the chosen value, how it regulates it, and how it positions itself. These are all issues in sociolegal research. With a sociological approach, it can be explained

scientifically that law and society are objective facts that can be researched. (*A sociological approach can explain law and society as objective facts rather than as speculative ideas that people have about the world.*)

The interaction pattern between legal science and other sciences, ported by human values, presents a different perspective on law, from a normative perspective to an understanding with a sociological perspective. At the theoretical level, it presents a *sociology of law*, and at the philosophical level, it raises *sociological jurisprudence*.

At first glance, there are similarities between the *sociology of law* and *sociological jurisprudence*, and the two cannot be separated but must be distinguished. *Sociology of Law* is a part or branch of sociology (human sciences) whose object of study is law. At the same time, *sociological jurisprudence* is a branch of legal philosophy that studies the mutual relationship between the influence of law and society. The similarity between the *sociology of law* and *sociological jurisprudence* lies in the optics used, which both use a social perspective in understanding the law.

Ehrlich explains that the center for the development of law lies not in the legislature, judicial decisions, or legal science but in society itself. Order in society is based on rules imposed by the state. Meanwhile, Roscoe Pound argues that law must be seen or viewed as a social institution that functions to fulfill social needs, and it is the task of legal science to develop a framework from which these social needs can be met.

Pound also directed that legal science be studied as a process (*Law in action*), distinguishing it from written Law (*Law in books*). This distinction can be applied to all areas of substantive and formal law. The doctrine highlights a law established by the pattern of behavior of society. It can be extended to include the issue of court decisions and their implementation, as well as between the regulation content and its actual effects. Some of the things mentioned earlier can be examined regarding the position of *sociolegal research* in legal science.

Sociolegal research It is an interdisciplinary approach, which, among other things, analyzes how social and political factors influence the performance of legal institutions in interpreting and applying the law.

According to Galligan, sociolegal research must begin by examining the legal features associated with the actions of citizens and state officials and testing and examining the meanings understood and the actions taken

by citizens and state officials. For most doctrinaire legal scholars who are not accustomed to conducting field research and are primarily concerned with document study, embarking on sociolegal research must be challenging. In this regard, it is important to discuss one of Banakar's contributions in formulating sociolegal research design, which refers to the overall approach to planning and conducting research, from how to articulate the research problem to how to conduct a literature review, narrowing the scope of the research to formulate the problem, the methods used to collect empirical data and, finally, the theory used to analyze the data. According to Banakar, eight stages are required to conduct a sociolegal research design.

Research Topic

The research topic consists of a social event, process, or development the researcher believes is essential to society. The researcher is interested in the topic because it has unintended consequences, which are socially disruptive (e.g., causing public safety violations or human rights abuses). The research problem does not have to be related to adverse social developments. However, it can also focus on favorable developments, such as decreasing crime patterns or asking why some people follow the law even when they know they do not have to.

According to Banakar, the way to formulate a topic can be done by putting ourselves in the position of a researcher and expressing personal engagement with the worldview and understanding of the law in society. Researching a particular issue can be done either *top-down* by examining existing laws or *bottom-up* by interviewing informants to see how they experience and exercise their rights.

By articulating the research topic, the researcher can focus on specific issues, ignore irrelevant ones, or highlight one dimension of an event while obscuring others. Also, at this early stage, the research decides whether to adopt a *top-down* or *bottom-up* approach.

Literature Review

According to Banakar, a literature review helps the researcher gain an overview of relevant previous studies, both empirically and theoretically closely related to the research topic. In addition to making the researcher familiar with studies conducted related to the issue under study, a comprehensive literature review will enable the researcher to determine if

there are any "knowledge gaps" among previous studies, i.e., if there are aspects of the research topic that have not been previously researched or have not been adequately studied and analyzed. If the researcher can identify knowledge gaps, he or she can use them as a reliable basis for formulating research questions. In this way, the literature review helps the researcher seek novelty by avoiding reproducing parts of research that have already been done and helps understand the ongoing debate on the research topic. Nevertheless, revisiting old questions is legitimate, as social conditions have changed.

Banakar reminds us that a literature review is not a simple summary of previous academic research but a critical analysis of previous studies that captures the main concerns, agreements, and disagreements among researchers interested in the issue under study. In addition, a literature review can help researchers learn about the theories and methods used to conduct similar research. This, in turn, allows the researcher to identify and define the concepts we use and reflect on how to develop their theoretical framework.

Research Question/Problem Formulation

Good research requires a carefully formulated question related to a delimited topic. In other words, the problem formulation narrows the scope of the research to an area that has yet to be adequately studied or analyzed. This process is closely linked to writing a comprehensive Literature Review. In other words, there is only one way anyone can develop an empirically viable problem formulation, which captures an important and under-researched issue, by conducting a comprehensive study of relevant previous research and debates. According to Banakar, a suitable problem formulation shows an awareness of the sociolegal complexity of the specific issue. From a theoretical point of view, it addresses one of the main concerns of sociolegal research, while empirically, it highlights the intricate interactions between social and legal factors and processes that underpin the issue under study.

Sociolegal research entails problem formulation that examines the interrelationship of social and legal phenomena or explores the rules, networks, and informal processes that produce legality for the actors and institutions involved in its implementation. The fact that the approach may overlap with research in other disciplines, such as criminology or political science, is acceptable. It shows that sociolegal research is an interdisciplinary

study. In his note, Shibata said Banakar's idea of mixing sociolegal research with other disciplines could de-characterize sociolegal research. Quoting Tamanaha, he said that the challenge for sociolegal researchers is to convince legal users and professionals that sociolegal studies are not an *underdeveloped* theory but rather a continuous process to shape the characteristics of sociolegal studies that legal users accept more.

Theoretical (or Conceptual) Framework

A theoretical framework identifies concepts, factors, processes, and relationships necessary to the research. It includes several assumptions and beliefs that implicitly or explicitly inform and guide the course of the research. Therefore, according to Banakar, the literature review plays a vital role in building the theoretical framework of the research. It helps the researcher to identify key concepts, define them, and explain how they relate to each other in the empirical context of the research. In other words, by explaining how the central concepts of the research are interrelated, we build the initial conceptual framework for the study and the basis for developing the theory used in the research. However, it must be remembered that there is a possibility that the research will have to revise the conceptual framework used based on the empirical data collected. As such, revisions may become part of the research results.

However, the design of this theoretical framework will be different if the researcher is conducting ethnographic research based on "grounded theory." Usually, ethnographers do not set out to articulate a theoretical framework but begin by looking for an empirically feasible framework to constrain the study.

2. Research Method

Research methods such as surveys, observation, ethnography, focus group discussions, or interview techniques are tools for collecting empirical data. All of these are used to answer the problem formulation. The complexity of the research process will determine the methods to be used by the researcher. When the researcher chooses a particular research technique, this will amount to choosing a methodological direction for the research being conducted. If the researcher chooses to conduct the research using a survey, then the choice would be to adopt a quantitative approach where the researcher is confident of quantifying the problem under study and measuring it quantitatively. This has theoretical implications for the research, which is designed to look for causal relationships rather than to understand the meanings as understood and

experienced in the actions of the social objects of research.

The research method chosen should be able to locate the multiple levels in the social reality that the research is concerned with (whether macro, mezzo, or micro), in addition to collecting the type of data that can adequately answer the research questions. For example, suppose the researcher is trying to study a level of litigation that requires a macro approach. In that case, there is no point in making observations in the courtroom or conducting open-ended interviews with judges or clerks. Interviewing judges and administrative staff is used to collect data at the micro level. However, it will not help researchers describe the litigation level at the macro level of the legal system. Such qualitative interviews may be helpful and provide the researcher with precious insights into what was learned. However, individual court officials can only talk about their personal experiences of how cases work in their courts rather than about how cases work across the legal system. To gain an overall perspective on litigation rates, researchers need to access the raw statistics collected by the court administration system and extract the required information. This is an example of descriptive research, which, if done correctly, will usually lead the researcher to ask other questions. After collecting information on the level of litigation in a particular jurisdiction, questions may arise about the variation in the data obtained over a certain period and whether it correlates with other social developments, for example, in the organization of the court itself (the number of judges or lawyers increased or decreased) or in the economic system (if the economy improved or worsened). To answer the "why," the researcher may interview judges and other law enforcement apparatus members to see their views or circulate a survey questionnaire to the law enforcement apparatus under study.

3. Results and Discussion

Trafficking in Persons (Women and Children) and Its Contributing Factors

Human trafficking was a crucial issue in 1990s politics. Parties concerned with this issue, especially feminists, human rights activists, and NGOs, revealed that human trafficking, especially women and young girls who are forced to migrate and work as prostitutes in the world of prostitution. This can be said to be an international problem because the internationalization of capital today is no longer solely characterized by the increasing exchange of material commodities. This means that international capital relations do not merely exchange traditional commodities such as timber, mining materials, or textiles on the world market. The exchange of capital, the most essential thing, has also penetrated the worlds of information and entertainment. The latter is significant to highlight because it involves severe human rights violations and human dignity.

Trafficking in persons, as defined in Article 3 of the UN protocol, means the recruitment, transportation, transfer, harboring, or receipt of persons using the threat or use of force or other forms of coercion, abduction, fraud, deception, or the abuse of power or a position of vulnerability or the giving or receiving of payments or exploitation of advantages in order to obtain the consent of a person having power over another person, for exploitation. Exploitation includes at least exploitation for prostitution or other forms of sexual exploitation, forced labor or service, slavery or practices similar to slavery, servitude, or the removal of organs.

Meanwhile, the definition of trafficking, according to Law Number 21 of 2007, concerning the eradication of the criminal offense of trafficking in persons (TPPO), is

"Article 1 paragraph (1): The act of recruiting, transporting, harboring, sending, transferring or receiving a person by threat of force, use of force, kidnapping, abduction, falsification, deception, abuse of power or position, debt bondage or giving payments or benefits, to obtain the consent of a person who has control over that person, whether carried out within a country or between countries, for exploitation or to cause another person to be exploited."

The definition of exploitation is an act using or without the consent of the victim, which includes but is not limited to prostitution, forced labor or service, slavery, or similar practices. Similar slavery, coercion, extortion, physical, sexual, reproductive organ or in against the unlawful removal or transplantation of organs or tissues, or the use of a person's energy or ability by another party for gain, whether material or immaterial. Materially or immaterially. Article 1 paragraph (2): The criminal offense of trafficking in persons is any act or omission to act. Alternatively, a series of actions which fulfills the elements of a criminal offense specified in this law."

Trafficking of children for commercial sexual exploitation is not limited to Indramayu, Majalengka, and Cirebon. The ILO survey shows that several places in Indonesia, such as Garut, Kuningan, Jepara, Pekalongan, Situbondo, Banyuwangi, Medan, Lampung, Pontianak, and Singkawang, are recorded as areas where child trafficking for sexual exploitation is rampant. Several cases in Indramayu are examples of how difficult it is to eradicate child trafficking, especially sexual exploitation and economic exploitation. However, it is not easy to catch the perpetrators of child trafficking. There is already a high-level conspiracy that is difficult to ensnare the perpetrators; trafficking for sexual exploitation, of course, involves many parties, not just distributors. Employers from areas where victims work should also be held accountable for trafficking.

In Indonesia itself, especially in areas known as pockets of trafficking, such as Indramayu and its surrounding areas, trafficking is known for its complex, especially in areas known as pockets of human trafficking such as Indramayu and its surrounding areas, trafficking is known to be very complex, which is present in less visible forms, such as in the case of recruitment of migrant workers. Trafficking can take other forms, such as mail-order brides, contract marriages, and illegal adoptions, where the victims are people from low-income families, especially women and children.

In Indonesia's patriarchal solid culture, vulnerable groups such as women and children are the most common victims in human trafficking cases. The position of women who are still considered a subordinate part of men brings several impacts or consequences that marginalize the role of women in the social structure of society. Some argue that wives belong to their husbands while children belong to their parents, a perspective that makes women and children have no bargaining position in social life; they tend to be used as objects.

Factors of Trafficking in Persons

Various structural factors contribute to the prevalence of human trafficking crimes in Indonesia, particularly in West Java and Cianjur District. According to Wibawa (2016), these structural factors can be divided into three: economic, social, and ideological or cultural. Economic factors that drive human trafficking crimes include globalization, regionalism, poverty, and economic levels.

Which is low. Social factors include social inequalities that occur in society, gender-based discrimination, and age within community groups, especially with solid customs and tribalism. Ideological and cultural factors are related to social factors, especially in the form of patriarchy and gender-based inequality on cultural grounds (Cameron & Newman, 2008 in Wibawa, 2016).

The rise of human trafficking cases that have occurred recently can generally be caused by several factors identified as follows.

a. Economic Factors

Economic factors are one of the reasons that can be said to be a reasonably dominant factor; this is quite common in almost all parts of the world, impoverished countries. The lack of employment opportunities and the resulting population explosion have led to the migration of people out of the country in search of a better life. In addition to poverty, inequality between countries also leads to human trafficking. Poverty is not the only indicator of a person's vulnerability to trafficking. Certain groups of people are relatively well off economically but migrate in search of a more stable

livelihood and become entangled in the chain of trafficking. The consumptive, hedonistic lifestyle adopted by certain groups as the orientation of life's goals, as a result, justifies various means, including obtaining material through the exchange of the value of services / and or themselves.

b. Ecological Factors

Indonesia has serious problems related to its large population of 283 million (Census, 2010). Several groups of people are vulnerable to trafficking, both men and women, mainly from low-income families. Characteristics of groups of people who are vulnerable to trafficking, both men and women, even children, are from marginalized groups from rural areas and slums in urban areas, who force themselves to leave the area or even leave the country even though they are only armed with very minimal abilities.

c. Gender Inequality Factors

These strong sociocultural sociocultural values place men and women in different and unequal positions and roles. This is characterized by the standardization of roles, namely as wives, mothers, managers of households, and educators of children at home, as well as additional income earners, and the type of work is similar to domestic duties. In addition to these roles, women also have multiple roles, subordination, marginalization, and violence against women, all of which originate from discrimination against women, which causes them to have no or less access, opportunity, and control over development, and no or less benefit from development, which is fair and equal to men. Therefore, it is alleged that sociocultural sociocultural factors are the cause of the gender gap, among others, in the following matters;

- 1) The weakness of women's economic empowerment compared to men is characterized by women's low opportunities for work and business and low access to economic resources. Such as technology, information, markets, credit, and working capital.
- 2) Lack of knowledge in women compared to men
- 3) Women and children are ignorant about what is happening in the globalization era.
- 4) Women have less right to make decisions in the family or community than men.

d. Law Enforcement Factors

Law enforcement is strongly influenced by the legal apparatus itself,

including the legal apparatus and the rules of Law or laws (rules). Another quite influential factor is the ability or proficiency of the relevant officials who handle cases related to human trafficking. The different interpretations of law enforcers on the boundaries of human trafficking, which ultimately affect the causes of human trafficking, are expansive, none of which are the most dominant or specific to the prevalence of human trafficking in Indonesia. A whole host of different conditions and issues can cause it. Women and children are particularly vulnerable to trafficking and other forms of exploitation. Those who become victims of trafficking mostly come from vulnerable groups such as poverty and others. In addition to the factors mentioned above, several other factors have been identified as follows:

Lack of awareness: Many victims of human trafficking are children who migrate to find work both in Indonesia and abroad; they are unaware of the dangers of human trafficking and are unaware of the modus operandi used to deceive or trap them into inappropriate work or work similar to slavery.

1. Poverty is one of the classic problems that have the consequence of forcing many families to devise strategies to support the family economy, including employing family members, including children, because of debt bondage, where they have to work to pay debts or loans.
2. The desire to get rich quickly, the desire for material possessions, and a higher standard of living trigger trafficking in vulnerable women and children.
3. Cultural factors, cultural factors contribute to the occurrence of trafficking, especially among women and children.
 - 1) Children's role in the family, obedience to parents, and obligation to help the family make children vulnerable to trafficking. Child laborers will migrate to work, and child labor due to debt bondage is considered an acceptable family financial strategy to support the family economy.
 - 2) Early marriage has severe implications for girls, including health hazards, school drop-outs, limited economic opportunities, developmental disabilities, and often early divorce. Legally divorced girls are considered adults and are vulnerable to trafficking due to their economic fragility.
 - 3) Debt bondage, the practice of hiring out the labor of family members to repay loans, is an acceptable family support strategy in the community. Children placed into labor due to debt bondage are particularly vulnerable to abusive conditions and conditions akin to slavery. Lack of birth registration, unidentified people are more easily targeted by human trafficking brokers, as their civil registration is not well documented.

- 4) Lack of Education: People with limited education have fewer skills and job opportunities and are more likely to be targeted for trafficking, as they will go looking for jobs that do not require specific skills

4. Conclusion

This research shows that human trafficking crimes in Indonesia occur due to various factors. These include economic, social, and cultural factors. The government has made many policies to tackle human trafficking through the creation of a legal umbrella and the establishment of institutions that focus on accelerating the prevention of human trafficking crimes both at the national and regional levels. Based on this research, the government, in this case, the central government and local governments, must pay attention to all security issues, not only traditional security but also human security as a relatively new concept in security studies. This is done to prevent security threats caused by the insecurity of the dimensions of human security felt by the people in a country, which, if not followed up, can have implications for a country's national security.

The crime of human trafficking is a complex problem. All parties involved, including the government, law enforcement officials, and the community, must support each other's efforts in tackling human trafficking. The government must maximize its efforts in implementing policies aimed at tackling the factors that make people vulnerable to human trafficking. Eradicating human trafficking crimes that focus on addressing the factors that make people vulnerable to human trafficking should be the main focus. Better cooperation between governments is needed to prevent the movement of human trafficking crimes that do not recognize borders so that human trafficking crimes can be prevented before potential victims are in the exploitation stage.

References

- Afandi, F. (2002). "Meneliti Budaya Hukum Aparat: Sebuah Pengantar tentang Etnografi dalam Studi Hukum Acara Pidana." *The Indonesian Journal of Sociolegal Studies*, 1, 2: 1-21.
- Andersen, J. G. (2003). "Welfare States and Welfare State Theory", <https://www.researchgate.net/publication/271217504_Welfare_States_and_Welfare_State_Theory>, diakses tanggal 25 November 2023.
- Asshiddiqie, J. (2018). *Konstitusi Keadilan Sosial Serial Gagasan Konstitusi Sosial Negara Kesejahteraan Sosial Indonesia*, Jakarta: Penerbit Buku Kompas.
- Banakar, R. (2001). "A Passage to 'India': Toward a Transformative Interdisciplinary Discourse on Law and Society." *Retfærd.Nordic Legal Journal*, 24: 3-21.
- Banakar, R. (1998). *Doorkeepers of the Law: A Sociolegal Study of Ethnic Discrimination in Sweden*. Aldershot: Dartmouth/Ashgate.

- Banakar, R. (2018) "Double-Thinking and Contradictory Arrangements in Iranian Law and Society." *Digest of Middle East Studies*, 27, 1: 6-33.
- Banakar, R. (2011). "Having One's Cake and Eating it: The Paradox of Contextualisation in Sociolegal Research." *International Journal of Law in Context* 7, 4: 487-503. DOI: 10.1017/ S1744552311000267.
- Banakar, R. (2005). "In Search of Heimat: A Note on Franz Kafka's Concept of Law." *Law and Literature*, 22, 3: 463-90.
- Banakar, R. (2003). *Merging Law and Sociology: Beyond the Dichotomies in Sociolegal Research*. Glienicke/Berlin: Galda + Wilch Verlag.
- Banakar, R. (2015). *Normativity in Legal Sociology: Methodological Reflections on Law and Regulation in Late Modernity*. Cham: Springer. DOI: 10.1007/978-3-319-09650-6.
- Banakar, R. (2019). "On Sociolegal Design." https://lucris.lub.lu.se/ws/files/65005127/10_aaaSocio_legal_methodology_v_10.Pdf
- Banakar, R. (1998). "The Identity Crisis of a 'Stepchild': Reflections on the Paradigmatic Deficiencies of Sociology of Law." *Retfærd. Nordic Legal Journal*, 21: 3-21.
- Banakar, R., & Keyvan, Z. (2018). "The Life of the Law in the Islamic Republic of Iran (April 15, 2018)." *Iranian Studies*, 51, 5: 717-46. DOI 10.1080/00210862.2018.1467266.
- Banakar, R., & Max, T. (2005) *Theory and Method in Sociolegal Research*. Oxford dan Portland: Hart Publishing.
- Cotterrell, R. (2017). "Theory and Values in Sociolegal Studies," *Journal of Law and Society*, Vol. 44, Issue1.
- Galligan, D. J. (2007). *Law in Modern Society*. Oxford: Oxford University Press.
- Gheissari, A. (2020). "Reza Banakar (b. Shiraz, 1959–d. Lund, August 28, 2020): Professor of Legal Sociology and Scholar of the Iranian Legal Culture." *Iranian Studies*, 53, 5-6: 1055-6. DOI: 10.1080/00210862.2020.1826389.
- Irianto, S. (2017). *Memperkenalkan Studi Sociolegal dan Implikasi Metodologisnya*, Jakarta: Yayasan Pustaka Obor Indonesia.
- Jealous, N. (2011). *Hukum Kata Kerja Diskursus Filsafat Tentang Hukum Progresif*, Jakarta: Obor.
- Jones, P. (2016). *Pengantar Teori-Teori Sosial*, Jakarta: Yayasan Pustaka Obor Indonesia.
- Krisnayuda, B. (2016). *Pancasila & Undang-Undang Relasi Dan Transformasi Keduanya Dalam Sistem Ketatanegaraan Indonesia*, Jakarta: Kencana.
- Rahardjo, S. (2009). *Biarkan Hukum Mengalir*, Jakarta: Penerbit Buku Kompas, 2008. Rahardjo, Satjipto. *Negara Hukum Yang Membahagiakan Rakyatnya*. Yogyakarta: Genta Publishing.
- Ritzer, G., & Douglas, J. G. (2017). *Teori Sosiologi Dari Teori Sosiologi Klasik Sampai Perkembangan Mutakhir Teori Sosial Postmodern*, Bantul: Kreasi

Wacana.

Tanya, B. L. (2010). *Teori Hukum Strategi Tertib Manusia Lintas Ruang dan Generasi*, Yogyakarta: Genta Publishing.

Turkel, G. (1996). *Law and Society Critical Approaches*, Needham Heights: A Simon & Schuster Company, Allyn and Bacon.

Wiratraman, H. P. (2023). "Penelitian Sosio-Legal Dan Konsekuensi Metodologisnya",
<<https://herlambangperdana.files.wordpress.com/2008/06/penelitian-sosio-legal-dalam-tun.pdf>>, diakses tanggal 14 Nopember 2023.