

The Eradication of Human Trafficking: What Can We Learn From East Lombok District?

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Abstract

The lack of information regarding labor migration in the society of West Nusa Tenggara Province means that quite few prospective Indonesian Migrant Workers (IMW) are vulnerable to malpractice recruitment and can result in exploitation so that they have the potential to become human trafficking victims. This study aimed to determine the effectiveness of West Nusa Tenggara Provincial Regulation Number 10 of 2008 and the obstacles and also the opportunities for preventing and eradicating human trafficking as an effort to prevent human trafficking in East Lombok Regency. The results of this study that are West Nusa Tenggara Provincial Regulation Number 10 of 2008 concerning Prevention and Eradication of Human Trafficking and its derivative, namely East Lombok Regency Regional Regulation Number 9 of 2013 concerning Protection of Victims of Human Trafficking and Acts of Violence against Women and Children are not running effectively considering that the mandate of these two regional regulations is to form a Cluster Human Trafficking duties at the Regency Level have not been carried out, so that the relevant agencies cannot coordinate optimally. Optimizing the Eradication of Human Trafficking in East Lombok Regency can be done by forming a Human Trafficking Task Force so that inter-agency cooperation can run optimally. The formation of the Human Trafficking Task Force will provide certainty regarding the involvement of human resources, funding and facilities and infrastructure. Apart from the role of the Human Trafficking Task Force, of course there is also a need for public awareness, especially prospective migrant workers, to register themselves legally so that they can prevent them from becoming victims of Human Trafficking.

Keywords: *Human Trafficking in East Lombok; Prevention and Eradication of Human Trafficking*

1. INTRODUCTION

Human trafficking is an organized crime against humanity involving several people who have networks or ties to each other and have the aim of exploiting victims for personal gain (*the perpetrator*). Human trafficking can be carried out through various forms of networking by perpetrators, such as the illegal departure of migrant workers by falsifying documents, whether family cards, identity cards or other type of letter that can have a negative impact on their ability to make a new start and live socially and financially stable in the destination country. The practice of human trafficking in West Nusa Tenggara is a crucial problem whose handling process requires immediate time. In 2005-2013, there were 326 victims

of human trafficking in West Nusa Tenggara,¹ furthermore, in 2020-2021 there were 32 victims.² Referring to the Prominent Case Data in the West Nusa Tenggara Region issued by the General Criminal Investigation Directorate of the Republic of Indonesia National Police for the West Nusa Tenggara Region, starting from 2017 until 2022, there were 23 reports of criminal acts of human trafficking, which 22 of them were carried out using the Indonesian Immigrant Worker (IMW) mode.³ According to the Migrant Worker Protection Agency, migrant workers are vulnerable to becoming the victims of human trafficking due to illegal departure, unpaid salaries, failure of prospective migrant workers to leave, the work is not in accordance with the contract, violence from employers, depression or mental illness, fraud, and so on.

The lack of information regarding labor migration at the community level in West Nusa Tenggara Province causes that quite a few prospective Indonesian Migrant Workers (IMW) are vulnerable to malpractice recruitment and can result in exploitation of prospective Indonesian Migrant Workers (IMW). West Nusa Tenggara Province ranks fourth as the province with the highest number of Indonesian Migrant Workers in Indonesia. East Lombok Regency is the district with the highest number of Indonesian Migrant Workers in West Nusa Tenggara, that are 235,821 people, followed by Central Lombok with 147,611 people, West Lombok 66,977 people, North Lombok 10,158 people, Mataram 12,621 people, Sumbawa 17,101 people, Bima City 1,045 people and Dompu 6,305 people. From 2017 to June 30 2022, there were 537,497 of West Nusa Tenggara residents who became PMI abroad. This figure represents 16.62% of the total West Nusa Tenggara Provincial workforce of 2,739,900 people. IMW from NTB is dominated by men, amounting to 426,676 people, while there are 110,821 women.⁴

The high number of migrant workers from West Nusa Tenggara Provincial can open up space for human trafficking which can be carried out by certain individuals. In 2008, West Nusa Tenggara Provincial Government passed West Nusa Tenggara Provincial Regulation Number 10 of 2008 concerning Prevention and Eradication of Human Trafficking, however the number of criminal acts of human trafficking is still quite high in West Nusa Tenggara, so that further studies need to be carried out regarding problems in criminal law enforcement. The main problems in this research are: 1. How is the effectiveness of West Nusa Tenggara Province Regional Regulation Number 10 of 2008 concerning Prevention and Eradication of Human Trafficking as an Effort to Prevent Human Trafficking in East Lombok Regency? 2. What are the Obstacles and Opportunities for Preventing and Eradicating Human Trafficking as an Effort to Prevent Human Trafficking in East Lombok Regency?

This research is aimed to provide understanding to the public so that the illegal process can turn into a legal process when becoming a migrant worker. The public is

1 Elly Irawan Maswita Djaja, Byarlina Gyamitri, "Laporan Telaah Kebijakan Kajian Persepsi Orang Tua Terhadap Tindak Pidana Perdagangan Orang (TPPO) Di Kabupaten Lebak Provinsi Banten," 2016, 1-23.

2 Ismah Rustam et al., "Kejahatan Lintas Negara Perdagangan Orang: Studi Kasus Pekerja Migran Asal Nusa Tenggara Barat," *Indonesian Perspective* 7, no. 1 (2022): 102-7.

3 Kepolisian Negara Republik Indonesia Daerah Nusa Tenggara Barat Direktorat Reserse Kriminal Umum, "Data Kasus Menonjol Di Wilayah POLDA NTB Pengungkapan Kasus TPPO Tahun 2017 s.d. 2022," n.d.

4 Data Badan Perlindungan Pekerja Migran Indonesia (BP2MI) NTB, "NTB Jadi Provinsi Ke-4 Di Indonesia Untuk Jumlah Pekerja Migran, Malaysia Jadi Tujuan Favorit," n.d.

able to understand that the government's aim with the provisions on legal departure is to provide legal protection for every citizen as a form of protection of human rights, bearing in mind that the criminal act of human trafficking is classified as a transnational crime.

The previous study that can be used as a reference is the first study by Any Suryani H., entitled *Penyuluhan Hukum tentang Pencegahan Perdagangan Orang di Desa Malaka, Kecamatan Pemenang, Kabupaten Lombok Utara*. The emphasis in this study is on people who are not yet able to understand human trafficking and also the dangers of human trafficking and how to work safely abroad. This study is different from previous study both in substance and the location of implementation. Second, Ismah Rustam's study entitled *Kejahatan Lintas Negara Perdagangan Orang: Studi Kasus Pekerja Migran Asal Nusa Tenggara Barat*. The scope of this study is West Nusa Tenggara Province, while the study's author more specifically emphasizes the prevention and eradication of human trafficking in East Lombok Regency.

Victims of human trafficking should be protected because first, society is considered as an entity of system of institutionalized trust. This trust is integrated with norms expressed in form of structured institutions such as police, attorney, court, and so on. The crimes happening to the victims will mean the destruction of this system of trust. Therefore criminal laws and other kinds of law related to the victims will function as a medium of rebuilding trust on the system. The second is an argumentation of social contract and social solidarity because government can be considered as monopolizing all social reactions against crimes and prohibition of personal acts. Therefore, government should provide cares for the victims by improving the services for them and regulating their rights. Third, victim protection is commonly associated with one purpose of criminal law, that is conflict resolution. Conflict resolution as a result of criminal law will recover balance and create peace in society.⁵

The research method in this research uses empirical juridical research which will attempt to reveal the implementation of law in the reality of society. The focus of this research is analyzing and evaluating policies, as well as finding methods for preventing human trafficking in East Lombok Regency, NTB Province. The sources of legal data in this research are primary data and secondary data. The technique for collecting legal materials in this research uses document study, while field data collection is carried out by observation and interviews with related parties guided by a list of questions that have been prepared in advance. The data obtained from this research will be described and then analyzed to produce a descriptive analytical research. report

2. ANALYSIS AND DISCUSSION

2.1. The Effectiveness of West Nusa Tenggara Province Regional Regulation Number 10 of 2008 concerning Prevention and Eradication of Human Trafficking as an Effort to Prevent Human Trafficking in East Lombok Regency

⁵ Hafrida Hafrida, Nelli Herlina, and Zulham Adamy, "The Protection of Women and Children as Victims of Human Trafficking in Jambi Province," *Jambe Law Journal* 1, no. 2 (2019): 207–30, <https://doi.org/10.22437/jlj.1.2.207-230>.

Talking about the effectiveness of the law means also talking about the validity of the law. Legal validity means legal norms are binding, that people must act according to what is required by legal norms, that people must obey and apply legal norms.⁶ According to Soerjono Soekanto, the Theory of Legal Effectiveness as a rule is a benchmark regarding appropriate attitudes or behavior. There are 5 (five) main aspects that influence the effectiveness or application of law in society, that are legal rules (substance of law), law enforcement (structure law), facilities, public awareness and society's culture (culture of law).⁷

1. Legal Rules (*Substance of Law*)

The law aims to provide justice, certainty and benefit. According to Soerjono Soekanto, legal rules will operate effectively if they fulfill 3 (three) requirements, namely, first, in line with the principles of the enactment of the law, second, the existence of implementing regulations which are needed, third, clarity the meaning of the legal rules so that it does not give multiple interpretations and confusing society.⁸ The state plays a crucial role in preventing and handling human trafficking to ensure the fulfillment of human rights for all its citizens. Over time, human trafficking has expanded in the form of organized and unorganized crime networks, both inter-state and domestic.⁹

The enactment of Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking is expected to minimize the occurrence of human trafficking.

The Provincial Government of NTB has established NTB Provincial Regional Regulation Number 10 of 2008 concerning Prevention and Eradication of Human Trafficking as a derivative regulation of Law Number 21 of 2007 concerning Eradication of Human Trafficking Crimes which was then followed by the East Lombok Regency Regional Government with the stipulation of Regency Regional Regulations East Lombok Number 9 of 2013 concerning Protection of Victims of Human Trafficking and Violence against Women and Children.

West Nusa Tenggara Provincial Regulation Number 10 of 2008 concerning Prevention and Eradication of Human Trafficking regulates that the Prevention and Eradication of Human Trafficking is carried out based on the principles of Respect for Human Rights, Equality, Non-Discrimination, and Justice and Legal Certainty. Then, the Regional Government is mandated to prevent, protect, eradicate and rehabilitate victims of human trafficking, one of which is by forming a Human Trafficking prevention task force.¹⁰ In 2019, Governor Regulation Number 60 of 2019 was stipulated regarding the West Nusa Tenggara Provincial Task Force for Preventing and Handling Human Trafficking with the Governor in Charge and Daily Chair of the Head of the West Nusa

6 Galih Orlando, "Efektivitas Hukum Dan Fungsi Hukum Di Indonesia," *Tarbiyah Bil Qalam* 6 (2022): 50–58.

7 Ainul Badri, "Jurnal Analisis Hukum Jurnal Analisis Hukum," *Efektivitas Kebijakan Pembatasan Sosial Berskala Besar (PSBB) Di Indonesia Ditinjau Dari Perspektif Hukum* Ainul 2, no. 2 (2021): 1–6.

8 Badri.

9 Widyaranti Aulia and Jumadi Jumadi, "Efektivitas Peraturan Daerah Perdagangan Orang Dalam Upaya Pencegahan Human Trafficking," *Alauddin Law Development Journal* 2, no. 2 (1970): 230–39, <https://doi.org/10.24252/aldev.v2i2.15397>.

10 Republik Indonesia, "Peraturan Daerah Provinsi NTB Nomor 10 Tahun 2008 Tentang Pencegahan Dan Pemberantasan Perdagangan Orang, Pasal 6 Ayat (2) Huruf (D)," n.d..

Tenggara Provincial Women's Empowerment, Child Protection, Population Control and Family Planning of West Nusa Tenggara Provincial. Then, this West Nusa Tenggara Provincial Governor's Regulation was followed by 2 (two) Governor's Decrees in 2020, namely West Nusa Tenggara Provincial Governor's Decree Number 360-871 of 2020 concerning the Establishment of Human Trafficking Task Force of West Nusa Tenggara Provincial and West Nusa Tenggara Provincial Governor's Decree Number 360-872 of 2020 concerning the Establishment of a Task Force Crime of Human Trafficking in West Nusa Tenggara Provincial.¹¹

East Lombok Regency Regional Regulation Number 9 of 2013 concerning Protection the Victims of Human Trafficking and Violence against Women and Children regulates that the Prevention and Eradication of Human Trafficking is carried out based on the principles of Humanity, Gender Equality, Non-Discrimination and the Interests of the Victims. This principle is different from the stated in West Nusa Tenggara Provincial Regulation Number 10 of 2008 considering that the scope of the East Lombok Regional Regulation does not only provide protection for Human Trafficking victims, but also specifically for women and children who are the victims of violence. This certainly also refers to the principles of child protection as stated in Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection. Institutionally, this Regional Regulation mandates the Regional Government to form and facilitate the running of the Human Trafficking task force to prevent and protect Human Trafficking victims.¹²

Then, considering that the highest mode of contributing to the number of Human Trafficking in East Lombok Regency is being an Indonesian Migrant Worker (IMW), Regional Regulation Number 5 of 2021 concerning the Protection of Indonesian Migrant Workers from the East Lombok Regency area was stipulated. One of the causes of the problem's complexity faced by Migrant Workers is the lack of protection and fulfillment of their rights and those family members from almost all related parties. At the same time, problems also occur because migrant workers themselves, consciously or unconsciously, do not understand legal and human rights issues to protect themselves during migration, this weakness is also found in family members left behind.¹³

This regional regulation provides protection to Indonesian Migrant Workers (IMW), Prospective Indonesian Migrant Workers (PIMW), and their families in realizing guaranteed rights needs in all activities before work, during work and after work in law, economic and social aspects. The East Lombok Regency Government provides protection before work starting from registration until departure in the form of administrative and technical protection, protection during work that is starting from arrival in the destination country until during abroad, and protection after work is provided from

11 "Asisten I Setda NTB Buka Rakor TPPO 2023," accessed February 8, 2024, <https://biroumum.ntbprov.go.id/post/asisten-i-setda-ntb-buka-rakor-tpo-2023.html>.

12 "Republik Indonesia, Peraturan Daerah Kabupaten Lombok Timur Nomor 9 Tahun 2013 Tentang Perlindungan Korban Perdagangan Orang Dan Tindak Kekerasan Terhadap Perempuan Dan Anak, Pasal 24 Ayat (1).," n.d.

13 Tentang Perlindungan, Buruh Migran, and Lalu Hadi Adha, "Urgensi Ratifikasi Konvensi Internasional Tahun Keluarganya the Urgency of Ratifying the 1990 International Convention on the Protection of the Rights of All," 2013, 312-26.

arrival in Indonesia until returning to the origin area, including continued services to become productive workers.

At the provincial and district levels, each regional regulation has mandated to form Human Trafficking Task Force which will facilitate communication and coordination between the agencies involved in developing both work programs and technical work for the prevention and eradication of Human Trafficking. The programmed work plan will provide an overview of efforts both preventive, repressive and other efforts, then a structured evaluation can be carried out on programs that are implemented or not implemented, so that the government can take other steps in dealing with human trafficking cases. Moreover, it will be easy for the public to make complaints or reports regarding the suspects of human trafficking that they know or have experienced, considering that there are indications that the number of human trafficking cases with victims from East Lombok Regency is higher than reported. This is caused due to the lack of centralized systems and mechanisms for protecting victims of Human Trafficking. However, until now the East Lombok Regency Regional Government has not formed a Human Trafficking task force in East Lombok.

2. Law Enforcers (Structure Law)

Law enforcers are people or officers who have the authority to implement laws in society.¹⁴ The Regional Government of East Lombok Regency has issued the Decree of the Regent of East Lombok Number 188.45/70/TKT/2021 concerning the Formation of a Task Force Team for the Protection of Indonesian Migrant Workers in East Lombok Regency in 2021. This team is chaired by the Head of the East Lombok Regency Manpower and Transmigration Service with members from Immigration, Social Services, Police and Indonesian Migrant Worker Monitoring Institutions such as ADBMI, SBMI, LP2MI and SPN of East Lombok with the task of receiving complaints, following up on reports, collaborating with the village governments, making efforts to prevent illegal departures, facilitating case resolution, collaborating with agencies at the district, provincial and central levels, and report the results of activities.

Mr. R. Bambang Dwi Minardi as Head of Placement and Expansion of Job Opportunities, East Lombok Regency Manpower and Transmigration Service emphasized that the high number of Indonesian Migrant Workers (IMW) in East Lombok Regency is motivated by economics factors, the belief that they will be successful and disharmony in household relations, thus making working abroad as an escape. Indonesian Migrant Workers (IMW) who became the victims of human trafficking, that is in 2021 there were 138 victims, in 2022 there were 90 victims and in the period months from January to July 2023, there were 23 victims. In general, the cases in 2023 are all with the status of illegal departure of Indonesian Migrant Workers (IMW) with several problems such as lost contact since 2009 with requests for assistance tracing in Saudi Arabia, requests for repatriation from the country of placement in Malaysia,

¹⁴ "Result of Interviews and Data Obtained from Mr. R. Bambang Dwi Minardi, S.Pd.I as Head of The Placement and Expansion of Employment Opportunities at East Lombok Regency Manpower and Transmigration Service on July, 27 2023," n.d.

complaints from the families of Indonesian Migrant Workers (IMW) who are treated inhumanely by employers in Iraq (transit place) for placement in Dubai. The handling of these cases by the Manpower and Transmigration Department then is continued to the Indonesian Migrant Worker Protection Agency for further processing.¹⁵

Furthermore, as a member of East Lombok Regency Social Services PMI Protection Task Force Team is tasked to carry out rehabilitation for the victims of human trafficking in coordination with the Mutiara Sukma Mental Hospital, NTB Province. Mrs. Yuli Adria Sofiatri as Sub-Coordinator for the Rehabilitation of the Socially Impaired and Human Trafficking Victims emphasized that the case of Indonesian Migrant Workers (IMW) from East Lombok who were the victims of Human Trafficking often affects women by being offered to work as a Household Assistant but the perpetrator provided birth control injections, so that they could potentially be sold to the destination country. The destination countries that contribute a lot of problematic Indonesian Migrant Workers (IMW) are Saudi Arabia and Malaysia, this is because the educational requirements in these countries are quite low. The efforts made by the East Lombok Regency Social Service in handling the Human Trafficking using the Indonesian Migrant Worker mode are providing rehabilitation assistance, both physical, psychological and social. If there are medical problems, whether physical, psychological or social, then the help is provided by taking the Indonesian Migrant Workers (IMW) to the hospital. The provision of the medical assistance was carried out independently by the Social Service to the nearest hospital considering that the cooperation contract between the Social Service and Mutiara Sukma Hospital had ended and had not been extended due to budget limitations. Then, for social rehabilitation, the victim was taken to the provincial level which has provided Balai Panti Mirah Hati or Job Training Center (BLK) in Lenek Village, East Lombok, to obtain the skills training for 6 (six) months which will then be given after completion the capital will be provided for business development. Meanwhile, prevention efforts are carried out by providing social guidance to the families of Indonesian Migrant Workers (IMW), considering the high number of Indonesian Migrant Workers (IMW) who come from Indonesian Migrant Workers (IMW) families themselves.¹⁶

Indonesian Migrant Worker Observer Institutions such as the Indonesian Migrant Worker Advocacy (IMWA) have received several cases of alleged TPPO using the Indonesian Migrant Worker (IMW) mode. Starting from January to July 2023, there were 5 (five) cases handled, that are related to the failed departure of Prospective Indonesian Migrant Workers (PIMW) to the destination country for the reason that “*Tekong*” admitted that he had given the victim’s money to the distribution company, so he could not return the money and was only able to return the victim’s important documents, then without the victim’s knowledge “*Tekong*” transferred the victim’s

15 “Result of Interviews and Data Obtained from Mr. R. Bambang Dwi Minardi, S.Pd.I as Head of The Placement and Expansion of Employment Opportunities at East Lombok Regency Manpower and Transmigration Service on July, 27 2023.”

16 “Result of Interviews and Data Obtained from Mrs. Yuli Adria Sofiatri, SKM. as Sub-Coordinator of Social Rehabilitation and Human Trafficking Victims, East Lombok District Social Service on April, 12 2023,” n.d.

documents to a different distribution company than the one stated at the beginning. The Advocacy for Indonesian Migrant Workers makes handling efforts by accompanying the victim and making a report to the Manpower and Transmigration Department as a mediation effort between the victim and the alleged perpetrator.

Then, in June 2023, the East Lombok Police established a Human Trafficking Task Force with a Letter of Order from the Indonesian National Police for the NTB Region of East Lombok Resort Number Sprin/574/VI/OPS.1.3/2023. However, this Order emphasizes that the validity period is only from June 6 2023 to July 5 2023. At the implementation level, based on the East Lombok Police Human Trafficking Task Force activity report as of September 21 2023, there was a case with 1 (one) victim which is being handled and 4 (four) people preventing the non-procedural departure of Prospective Indonesian Migrant Workers. One of the cases handled was “*Tekong*” who sent IMW through a non-procedural route and had been in a shelter for several months because he couldn’t find a place to work, so that the victim asked to be sent home. The handling efforts carried out by deepening the suspected perpetrators for the next process, then as a prevention effort the Task Force Team collaborated with Bhabinkamtibmas to provide counseling to the target villages and IMW’s in the process of sending IMW’s abroad to anticipate fraudulent methods from sponsors or “*Tekong*” and PT. PJTKI.

The rise of Human Trafficking cases using the IMW mode has become a concern for the government, so that on June 16 2023, the Ministry of Manpower of the Republic of Indonesia, the NTB Manpower and Transmigration Office, the East Lombok Manpower and Transmigration Office, and the East Lombok Police together with relevant stakeholders have agreed and committed to prevent Human Trafficking and prevent Illegal migrant workers that are manifested in a Joint Commitment Document signed by the East Lombok Regency Manpower and Transmigration Service during the Dissemination of Protection of Indonesian Migrant Workers (IMW) activities by the Migrant Worker Task Force.¹⁷

The legality of this Joint commitment has not yet been stated, either in the form of regulations or decree aimed at realizing the prevention and eradication of TIP in East Lombok Regency, considering that currently each agency that is listed in the Decree of the Regent of East Lombok Number 188.45/70/TKT /2021 concerning the Formation of the Task Force Team for the Protection of Indonesian Migrant Workers in East Lombok Regency in 2021 as well as the Order of the Indonesian National Police for the NTB Region of East Lombok Resort Number Sprin/574/VI/OPS.1.3/2023 which is still running independently with cases being handled, some of which are not the same as a form of sustainability and this agency is only responsible to the heads of the relevant agencies, so that a comprehensive evaluation involving all of these agencies cannot yet be carried out optimally.

17 “Polres Lombok Timur Bersama Instansi Terkait Siap Memberantas Kasus TPPO,” accessed September 24, 2023, <https://humas.polri.go.id/2023/06/17/polres-lombok-timur-bersama-instansi-terkait-siapmemberantas-kasus-tppo/>. “Polres Lombok Timur Bersama Instansi Terkait Siap Memberantas Kasus TPPO.”

3. Means

Means are anything that is used as a tool to achieve a predetermined goal. Without supporting facilities, the implementation of law in society will not run optimally.¹⁸ One of the problems with preventing and eradicating Human Trafficking in the East Lombok Regency is that there has not been a Task Force specifically tasked to prevent and handle the Human Trafficking cases. The Task Force Team that is currently being formed, such as the IMW Protection Task Force Team, is only concerned with Human Trafficking using the migrant worker mode, while the Human Trafficking modes are not only about being a migrant worker. Then, the Human Trafficking Task Force Team under the Police, this is legally only valid until 5 July 2023, a sustainable Task Force Team is needed considering that the number of Human Trafficking in East Lombok Regency is still occurring. The weakness of this Order is that no evaluation is carried out, even after the expiration of the validity period there is no revocation of the Order's validity, so it cannot be used as a basis for measuring the impact of preventing or eradicating Human Trafficking. Next, the Regional Government must provide support in the form of financing to the Task Force that will be formed, considering the budget limitations, the implementation of the Task Force currently triggers each agency to work independently. Moreover, in East Lombok Regency there is no Rehabilitation Center to restore the health of victims and facilitate the process of further examination related to the case that is faced.

4. Public Awareness

The public awareness in the implementation of the law can be realized if the society understands their rights and obligations well and there are legal activities that can protect the society. However, there are several things that can influence the lack of public awareness of the application of the law, namely, first, the society are not aware when their rights are violated, second, the society is not aware of the legal efforts to protect their interests, third, the society is unable to utilize legal measures to protect their interests, fourth, The society has no experience of being a member of an organization that fights for their interests, fifth, the society lacks of experience in the process of interaction with formal legal stakeholders.¹⁹ Human Trafficking victims who were in Indonesian Migrant Workers (IMW) mode in East Lombok Regency were mostly people in productive age, especially children and women, who work as Household Helpers (PRT) or on plantations sector. The society tend to become Indonesian Migrant Workers (IMW) based on their own desires, even finding their own way to go abroad without going through official procedures and not following the training prepared before departure by the Manpower and Transmigration Office, this is certainly a trigger for Human Trafficking, even it is not uncommon as the bridge between the labor distribution companies and prospective Indonesian Workers come from their families or people around them who are in the victim's circle.

18 "Polres Lombok Timur Bersama Instansi Terkait Siap Memberantas Kasus TPPO."

19 Badri, "Jurnal Analisis Hukum Jurnal Analisis Hukum."

5. The Culture of Society (*Culture of Law*)

The existence of legal culture basically includes the values underlying the laws that live and apply in society. These values are a conception of what is considered as good, so that it is carried out or followed, and what is considered as bad is avoided. The diverse culture of society will certainly also influence compliance with applicable laws. The patriarchal culture in East Lombok Regency that is quite high influences the increasing desire of women to become Indonesian Migrant Workers (IMW). The low number of female-friendly employment opportunities builds society's understanding that "women should only take care of the house". However, what happens in the field is that many women are the "breadwinner" of the family, either due to divorce caused by early marriage, the head of the family who has died, parents who are sick while they have siblings who need money to continue their life and education. These conditions force women to make the decision to work with a promising salary for their family, and it is not uncommon for them to become Indonesian Migrant Workers (IMW) as the best choice to make it seem like they are "invisible labor" by the society.

According to Henny Nuraeny that one of the supporting factors of human trafficking is the demand to work in the informal sector which does not require special skills, is willing to be paid relatively low salary and does not require complicated work agreements, thus causing encouraged the traffickers to do the trafficking business, such as domestic slavery.²⁰

Women with the background demands as referred above are very likely to be influenced by the persuasion of the perpetrator and have the potential to become objects of slavery in the household.

2.2. The Obstacles and Opportunities for Preventing and Eradicating Human Trafficking as an Effort to Prevent Human Trafficking in East Lombok Regency

Human trafficking as a transnational crime has a strong network and it is also difficult to handle, working openly both at national and international levels.²¹ Human trafficking generally occurs in someone who has minimal knowledge about the consequences of their actions.²² One of the reasons for the high rate of human trafficking in NTB Province is the habit of migrating to improve their fate and the business of migrant workers has developed into a very profitable industry. Several ways that can be done are through deception, abuse of power or a vulnerable position which results in the distortion of a person's free will.²³ Handling human trafficking certainly requires an appropriate, integrated and comprehensive model, both in terms of a framework of thought, targets/

20 July Esther, Herlina Manullang, and Johan Silalahi, "Patterns for Handling and Action of Criminal Acts of Human Trafficking (Case Study in the North Sumatera Regional Police)," *Jurnal IUS Kajian Hukum Dan Keadilan* 9, no. 1 (2021): 63–77, <https://doi.org/10.29303/ius.v9i1.850>. the pattern used by the North Sumatra Regional Police is to do 3 (three

21 Rodliyah, *Perempuan Dalam Lingkaran Kekerasan: Sebuah Gambaran Tentang Tindak Pidana KDRT Dan Traficking*, (Mataram: Pustaka Bangsa, 2017).

22 Tunggal Bayu Laksono, "(Government Institution Collaboration In Efforts To Handling Criminal Acts Of Human Trafficking In Indonesia Case Study : Literature Study For The Area Of East Nusa Tenggara Province)" 1, no. 2 (2019): 127–38.

23 Supriyadi Widodo Eddyono dalam Farhana, *Aspek Hukum Perdagangan Orang Di Indonesia* (Jakarta: Sinar Grafika, 2010).

goals to be touched, government institutions that handle it, supporting partners (government, non-government and private), person in charge (leading sector), and the time needed to carry out a program while still paying attention to the required budget according to the needs effectively, efficiently and appropriately in its use.²⁴ Obtaining an appropriate model for handling Human Trafficking in East Lombok Regency is certainly also supported by an understanding of the obstacles and opportunities that can be taken into consideration by the Regional Government to maximize efforts to prevent human trafficking which are carried out consciously and responsibly to eliminate and prevent the factors of human trafficking. Crime prevention and control efforts must be carried out systematically and integrally by prioritizing a balance between efforts to protect the community (social defense) and efforts for the welfare of the community (social welfare). To support the efforts to prevent and eradicate human trafficking, it is necessary to know the obstacles and opportunities in implementing the prevention of human trafficking.

The obstacles in preventing and eradicating human trafficking in East Lombok Regency are first, the lack of public awareness to register directly because they believe more in “*Tekong*” and want an instant process with the assumption that if you go through government channels, the procedure will take longer and you will have to follow the training, second, the Human Trafficking Task Force has not been formed yet in East Lombok Regency, third, the transfer/mutation of positions within the East Lombok Regency Government which is took place quite quickly resulted in delays in accelerating previously planned program, and fourth there is no Rehabilitation Center in East Lombok Regency. Meanwhile, the opportunity to prevent and eradicate human trafficking in East Lombok Regency are first, to increase the implementation of socialization activities or training by related agencies, village governments and the community with the aim of building self-awareness among the community to become Indonesian Migrant Workers (IMW) in accordance with procedures, second drafting regulations regarding exceptions or providing special policies for Indonesian Migrant Workers (IMW) in terms of health insurance so that the BPJS that has been obtained before leaving as an Indonesian Migrant Worker (IMW) can be used after returning to their origin area; and third, strengthening the selection system for Indonesian Migrant Workers (IMW) at the village level to suppress the role of “*Tekong*” in sending Indonesian Migrant Workers (IMW) illegally.

3. CONCLUSION

West Nusa Tenggara Provincial Regulation Number 10 of 2008 concerning Prevention and Eradication of Human Trafficking and its derivative, namely East Lombok Regency Regional Regulation Number 9 of 2013 concerning Protection of Victims of Human Trafficking and Acts of Violence against Women and Children are not running effectively considering that the mandate of these two regional regulations is to form a Cluster

²⁴ Yani Nuryani, Pencegahan Kejahatan Perdagangan Orang Secara Terpadu (Studi Tentang Efektifitas Gugus Tugas Pencegahan Dan Penanganan TPPO)”, (Depok: Tesis, Fakultas Ilmu Sosial dan Ilmu Politik, Program Magister Departmen Kriminologi, Universitas Indonesia, 2012), n.d.).

Human Trafficking duties at the Regency Level have not been carried out, so that the relevant agencies cannot coordinate optimally. Optimizing the Eradication of Human Trafficking in East Lombok Regency can be done by forming a Human Trafficking Task Force so that inter-agency cooperation can run optimally. The formation of the Human Trafficking Task Force will provide certainty regarding the involvement of human resources, funding and facilities and infrastructure. Apart from the role of the Human Trafficking Task Force, of course there is also a need for public awareness, especially prospective migrant workers, to register themselves legally so that they can prevent them from becoming victims of Human Trafficking.

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