

SBMI Banten As An Intermediary Actor In Dealing With Human Trafficking In Migrant Workers In Serang District

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ABSTRACT

Human trafficking is a form of crime that can be a threat to human security. Banten Province is one of the areas experiencing human trafficking because it is an area of origin, transit and destination for acts of trafficking in persons, supported by the presence of a number of areas which are pockets of Indonesian migrant workers. Serang Regency is one of the active areas in contributing TKI (migrant workers) due to economic factors and low education. SBMI Banten is present as an intermediary actor who fights for matters related to migrant workers' problems. This study uses the theory of political representation put forward by Olle Tornquist (2009) with three indicators namely demos, intermediary ways, and public affairs. The research method used is a qualitative method with an instrumental case study approach. The results of this study are to explain SBMI Banten as a civil society organization that operates as an intermediary actor in overcoming the problem of human trafficking in migrant workers in Serang Regency.

INTRODUCTION

Human security is an issue that is starting to become a concern in the scope of international relations, where humans are the central actors in the sustainability of the state so that human security is a very important issue to be prioritized by the state. (Al Ghifari & Wibawa, 2021). The influence of globalization and the economy that fosters international migration activities causes high consequences in the economic sector of every country in the world. The influx of unskilled workers in various countries is the cause of labor trafficking. So that the reality that occurs is still shown to be a problem of human insecurity, especially for Indonesian citizens (Kusmanto, 2014).

The alarming condition of the social life of the people in Indonesia is the large number of job seekers who have not been matched by adequate employment conditions, which is the forerunner of someone choosing to work abroad (Azmy, 2012). (Azmy, 2012). A person's decision to work abroad is determined by many factors such as economics, education, and so on. (Todaro, 1995).

Indonesian people are often dispatched to become migrant workers or commonly called Indonesian Migrant Workers (TKI), generally they choose to work abroad because of the economy (poverty). However, a person's choice to become a migrant worker abroad



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is not directly proportional to what he expects regarding the standard of living to meet family needs. (Sumardiani, 2014). The fact of the matter in the field shows that many migrant workers are sent without official documents to various countries in the world. Causing the number of victims of human trafficking to be relatively high (Kosandi et al., 2017). According to Karra (2009) human trafficking is included in the process of recruiting, hiding and placing a person in an exploited condition through fraud, violence, coercion and forced to work according to the will of the perpetrator. (Al Ghifari & Wibawa, 2021).

The problem of human trafficking is a form of human rights violation. What happens in Indonesia is due to the rise of people who see humans as commercial objects that can generate a profit. So that people make the territory of Indonesia a place of sending, transit, and destination in the practice of human trafficking, both for children, women, and men. (Al Ghifari & Wibawa, 2021). People who are sent for a job abroad are mostly placed in the informal sector, namely domestic helpers (Alfitra, 2022). (Alfitra, 2022). Forms of exploitation that are usually carried out on migrant workers include illegal fees either by debt bondage, fake documents, deception about the type and conditions of work, no work contract, and acts of violence.

The Ministry of Women's Empowerment and Child Protection noted eight main regions in Indonesia where human trafficking victims originate, namely West Java, Central Java, NTT, NTB, West Kalimantan, Lampung, and Banten. (Rahadian, 2019). Yohana Yembise as the Minister of Women's Empowerment and Child Protection (PPPA) mentioned Banten Province as an area that is in the highest category in the number of victims of human trafficking. This was proven when visiting shelters for Indonesian migrant workers in the Middle East and Hong Kong, most of whom came from Banten Province. The results of the visit at this shelter were that most of the victims of human trafficking received various violence and abuse. Promised to work with adequate places and salaries but ended up being exploited. (Mansyur, 2018).

The high number of Banten people who wish to go abroad to work is due to economic factors and the low quality of education, and the number of people who are victims of human trafficking is not small. This problem makes the government's attitude less than optimal in carrying out both prevention and advocacy for the community. The budget is available for various programs provided to the community. However, in reality, programs such as the socialization of TPPO (Trafficking in Persons) are only quantity and not quality, meaning that they do not see how absorbing the education that has been given to the community through the socialization. In addition, most people do not know their rights that must be protected by the state, this means that a large budget does not make the program well socialized.

The Department of Manpower and Transmigration (Disnakertrans) of Serang Regency said that there are four sub-districts, namely Tanara, Pontang, Tirtayasa, and Lebakwangi, which are the largest contributors to Indonesian Migrant Workers (TKI) on a district and national scale. The Department of Manpower and Transmigration of Serang Regency recognizes that the problem is complicated to solve because of the large number of illegal sponsors of migrant workers. Economic needs are the main factor for someone who becomes a migrant worker so they are easily persuaded of a large income if they become a migrant worker abroad. (Banten, 2018).



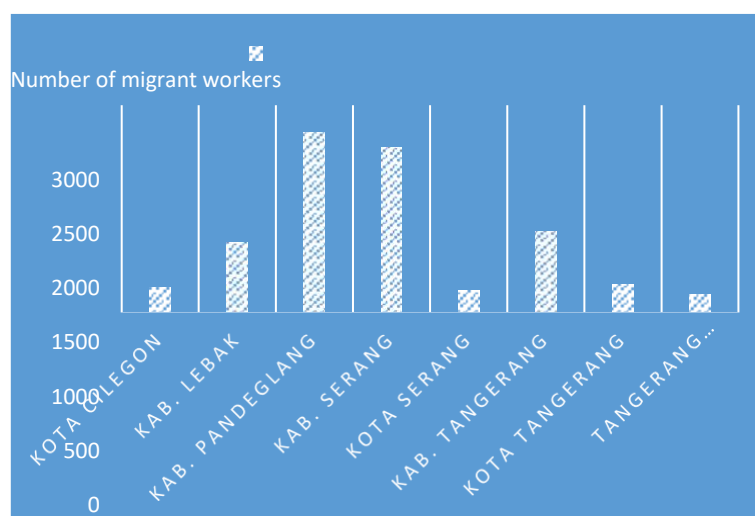


Figure 1. Placement of Banten Province Migrant Workers Abroad 2019-2023

Based on data from BP2MI Banten in 2019-2023, Serang Regency is one of the regions with a high number of migrant workers placed abroad. The details of the number can be mentioned that the first place is Pandeglang Regency with 2,604 people, Serang Regency has a number around 2,386 people. This was followed by Tangerang Regency with 1,173 people, Lebak Regency with 1,006 people, Tangerang City with 410 people, Cilegon City with 364 people, and South Tangerang with 264 people.

Not a few problems arise that befall migrant workers, the complaints of migrant workers who are involved in problems at work abroad cannot be handled optimally by the government. Because most migrant workers are too afraid to complain to the government, especially illegal migrant workers. So that migrant workers find it difficult to complain about their problems with the government. So that migrant workers choose to complain to parties who are trusted to help them.

SBMI (Indonesian Migrant Workers Union) Banten aims to make efforts so that migrant workers always get protection and law enforcement when they encounter problems. Therefore, SBMI can fight for many things related to human rights issues of Indonesian migrant workers, such as the case of human trafficking practices that befall illegal migrant workers. There is a tendency for victims of human trafficking to report case problems to SBMI Banten, this is due to statements from victims and families of victims who have information difficulties to make complaints. There are also those who managed to report but the response and response provided by the government was quite slow, besides that the fear of victims to report to the government dominates because their departure is illegal. So that people choose alternative ways to always help overcome the problems that befall them.

Problems that occur in the country and afflict the community certainly require the presence of a group that contributes to bridging in overcoming the problem. Of course, this overcoming requires a group that is engaged and willing to become a liaison between the community and the government. This aims to make the interests of the community more advocated and immediately addressed by the government. This liaison can be referred to as a representation that represents the interests of those it represents. The concept of representation that will be addressed to SBMI Banten as an organization that

represents migrant workers moves to fight for all the interests and welfare of migrant workers and families, such as the right to protection and safety. The movement of SBMI Banten as a party that seeks to bridge the problems of (illegal) migrant workers is quite trusted, so that it is present in tackling and dealing with the problems of cases that befall victims of human trafficking. This research examines how SBMI Banten's efforts as an intermediary actor to the problem of human trafficking that befalls migrant workers in Serang Regency.

METODE

The method used in this research is qualitative with a case study approach. The type of case study chosen is an instrumental case study launched by (Stake, 1995). The data for this study were collected through interviews, observations, and document review. This research method brings researchers closer to studying a particular case in order to foster a perspective on issues such as the problem of migrant workers regarding human trafficking. So the data analysis that can be carried out by researchers is by direct interpretation analysis as a form of collecting data in order to find the meaning that is relevant to the research objectives.

RESULTS AND DISCUSSION

Trade unions are voluntary organizations formed by and for workers. In general, trade union organizations will take the form of a single unit and are vertically structured. The unity starts from the top as the center to its derivatives as work units that aim to fight for and defend the rights of oppressed and marginalized workers. (Asikin & et al, 1994). The presence of labor union attitudes itself has been recognized globally for a very long time and has been incorporated into an institutional structure that is strong enough and able to negotiate on the issue of working conditions (Ibrahim, 2016). (Ibrahim, 2016).

The Indonesian Migrant Workers Union (SBMI) is an organization that consists of migrant workers, both prospective migrant workers, migrant workers who are working abroad, and former migrant workers, as well as families of migrant workers. The SBMI as the forerunner of an organization called the National Network of Indonesian Migrant Workers (Jarnas BMI) since September 2000. Furthermore, it was transformed into the Federation of Indonesian Migrant Workers Organizations (FOBMI) on February 25, 2003 which was pioneered by the Consortium for the Defence of Migrant Workers (KOPBUMI). At the second congress of FOBMI on June 29, 2005 with the aim of clarifying the institution as a community organization and fighting for the fate of migrant workers from the many problems experienced by migrant workers in Indonesia. So in 2006 this migrant worker organization then changed to a union, namely the Indonesian Migrant Workers Union (SBMI) and it is valid until now. (SBMI, n.d.).

The establishment of SBMI is based on the desire of SBMI members to free migrant workers from the oppression that occurs to them and their families during work placements abroad. The problems of migrant workers exist at almost every stage, starting from the pre-work stage, during work, even after not working. The lack of protection provided by the government in fighting for the rights of migrant workers is the main thing that must be done.

The problem of migrant workers is something that must be highlighted because it is attached to a human right that must be protected as workers and citizens. The problem of human trafficking that befalls migrant workers is a complicated problem because it is difficult to get access to justice for the rights they have. The analysis of a human trafficking



case against a victim is intended so that the depiction of the case in terms of the development of the case that occurred to the victim can form a fairly clear flow about the state of the problem which is quite complex.

In this case the victim is a migrant worker named Muninggar from Serang Regency working abroad, then together with the family complained about the problems that befell the victim to SBMI Banten to be addressed and get justice as a citizen. SBMI Banten highlighted the newly resolved problems of a victim who worked as a domestic helper in Dubai. The victim stumbled upon problems while working abroad and was threatened with death by the Dubai government, and according to the testimony of the victim and family that the victim was included as a migrant worker who departed unprocedurally and this is illegal.

Based on the confession of the victim who was trapped as an illegal migrant worker due to "economic conditions that really need money to support the family, looking for loans and money loans lead to the offer of brokers to work abroad". Providing loan money along with a fee as collateral resulted in the victim being trapped in the first stage of the trafficking process, and this trafficking process was carried out by fraud, coercion and falsification of documents. In the words of the victim "I went to the airport but did not go directly to the airport, I was dropped off on the side of the road to wait for another pickup without being told his name and no money .. after being picked up I was placed in a shelter and I was flown out at midnight .. the journey while at the airport was unnatural because it walked like hide and seek in secret and had to follow what the sponsor ordered .. after arriving in Dubai I was in a shelter again to be promoted photographed and videoed .. this made me feel like a bird in a cage unable to do anything".

After getting an employer to work as a housemaid, the victim suffered a bad fate, because in this job there were indications of exploitation of time and energy at work which resulted in negligence at work. The fire that the victim experienced while doing her work killed her sleeping employer and this fire resulted in the victim being imprisoned in the Dubai police, and threatened with a fine of around 200 dirhams. This problem was reported by the victim to her family with the aim of asking for help to be released from punishment for her case. According to the victim's family, namely the victim's husband who tried to ask for help from several parties, "I first reported initially to the sponsor but because there was no movement, then I tried to report to SBMI Banten and was immediately responded to and actually processed".



Figure II. SBMI Banten Assisting Muninggar Victim Case

The victim's family chose SBMI Banten as an institution that is trusted to take care of and assist the legal settlement process related to the problems that befell the victim as a migrant worker in Dubai. The problem of migrant workers is something that must be highlighted because in it attached to a human right that must be protected as workers and citizens. SBMI Banten moves with its interest in the welfare of migrant workers, namely in tackling all the problems that befall migrant workers and helping to fight for justice for victims. A migrant worker who is a victim of a case will not miss reporting to SBMI, and SBMI Banten has a domination in receiving reports from migrant workers based on their unprocedural (illegal) status.

The government's position on the issue of migrant workers is the main role in giving importance to the protection of migrant workers as citizens. SBMI Banten always insists that the issue of migrant workers must be resolved by the government, whether it is for cases that befall legal or illegal migrant workers so that the cease and push continues to be given by SBMI Banten to make the government aware of the position of migrant workers. SBMI Banten as an organizational institution that puts forward the struggle for all the rights of migrant workers certainly does not escape the steps it takes to achieve success. Steps taken ranging from empowerment, case advocacy, to supervision and monitoring of policies together with the government have never been left behind. Like encouraging the issuance of local regulations on the protection of migrant workers to the Banten Government, SBMI Banten always does. BP2MI as an official government agency that oversees the issue of migrant workers also recognizes the existence of SBMI Banten as a community organization that cares about migrant workers in Banten, especially in the Serang Regency area.

The concept of representation carried out by the Indonesian Migrant Workers Union (SBMI) Banten as an intermediary actor in dealing with the problem of human trafficking of migrant workers in Serang Regency. The efforts made by SBMI Banten in dealing with the problems of migrant workers will be analyzed with Olle Tornquist's theory of political representation (Tornquist et al., 2009). (Tornquist et al., 2009).. His views on understanding democracy certainly do not let go of his thoughts on political representation as a strategy in nation building. His writing provides a new view of representation that is not only fixated on the formal institutional system, he provides a view of popular political representation oriented to every civil society organization.

Many steps are the goal in the success of SBMI Banten in order to cut off the problems of migrant workers regarding human trafficking. Some of the steps taken as said by the Chairman of SBMI Banten Maftuhi Salim in the interview "awareness raising, of course SBMI Banten always raises awareness to the community especially those who want to work abroad by holding socialization in the villages .. it aims to provide accurate information about their rights, the risks of human trafficking, then advocacy and legal protection where SBMI Banten participates as a lawyer or legal representative for migrant workers who are victims of human trafficking .. they can assist in reporting cases of human trafficking to government agencies and fight for their rights". Maftuhi Salim further explained "it does not stop there, SBMI Banten also cooperates with various parties, especially the government to the international level, this is done as one of the efforts in combating human trafficking, of course through this cooperation information and experiences are shared so that they can make joint strategies to protect migrant workers and the risk of exploitation ... besides that, what is also very certain is the strengthening of protection at the policy level where SBMI Banten can certainly advocate and even monitor changes in policies that are better to protect migrant workers from



human trafficking ...". SBMI Banten also provides input and advocates for protection to stricter law enforcement against perpetrators of human trafficking."

Olle's thinking seeks to provide a greater understanding of the use of political representation in civil society. Tornquist (2009) argues that today civil society is more visible in terms of what and who they try to speak and act for. Thus, with the newer openness of civil society to prioritize participatory planning for the benefit of the people it elects, it is an attempt to initiate a new layer of representation among the formal institutional system. In addition, Tornquist explains the need to analyze what constitutes popular control over public affairs and the establishment of a basis for political equality (Tornquist et al., 2009).

From the results of research through interviews with Dadi Mulyadi as a Junior Expert Work Introduction to BP2MI Banten said that "SBMI Banten also participated in providing input to the Banten government, at that time conducting hearings after the making of Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers then SBMI Banten encouraged us as a government to issue a derivative of the law ... God willing, this will soon be realized because there will be further hearings from us together with the government". SBMI Banten becomes a capacity actor so that it can be interpreted as a community group that forms a civil society organization that is actively involved in efforts to overcome the problem of human trafficking in migrant workers. With its involvement, SBMI Banten is empowered in political participation because it represents civil society that cares about the problems that occur to migrant workers. So that SBMI Banten has the capacity in a political process to influence and shape policy.



Figure III. SBMI Banten Holds a Hearing with the Government of BP2MI Banten and Disnaker Serang Banten

SBMI Banten operates as a civil society and acts as an intermediary actor between civil society and the government related to the problem of human trafficking in migrant workers. As an NGO, SBMI Banten can make advocacy efforts, provide services, and coordinate joint actions with the government and other related parties to overcome the problem. Based on the results of the interview with the Deputy Chairperson of SBMI Banten that "SBMI Banten conducts advocacy related to cases related to the problems of migrant workers by coordinating with the government in this case namely the Serang

District Manpower Office, Banten Provincial Manpower Office, the police, and BP2MI Banten, as well as the Ministry of Foreign Affairs".

Its efforts mobilize public opinion, influence public policy, and strengthen public awareness and understanding of the problem of human trafficking. Through dialogue and discussion in public discourse, SBMI Banten can be a voice that represents the interests and protection of migrant workers affected by human trafficking. SBMI can contribute to opinion formation and influence the understanding and actions of the public and government through their public communication activities.

SBMI Banten uses public affairs as one of the strategies to address the issue of human trafficking in migrant workers. They communicate with the government, advocate to relevant stakeholders, and involve the community in efforts to prevent, protect, and handle human trafficking cases. Through public affairs activities, SBMI Banten seeks to expand public understanding of the issue, influence better public policies, and fight for the rights of affected migrant workers. Public affairs being a public affair that must be fulfilled by the state, effective communication through coordination and hearings with the government resulted in planning the issuance of local regulations in the protection of migrant workers in Serang Regency.

CONCLUSION

It can be concluded that the efforts of SBMI Banten as a civil society organization that moves to become an intermediary actor to overcome the problem of human trafficking of migrant workers in Serang Regency. This research shows that the demos created by the problem of migrant workers in Serang Regency become things that accumulate to an interest brought by SBMI Banten as a civil society organization. So that SBMI Banten has the capacity in a political process to influence and shape public policy. The presence of SBMI Banten belongs to civil society with its mediation that results in an effort to influence the state and government with reference to the issues and interests of migrant workers being advocated. Through what SBMI Banten strives to achieve political decisions in public affairs is by conducting effective communication through coordination and hearings with the government, and resulting in planning the issuance of local regulations in the protection of migrant workers in Serang Regency.

As for the suggestions made by researchers for future researchers, they should conduct research with other limitations. Research can be on the same issue but with a different focus such as focusing on how SBMI Banten networks with similar actors in solving the problems of migrant workers in Banten.

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