



Trafficking in Persons and Violent Extremism in Indonesia



The Habibie Center was founded by Bacharuddin Jusuf Habibie and family in 1999 as an independent, non-governmental, non-profit organisation. The vision of The Habibie Center is to create a structurally democratic society founded on the morality and integrity of cultural and religious values.

The missions of The Habibie Center are first, to establish a structurally and culturally democratic society that recognizes, respects, and promotes human rights by undertaking study and advocacy of issues related to democratization and human rights, and second, to increase the effectiveness of the management of human resources and the spread of technology.

Introduction

This booklet is prepared to help introducing the initial review on the potential linkages between trafficking in person (TIP) and violent extremism (VE) in Indonesia. This information might be useful as a framework for relevant institutions and officials to determine whether there are indications of connection between TIP and VE in a number of cases, and as the initial reference to formulate policy as well as strategy to prevent the potential linkages between TIP and VE to

actually come into being.

This booklet is published as part of the research project “**Exploring the Nexus between Trafficking in Persons and Violent Extremism in Indonesia**” conducted by The Habibie Center and the United Nations Development Programme (UNDP).

Information contained in this booklet is an excerpt from the research report presented in a simple Questions and Answers format. In addition to that, at the end of the booklet, a story based

on real events is presented as a case study to invite the readers to critically examine the potential linkages between TIP and VE in Indonesia.

Happy reading!

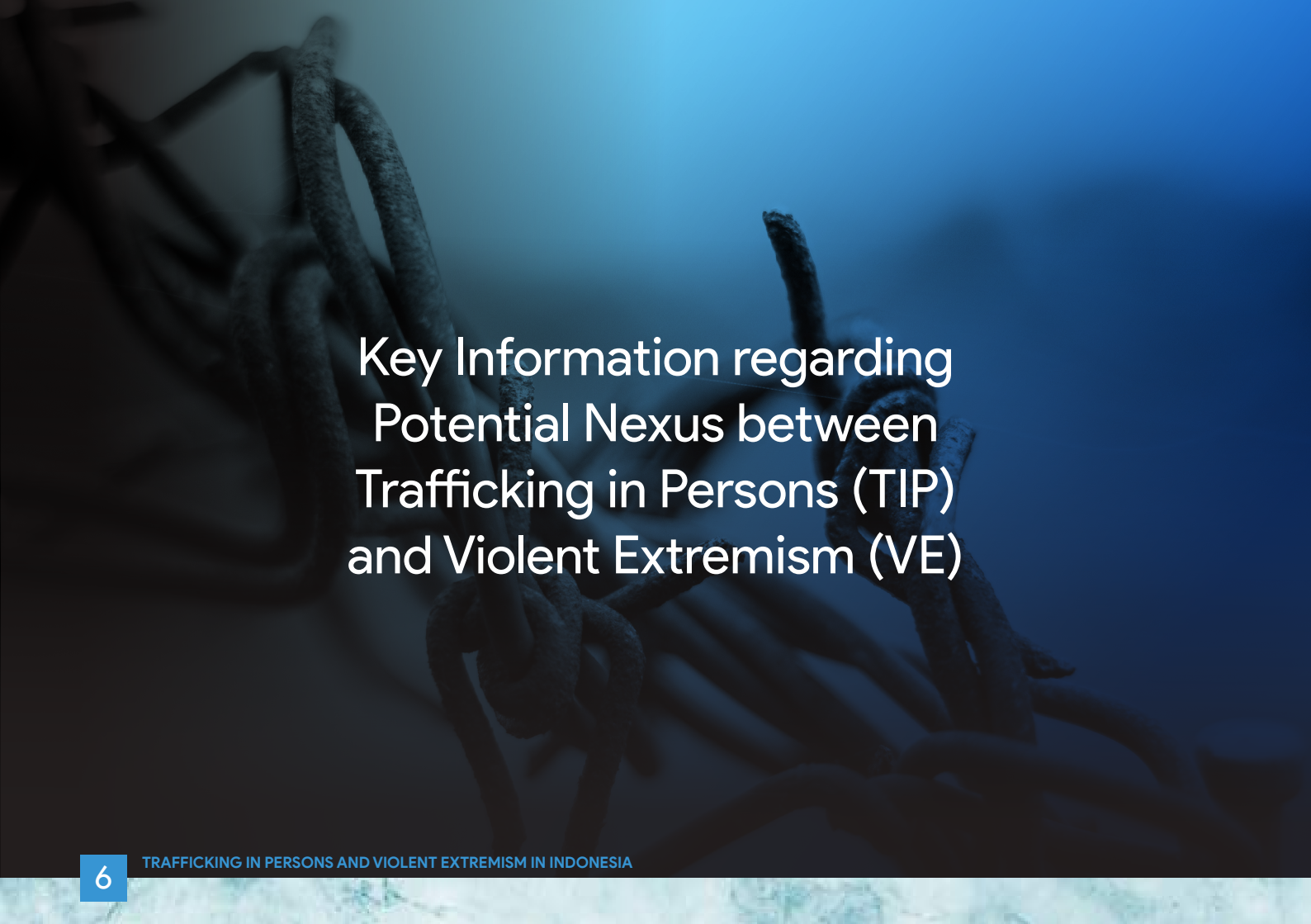
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Key Information regarding Potential Nexus between Trafficking in Persons (TIP) and Violent Extremism (VE)

What is Trafficking in Persons (TIP)?

Trafficking in persons is a transnational crime that has been a concern around the world. Unlike many other transnational organised crimes, TIP is more strictly defined. At the international level, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children adopted by the United Nations General Assembly in 2000 through the Resolution 55/25, has served as the main reference for the definition and recommended principles on TIP. The Protocol formally defines TIP as:

Recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

What does anti-TIP legal instrument in Indonesia look like?

The current legislation on TIP in Indonesia is considered relatively extensive and robust. Law No. 21 Year 2007 on the Eradication of the Criminal Act of Trafficking in Persons and

the National Action Plan on the Eradication of the Criminal Act of Trafficking in Persons (2015-2019) serve as the main legal instrument on TIP in Indonesia.

Indonesian definition of TIP is basically consistent with the one outlined in the Palermo Protocol. The definition entails the three elements of TIP outlined in the Protocol: act, means, and purpose.

Process

- Recruitment
- Transport
- Transfer
- Harboursing
- Receipt of persons

Means

- Threat or use of force
- Coercion
- Abduction
- Fraud
- Deception
- Abuse of power or vulnerability
- Giving payments or benefits

Purpose

- Exploitation, including
- Prostitution of others
- Sexual exploitation
- Forced labour
- Slavery or similar practices
- Removal of organs
- Other types of exploitation

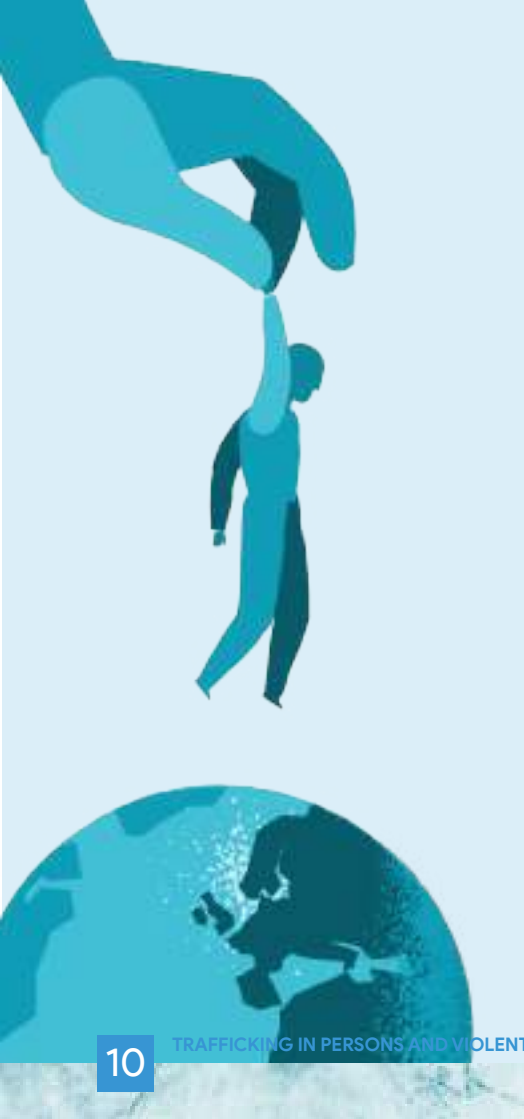
As a member of the Association of Southeast Asian Nations (ASEAN), Indonesia has also ratified the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP).

Which government agencies are responsible to deal with TIP in Indonesia?

In accordance to Law No. 21 Year 2007 on the Eradication of the Criminal Act of Trafficking in Persons, Indonesian government has established the cross-sectoral Anti-Trafficking Task Force to ensure effective implementation of TIP eradication programmes. The Task Force is headed by the Coordinating Minister for Human Development and Cultural Affairs. Its day-to-day activities is coordinated by the Minister for Women Empowerment and Children Protection. There

have also been efforts to coordinate related programs and budgeting, which include other relevant stakeholders such as the Ministry of Manpower, Ministry of Foreign Affairs, Ministry of Social Affairs, Ministry of Marine Affairs and Fisheries, local governments, and non-governmental organisations. On top of that, Indonesian government also continues to strengthen coordination among police, prosecutors and judges in investigating, prosecuting, and convicting traffickers.



A stylized illustration on the left side of the page. At the top, a large, light blue hand reaches down, holding a small, dark blue silhouette of a person by the back of their head. Below the person, a portion of a globe is visible, showing continents in light blue and oceans in dark blue. The background of the entire page is a light blue gradient.

What does the current trend of TIP in Indonesia look like?

Strengthened law enforcement capacity notwithstanding, Indonesia continues to be a major source, and to a much lesser extent, a destination and transit country for women, men, and children subjected to forced labour and sex trafficking. A significant number of Indonesians are exploited in forced labour and debt bondage in Asia and the Middle East, primarily in domestic service, factories, construction, and manufacturing, on Malaysian palm oil plantations, and on fishing vessels throughout the Indian and Pacific Oceans. Indonesian women and girls

are subjected to sexual exploitation, primarily in Malaysia, Taiwan, and the Middle East. Victims are often recruited with offers of jobs. The use of debt bondage is also prevalent.

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What is violent extremism?

Unlike TIP, there is yet a single universally-accepted definition of violent extremism (VE). Despite significant achievement in terms of global cooperation in preventing and countering VE, international community still finds it difficult

to come up with a standardised definition, most probably due to the sensitive and political nature of the issue. This leaves the states to rely on themselves to devise a definition or make a reference to definition made in sectoral multilateral conventions, which are obviously less

comprehensive when used to cover the whole dynamics of the issue.

In Indonesia, like in many other countries, ‘violent extremism’ and ‘terrorism’ are used interchangeably. The 2018 National Anti-Terrorism Law defines terrorism as:

“The acts of the threat or use of force that create widespread climate of terror or fear, that might cause mass casualties, and/or cause damage or destruction to the vital objects with strategic importance, environment, public facilities, or international facilities with the motives of ideology, politics, or disruption of security” [unofficial translation].

What does anti-VE legal instrument in Indonesia look like?

Indonesian efforts to counter VE have been improved significantly since the 2002 Bali bombings. As part of its response, Indonesian government enacted the Government Regulation in Lieu of Law No. 1 Year 2002 on the Eradication of the Criminal Act of Terrorism, which was later adopted as Law No. 15 Year 2003. In 2018, this law was revised to be Law No. 5 Year 2008, which has effectively been the main legal instrument of anti-terrorism in Indonesia. There are a number of important changes in the revised law, which include the emphasis on prevention, institutional

reinforcement, deradicalisation and reintegration, as well as the protection and promotion of the rights of the victims.

In addition to that, there is also Law No.9 Year 2013 on the Prevention and Eradication of the Criminal Acts of Terrorism Financing, which has been used to deal with the financing aspects of terrorism-related activities in Indonesia.



Which government agencies are responsible to deal with VE in Indonesia?

Programs related with the eradication of terrorism in Indonesia is coordinated by the National Counter-Terrorism Agency (*Badan Nasional Penanggulangan Terorisme*/BNPT) whose head is responsible directly to the President. BNPT is tasked to formulate, establish and coordinate policies, strategies, and national programs in countering terrorism as well as implementing the programs in counter-radicalisation and deradicalisation. In addition to the BNPT, Indonesia also has the police's counter-terrorism special

unit, the Special Detachment 88. And according to Law No. 34 Year 2004 on the Indonesian Armed Forces and Law No. 5 Year 2018, the military also retains its role in countering terrorism as part of the military operations other than war (MMOTW).

Other institutions that are involved in dealing with VE in Indonesia include the State Intelligence Agency (BIN), the Ministry of Law and Human Rights' Directorate General of Corrections, the Witness and Victim Protection Agency (LPSK), and the Financial Transaction Reports and

Analysis Centre (PPATK). There has also been the growing involvement of non-governmental organisations in complementing the government's efforts to prevent and counter the rise of VE in Indonesia.

What does the current trend of VE in Indonesia look like?

Although there has been a decline in terms of the number of victims, VE and terror acts continue to be the major security threat in Indonesia. The Habibie Center's in-house database, Deteksi Indonesia (www.deteksiindonesia.com), records 19 incidents took place between 2017

and 2018 which killed 52 people and injured 69. Targets of attacks were primarily the personnel and police's establishments. This is different from the early 2000s when the terror acts primarily targeted the places of worship, facilities associated with 'Western's interests', and places of entertainment. In terms of the

perpetrators, Deteksi Indonesia records that between the period of 2017 and 2018, most of the attacks were carried out by individuals or groups affiliated with Islamic State of Iraq and Syria (ISIS). In addition to that, there is also a new development in terms of the use of women and children as suicide bombers.

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Linkages between TIP and VE

How TIP and VE overlap?

Learning from the lessons of other countries, the direct and noticeable linkages between TIP and VE are commonly found in areas with ongoing conflicts or weak governance and law enforcement. Countries like Iraq, Nigeria, Syria, and Somalia are often cited in reports and analysis as the sites where the TIP-VE nexus are noticeable. The emergence of the nexus in these areas follows the general pattern in which conflict or instability driven by VE has intensified the circumstances that make people vulnerable to TIP. The conditions of instability include weak law enforcement, poverty and reduced economic opportunities, weak social welfare system, as well

as forced migration or displacement. In addition to that, TIP has also been used as a modus operandi of VE activities, particularly for the purposes of funding, systematic means of terror, recruitment and exploitation, as well as part of the operational mechanism.

More specifically, TIP-VE nexus was found in four areas:

- TIP is used by VE groups as an alternative source of funding,
- Methods of exploitation such as forced labour and sexual slavery are used by the VE groups as part of their systematic means of terror to intimidate a certain

population or area,

- VE groups use similar methods employed in the TIP networks such as deception and abuse of power or vulnerabilities, to recruit and exploit the victims,
- TIP and VE groups are often found using the same operational mechanism, including routes and networks.

Although there are overlaps in terms of operations, the fundamental difference between TIP and VE remains to be evident in their purposes. Whilst TIP is motivated by material or economic benefits, VE activities are commonly motivated by ideological or political reasons.

Is there any linkage between TIP and VE in Indonesia?

The research conducted by The Habibie Center has found that there is almost a universal perception that nexus between TIP and VE simply does not exist in Indonesia. Overall, in explaining how cases might be considered to show a clear nexus between TIP and VE, key stakeholders in Indonesia used the agreed upon framing of the two crimes in concluding that there has not been any single case in the country with a clear indication of nexus between TIP and VE. These accounts revealed that stakeholders in Indonesia generally shared a rigid understanding to define whether a VE case could be interpreted as TIP, which might limit the analysis of

potential linkage between the two cases.

The fact is that, with a relatively peaceful and stable environment, there has not been any case which suggests a direct linkage between TIP and VE in Indonesia. So far, the country's legal instruments have shown considerable resilience to prevent VE groups from expanding and controlling a significant portion of the population and territory – a condition which might intensify vulnerabilities to TIP and trigger a massive flux of forced migration.

Nevertheless, without the intention to exaggerate the level of threat, this research suggests that a more critical

study on the understanding of TIP and VE in Indonesia is necessary to allow a deeper analysis on the potential linkage between the two crimes. This analysis would be undoubtedly important in informing the long-term prevention strategy so the conditions that could enable direct nexus between TIP and VE would not come into being.

Where do TIP and VE overlap in Indonesia?

In general, the potential linkages between TIP and VE can be observed in the ways TIP methods are used as a modus operandi by the VE groups. In other words, VE groups in Indonesia have been found employing methods similar to TIP in their recruitment and day-to-day activities.

The research conducted by The Habibie Center has found four cases that have indications of nexus between TIP and VE in Indonesia:

- The cases of Indonesians who migrated to Syria to join ISIS. Testimonies and stories from some of the Indonesian who have returned from Syria suggest that

the methods similar to TIP were used especially in the recruitment stage. According to the accounts, the supporters were recruited with promises of material and immaterial benefits, such as better income, occupation, welfare system, and even better afterlife condition. However, in reality, they never received any of those promises, and they were, in fact, used as labours or fighters for the benefit of the VE group.

- The case of radicalisation of Indonesian migrant workers especially in Hong Kong and Taiwan. Indonesian migrant workers, particularly female migrant workers, represent

a unique case of double vulnerability as they are perceived to be more likely to become victim of TIP and violent extremists radicalisation. Further study, however, is required to determine whether all elements of TIP are found in this case.

- The recruitment of Indonesian underage boatcrews by Abu Sayyaf group to smuggle people and logistical needs in the border area between Indonesia and the Philippines. This was commonly found in the areas of Sangihe and Talaud in northern Sulawesi. Although weak, the potential VE-TIP nexus exists. Further investigation is needed to confirm the nexus.
- The new wave of recruitment and the use of women and children as active combatants of VE groups in Indonesia. Women and children

were vulnerable to be recruited to join VE groups through abuse of position of vulnerability. Further study, however, is required to determine whether all elements of TIP are found in this case.

Analysis of the four aforementioned cases revealed three potential nexuses between TIP and VE in Indonesia.

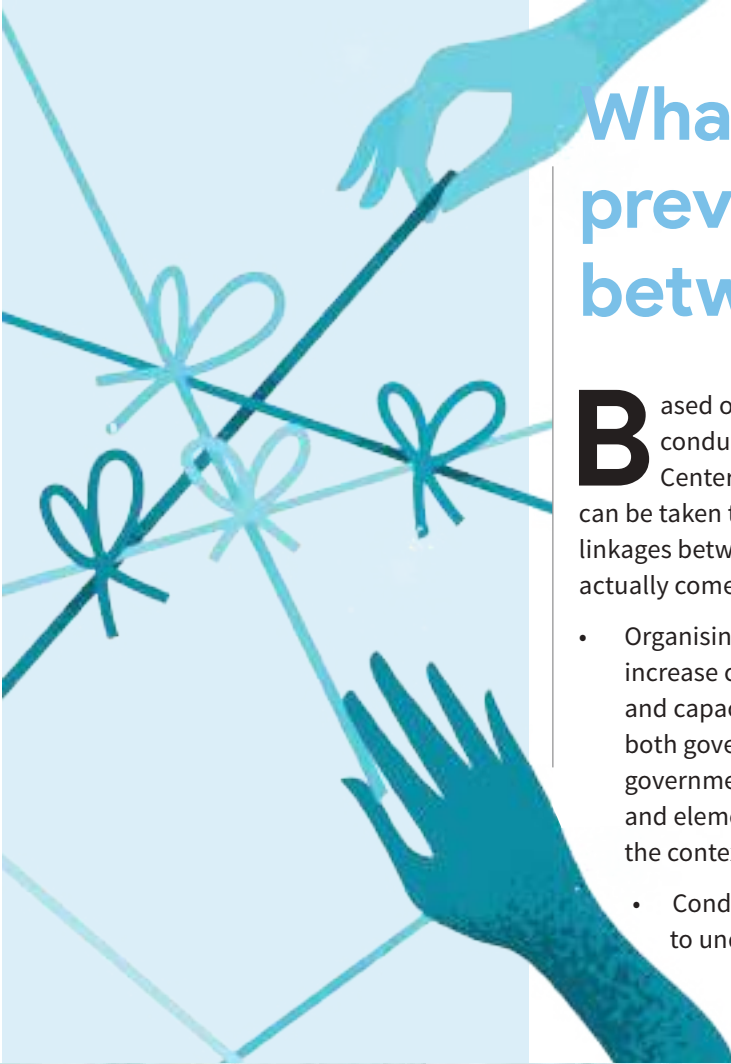
- TIP and VE share similar methods of recruitment and means of exploitation. Similar to TIP networks, VE groups in Indonesia use deceptions, promises of rewards, and abuse of position of vulnerability to attract and control people as their members. Deceptive information of better living condition, including better social welfare system, job opportunity, and higher income, were commonly reported as the means of violent extremist groups to recruit their supporters.

- Secondly, there is also indication that VE groups and TIP networks in Indonesia exploit the same push factors or vulnerabilities. As they generally share the same entry point for their recruitment, which is through deceptions and promises of better livelihood and higher income, these groups have arguably exploited the same enabler or push factors, which are poverty, unemployment, low level of education, and weak social welfare system.
- Lastly, VE and TIP recruitment in Indonesia have also targeted the same demographic profiles. Migrant workers,

unemployed and poor individuals with low level of education, as well as women and children, are reported to be particularly vulnerable to VE and TIP.



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An illustration on the left side of the page shows two hands, one at the top and one at the bottom, reaching towards a complex web of intersecting lines. The lines are in various shades of blue and green. Some of the intersections are tied into loops or bows, suggesting a process of untangling or simplifying a complex situation. The background is a light blue gradient.

What can be done to prevent the direct linkages between TIP and VE?

Based on the research conducted by The Habibie Center, a number of actions can be taken to prevent the potential linkages between TIP and VIP to actually come into being:

- Organising programs to increase critical understanding and capacity of stakeholders, both governmental and non-governmental, to identify signs and elements of exploitation in the context of VE,
- Conducting more research to understand the nature

and characteristics of linkages between TIP and VE in Indonesia as part of the efforts to inform evidence-based policy-making,

- Improving cross-sectoral and multi-agency communication in dealing with issues related to TIP and VE, especially between the BNPT and Anti-Trafficking Task Force, in order to produce a more comprehensive approach to eradicate TIP and VE, both separately and jointly.

Does the following case indicate overlaps between TIP and VE in Indonesia?

As far as the use of exploitative methods as a modus operandi of the VE groups is concerned, one name deserves further scrutiny, the NII KW-9 (*Negara Islam Indonesia Komandemen Wilayah 9*/Indonesian Islamic State Commandement Area IX). NII KW-9 can be considered a splinter group of Darul Islam, the long-standing Islamist insurgency movement established by S.M. Kartosuwiryo in 1940s. During its heyday Darul Islam sought to establish an Islamic State of Indonesia.

Around 2011, stories emerged in media about irregularities in the recruitment process and day-to-day activities of the NII KW-9 including the alleged use of deception and exploitation. In the recruitment process, it was reported that ideological motives such as the establishment of the Islamic state as well as redemption were used to attract those who had wealthier economic background. For those who were less wealthy, however, economic incentives such as housing and jobs were employed.

When the recruits were about to pledge their loyalty to the organisation (*bai'at*), they were obliged to pay a certain amount of money. After officially being members (or *jema'ah*), they were also required to pay personal monthly fee framed as a religious donation known as *infaq*, and collective *infaq* with specific quota that needs to be fulfilled by each community. If the members failed to fulfill the requirements, they will be punished (i.e. fine payment or physical abuse). Members were often involved in criminals activities, including

robbery, fraud, and even prostitution in order to fulfill the requirements. There was strong indication that the funding from all the membership fees were used for the leaders' personal benefits.

There was also an indication of forced labour practice in the building of an Islamic boarding school (*pesantren*) in Indramayu, West Java since 1996. The 1,200 ha complex was later used as the hub of NII KW-9's activities. About 3,000 *jemaah*, mostly came from East Java, were transferred to the building site to build the *pesantren* day and night without being properly paid. They were only allowed to go home one day in a week. In 2011, after the stories about it emerged, the construction of Al Zaytun ceased.

It was reported that the group maintained their control by forcing their *jemaah* to cut the ties with their

families or friends who were not *jemaah*. They also indoctrinated the *jemaah* through constant education and surveillance mechanism. *Jemaah* who decided to cancel their membership were threatened with terror.

A close-up, high-contrast photograph of a person's eyes, heavily shadowed and tinted with a deep blue color. The person's face is partially obscured by a dark, textured material, possibly a mask or a piece of fabric, which frames the eyes. The lighting is dramatic, highlighting the eyelashes and the texture of the skin and fabric.

Let's Fight Against
Trafficking in Persons
and Violent Extremism



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**For more information about trafficking
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