

INDIGENOUS INSTITUTIONS AND THE LOCAL WISDOM VALUES IN INDONESIA AS ONE OF THE PREVENTION STRATEGIES OF THE CHILD TRAFFICKING IN THE AEC

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ABSTRACT

AEC in Indonesia takes effect December 31, 2015. Negative impacts arise include transnational crime in the various modus operandi of the new, sophisticated cross-border inter-State, e.g human trafficking involving women and children as victims is a serious transnational crime, organized crime, networking, and systematic. Crime mapping, among others, government was not optimal concern to children's issues, low levels of education, unemployment, poverty, child adoption motive, culture weaken the position of women and children, lifestyle, sensitivity deterrent power of individuals, families, communities in the prevention of child trafficking. This writing method normative juridical approach namely the main data test secondary data, through a historical approach, conceptual and comparative law. Specifications analytical descriptive study then analyzed based on qualitative juridical, presented in the form description. This paper explains the active role of Indigenous institutions and community-based local moral values contributed to the making of regulations in each area based on the Law on Local Government. The Indigenous institutions and communities understand the context of the crime that stems from its environment. The strategy used by the customs agency, as well as elements of society, including academia network as an agent of renewal of the values of local wisdom pattern, doing research, various forms of socialization, undertake mapping, inventorying the shape and value of local knowledge of each area in Indonesia that is not gender-biased, the media can be used to prevent trafficking in children, it can be used as a reference preparation of Qanun/Regional Regulation under budget primarily trafficking of children in Indonesia as a form of prevention against the effects of AEC.

Keywords : Indigenous Institutions, Local Wisdom Values, Child Trafficking Prevention Strategies

I. INTRODUCTION

Asean Economy Community (AEC) is the commitment of ASEAN countries realize free trade and free markets, boost the economy of member countries, open access to competitive investment, speed up the trading volume, create economic growth in Southeast Asia is an advanced, prosperous society in particular and national development of each country member of the AEC. AEC enforced effectively, December 31, 2015. If examined enactment of MEA also has an impact threat to the emergence of various forms of transnational crime. Enforcement of MEAs also have the threat of the emergence of various forms of transnational crime, such as trafficking in persons, especially women and children. Children and women are in a weak position and vulnerable to trafficking. Forms of trafficking of women and children organized, berjaring from big cities to remote areas and systematic. Child Trafficking Cases such as the theory of the iceberg, because many cases do not get the

attention of the Government and thus the perpetrators of this crime has not been touched by the law.

Child trafficking is a serious crime for victims, their families, communities and countries. Therefore a violation of human rights, is an incredible crime, called extra ordinary crime. United Nations International Labour Organization (ILO) reported that there were 215 million children trapped in hazardous work which puts them at risk of injury, illness or death, and vulnerable to become victims of human trafficking.

Indonesia already has a set of laws and regulations regarding the protection of children, Act No. 23 of 2002 as amended by Act No. 35 of 2014 on Protection of Children and the Law No. 21 of 2007 on the Eradication of Trafficking in Persons (The Law No. 21 of 2007). In fact, various crimes against children as victims is still rife. This occurs because several factors can be mapped, namely, (1) poverty. Indonesia became the place of origin (sender), is also a destination country of trafficking; (2) weak deterrent power of individuals and families; (3) to the lack of a birth certificate; (4) is not optimal attention of the government to improve education systems tend to be expensive, (5) the cultural context of multicultural, which weakens the position of women and children. For example, for poor children to get married to diminish the responsibility of the parents economically. In the context of Aceh Indigenous Institute got arrangements in Article 98 of Law No. 11 of 2006 (Law on Governing Aceh) follows Qanun-Qanun. In Aceh how Indigenous Institute functioning himself not only limited to customs agencies alone, but should understand the mode and the crime of trafficking in persons and other crimes related to child protection.¹ This is because the traditional institutions and religious leaders is a central figure in the community. Another fact Indonesia has local knowledge (*local wisdom - local genius*), local knowledge in the form of values that grow and develop in society influential in our daily lives in the form of thought patterns and behaviors. The

effects of globalization also offers a pragmatic and consumptive lifestyles so that their tendency to erode pattern of attitudes towards lifestyle apathetic, skeptical, individualist and selfish. It is also a child protection issues still continue to occur despite the various regulations has been owned by Indonesia.

Based on the facts that have been mentioned above then this short article examines how the Institute of Traditional and Local Wisdom Values in Indonesia as One Child Trafficking Prevention Strategies in AECs ERA?

II. LITERATURE REVIEW

Convention Against Transnational Organized Crime 2000 Convention against Transnational Organized Crime mentioned each participating country were ratified, including Indonesia must take action or measures are required, such as the harmonization of legislation and administrative procedures relating to the convention without damaging the principles of sovereignty, territorial integrity of the State and non-intervention. Protocol to Prevent, Follow and Punish Trafficking in Persons, especially Women and Children, adopted by General Assembly resolution 55/25, entered into force on 25 December 2003. The protocol governing

the definition of trafficking in persons who agreed State agreement. Indonesia's ratification of the Trafficking in Persons Protocol, followed the establishment of the Law No. 21 of 2007.

Therefore, the protection of children is an effort to create the conditions that each child can obtain his rights. Protecting children is a fully human shield. Indonesia established the Law on Child Protection, No. 23, of 2002, amended by Act No. 35 of 2014 on Amendments to the Law PA No. 23 of 2002 on Protection of Children (hereinafter the Child Protection Act), enacted, October 18, 2014.

Understanding of "child protection" provided for by Article 1 paragraph 2 of the Child Protection Act, namely, "any activity to ensure and protect the Child and rights in order to live, grow, develop and participate optimally in accordance with human dignity, and get protection of violence and discrimination "Furthermore, Article 76 F Child Protection Act states" Every person is prohibited to place, let, do, told to do, or was involved in the abduction, sale, and/or child trafficking"Son".

Transnational crime is a felony or a crime that crosses national boundaries. Actions or criminal offenses committed by offenders who may be derived from the two (2) or more countries. The modus operandi of the modern, sophisticated. On the level of Southeast Asia there are eight (8) types of transnational crimes in the sphere of cooperation between ASEAN and the ASEAN Plan of Action is set to Combat Transnational Crimes (ASEAN-PACTC) in 2002. All of the eight types of crimes, namely, illicit drug trafficking, human trafficking, sea-piracy, arms smuggling, money laundering, terrorism, international economic crime and cyber crime.

Basically, almost all countries in the world are experiencing the problem of human trafficking though with difficulty levels are different. There are countries which became the destination country of trafficking in persons, the country of transit or State resources trafficking of persons, such as the one in Indonesia. Trafficking in persons is a new form of slavery, in modern times with the goal of living a low cost but can benefit a large (big profits and cheap lives).

Trafficking is governed by Article 1 of Law No. 21 of 2007 :

"Trafficking in persons (human trafficking) is the act of recruitment, transportation, harboring, transportation, transfer or receipt of a person with a threat of violence, use of force, abduction, confinement, forgery, fraud, penyalahgunaan power or vulnerability, debt bondage or giving payments or benefits, to achieve the consent of a person having control over another person, whether committed in the State, for the purpose of exploitation or which causes the exploited "

III. METHODOLOGY

This writing method normative juridical approach namely the main data test secondary data, through a historical approach, conceptual and comparative law. Specifications analytical descriptive study then analyzed based on qualitative juridical, presented in the form description.

IV. RESULTS DISCUSSION

Indonesia is a source, transit and destination of trafficking of women, children and men, especially for the purpose of prostitution and forced labor. Based on data from the International Organization For Migration (IOM), there are at least 76% of the women and children were recruited by traffickers worked with the mode of offering work abroad as Indonesian Workers. Currently there are an estimated 6.5 million to 9.0 million migrant workers work outside Indonesia, including 2.6 million in Malaysia and 1.8 million in the Middle East. In 2010 the Criminal Investigation Police record number of 105 cases of human trafficking with adult victims number 86 and 57 child victims. Recapitulation of 2008 - July 2010, the Ministry of Manpower and Transmigration reported that more than 70% of Indonesian workers are women working in the informal sector as domestic servants.

In 2010 the Criminal Investigation Police record number of 105 cases of human trafficking with adult victims number 86 and 57 child victims. From the results of the placement data summary 2008 to July 2010, the Ministry of Manpower and Transmigration reported that more than 70% of migrant workers are women working in the informal sector as domestic workers. Women and children become the target of human trafficking for exploitation either sexual or power (forced labor), inside and outside the country. The phenomenon of trafficking in persons in the country are also increasingly diverse forms and mood. Prostitution in both the area of localization as well as in places such as in a cafe disguised prostitution, massage parlors, beauty salons plus-plus, hotels and others began to mushroom, both in large cities and rural areas. IOM Database (March 2005-2011) the victim girls 749 people while 150 boys.

In the urban environment, beggars and street children also become the most widely used mode for exploiting children for economic purposes. Ironically, it was found that the perpetrators in the case of coercion of a child to beg along the highway instead of adults and are even their own parents.² Modus entrapment of victims of child trafficking teen age girls through sites such as facebook, twitter, We Chat, whats up and various forms of other deals through social mdia in cyberspace really disturbing. Performers communicate, trickery with the victim through various social networking applications finally made sexual exploitation.

One of the strategies that need to be taken to prevent and deal with the crime of trafficking in persons is a relationship and build a network with institutions and traditional leaders. Another strategy is local knowledge can support the prevention of child trafficking. However, local wisdom-laden policies and philosophies of life hardly implemented because of a shift in values. It is feared that in the era of MEA precisely the values of local wisdom is positive pent-lived history or misused in the interest of certain position the child becomes vulnerable to a variety of violence and crime, including trafficking in persons. Strategy Institute of Traditional and Local Wisdom Values in the prevention of child trafficking several areas as follows:

1. Aceh Province

Potential Indigenous Institute is a Leading Sector intervention in the prevention of trafficking. Indigenous Institute not only serves as the preservation of customs as a form of implementation of the specificity and Aceh specialty in the field of customs, but also as an institution that can intervene in various forms of prevention of crimes against human trafficking³. Local moral values lull children “*Jak kutimang hai aneuk lon jak kutimang, jak kutimang bungong keumang hai aneuk boh ha tema*”. It means, Let me buckle my dear, you are like a flower blooming, you are the baby's mother. The context of other local moral values that protect children from child trafficking “*“ bek tertipu ngoen haba mangat, geu tanyoe meukeumat bak saboh masa, menyoe geu tanyoe na ta ingat tentei seulamat bak tipu daya*”. It means, do not be fooled by the sweet promises because someday we will be in trouble. But if we can be aware of it will survive the trickery.

Positive values about child protection. "Children are a surrogate Allah Swt in terms Acehness, “*janji bek meubah, amanah bek meutukan*. This means that if there is a check means he trusts. "This means that the child must be maintained by parents who are trusted to bring the loan from Allah Swt. For the fulfillment of children's rights, such as the right of children to education, the following: “*Meunyo tatuoh peulaku, boh labu jeut keu aso kaya, meunyo hana tatuoh peulaku aneuk tengku jeut keu beulaga*”. It means Although children born to a poor family but educated properly then he will grow up to be a good boy. Otherwise though the child was born out of the rich keluarga, social status is respected as scholars but if not trained properly then it will grow into a child misbehaves, evil.

2. West Sumatera

Local values in West Sumatera “*kamanakan barajo ka mamak, mamak barajo ka panghulu, panghulu barajo kakabananan, kabanaran barajo ka kapatutan*”. This means that in order Minang community association in each generation or strata no oversight function of the much respected both in the family and the extended family lives.

3. South Sulawesi

South Sulawesi, known as "Siri", which means shame. A shame for Boogies mentioned in three ends, the first "cappa Lilah tip of the tongue" should not be significant in speechless and dikata-dwarf with obscenities and vile. Secondly, "cappakawali tip of the dagger" means abstention avoid let alone escape from physical attacks and other forms of threats, the third "cappalaso end of male genitalia" meant to abstain from sexual relations outside of marriage (fornicate or dizinahi family members and close relative or by anyone else). If a person is not able to control all three "cappa", it is considered dead before death. The phrase indicates the cultural value if applied properly can prevent trafficking in persons.

4. West Java

Character concept art called "cageur" means healthy, "bageur" means good and "right" meaning true, and "Sieger" means introspective and "smart" (smart). All five of the local culture concept if understood deeply the prevention of trafficking in persons, and each of these elements are mutually reinforcing the prevention of trafficking in persons. Healthy life will be realized in a way of life that is good and right, life is good and right can be realized if it was always introspective and intelligent in the face and find solutions to problems.

Indonesia is rich in local moral values that can actually be a deterrent power of society in preventing the crime of trafficking in persons, and their major role is given to the Institute of Traditional especially in the province of Aceh, still happened practice of child trafficking in Indonesia. This is supposed to be realized from an early age for Indonesia when a number of positive effects that appear MEA, Indonesia is also already Preparing strategies to suppress the threat posed akaibat enforcement of MEAs in Indonesia.

V. CONCLUSIONS AND RECOMMENDATIONS

1. Conclusions

- a. Intervention Institute of traditional and community roles have space actively involved both locally and moral values through regulations in each area based on regional autonomy. Child trafficking prevention strategies by indigenous institutions and communities in addition to the frontline in preventing child trafficking, most understand the context of these crimes actually stems from the people themselves and use policies in the prevention and control of trafficking in children through local knowledge in their respective areas.
- b. Local knowledge is still there but the majority of the basic values that a lot of shifting and displaced due to globalization. Values and social relations including the decision-making system as a result of patriarchal culture that made women subordinate to the impact of, among others, limited education, structural poverty, cultural and married a young age with the risk of divorce, vulnerable to domestic violence in all its forms, discrimination.

2. Recommendations.

- a. The necessity of the role of traditional institutions and the communities become agents of reform and change by empowering the values of local wisdom in order to prevent trafficking in persons.
- b. It took the role of academia through research, teaching and various forms of socialization to perform mapping and inventorying the forms and values of wisdom Locally every region in Indonesia that is not gender-biased and can be used as a medium for the prevention of trafficking in persons, so as it can be used by policy makers for policy formulation and the following regulations budget trafficking and child protection in Indonesia.

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