

Evaluations Of The ASEAN Convention Against Trafficking In Persons, Especially Women And Children (ACTIP) In Indonesia (2022-2024)

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ABSTRACT

The increase in human trafficking cases has a significant impact on the security, welfare, and morality of the entire society in the Southeast Asian region, especially in Indonesia. With the high number of human trafficking victims prevalent in Southeast Asia, ASEAN is encouraged to enhance its security measures through the ASEAN Convention Against Trafficking In Persons, Especially Women And Children (ACTIP). In this study, it is designed to evaluate ACTIP in Indonesia using qualitative research methods and literature review. This research uses the theory of international regimes, understood as a set of principles, norms, and rules agreed upon by countries in the region that are part of an international organization. In this research, the concept of policy evaluation is also used to examine how the implementation of ACTIP in Indonesia addresses the issue of human trafficking. Research findings indicate that the evaluation of the ASEAN Convention Against Trafficking In Persons, Especially Women And Children (ACTIP) in Indonesia during the 2022-2024 period has not been effective. This is due to the principle of non-intervention, weak coordination, and the lack of valid data related to victim protection.

Keywords : Evaluation, ACTIP, Indonesia, Asean, Rezim Internasional

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1. INTRODUCTION

The rapid development of information and technology, which enables domestic and international criminal networks to expand, is one of the reasons why contemporary (modern) issues spread. One of the most intriguing problems faced by society today is the human trafficking phenomenon. Human trafficking is repressive in nature and aims to exploit people. Considering the scope of its impact and the dangers it poses, human trafficking is regarded as an extraordinary type of criminal activity.

According to R. Soesilo, the most common victims of human trafficking are women and boys, and they are primarily limited to forced prostitution or forced exploitation. Young women who are targeted by human traffickers and transported abroad for prostitution constitute the largest category. Initially, human trafficking charges were classified as "enslavement and prostitution of others" and not under the category of Human Rights (HR) crimes.

In general, human trafficking can be understood as a form of organized crime carried out by a group of individuals or an organizational network with the primary aim of exploiting humans for the unilateral benefit of the perpetrators. According to Donald Cressey, "this crime is committed by a small number of perpetrators who have specific roles, such as assessors, gatherers, and enforcers." (Kamal, 2019)

Human trafficking is defined as the recruitment, sheltering, transportation, delivery, transfer, or receipt of a person under Law No. 21 of 2007 concerning the Eradication of the Crime of Human

Trafficking (TPPO). Kidnapping, brutality, detention, fraud, forgery, abuse of power, debt payment, and debt bondage are just a few examples of how human trafficking syndicates operate. The fundamental values and freedoms of human rights are threatened by human trafficking. (Daniel et al., 2017)

The ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP) is a regional legal instrument established by ASEAN to address human trafficking cases. On November 21, 2015, at the 27th ASEAN Summit in Kuala Lumpur, this convention was adopted. The regional legal framework known as ACTIP governs the eradication of human trafficking (TPPO) and applies to several ASEAN countries. Through stronger law enforcement mechanisms, this legal instrument offers more effective protection for victims of human trafficking. In addition, ACTIP also outlines three objectives, namely:

- 1) Prevent and end human trafficking, especially against women and children, and ensure that those involved in it are punished fairly and effectively.
- 2) Protect and assist victims of human trafficking, fully respecting their human rights.
- 3) Enhancing cooperation among various parties to achieve that goal. (Secretariat, 2023)

According to data released by the International Labour Organization (ILO), 11 million out of 21 million people affected by Asia-Pacific is where the majority of forced labor occurs worldwide.

. In Southeast Asia, 82 percent of men and 83 percent of women are trafficked for sexual exploitation. According to the 2020 Global Report on Human Trafficking, two girls and five adult women made up ten percent of the human trafficking victims identified in 2018. Sexual exploitation occurs in 77% of adult female victims, followed by labor exploitation at 14% and other forms of exploitation at 9%. ASEAN faces a number of challenges in its efforts to combat human trafficking, but the ASEAN Action Plan Against Trafficking in Persons, Especially Women, was created in 2016 to strengthen ACTIP by providing a specific action plan for the domestic laws and policies of several ASEAN member states. First, member governments view ASEAN's non-interventionist philosophy as an obstacle to creating effective policies. Second, because ASEAN is an intergovernmental organization, the incorporation of new policies and concepts into the national laws of member states usually takes longer. (Puspitasari & Iqbal, 2023)

Table 1.1 Human Trafficking Framework

Process	Way/Path	Goal
Delivery	Threat	Exploitation :
Transfer	Coercion	Prostitution
Shelter	Kidnapping	Pornography
Reception	Fraud	Sex Violence/exploitation
	Lies	Forced Labor/ Labor with inadequate wages
	Deception	Slavery and Similar Practice
	Abuse	
	Abuse of Power	

Source:(Saragih & Alfajri, 2022)

From the data table above, it is explained how the framework process of human trafficking cases can occur.

Figure 1.1 Human Trafficking Cases Continue to Persist



Source:(Humas, 2023)

Indonesia, with the third-highest number of protection requests in the 2023 period (831 requests), still sees human trafficking as one of the most frequently reported crimes to the Witness and Victim Protection Agency (LPSK). The public submitted 7,645 protection requests to LPSK in the 2023 period, a slight decrease compared to the 2022 period which reached 7,777 requests. In addition, 10,021 types of protection have been accessed by 8,162 people protected by LPSK in the 2023 period. The number increased compared to 2022, which only reached 6,415 requests. In addition to upholding justice, LPSK also strives to improve the quality of protection services so that victims and witnesses can return to living a decent and normal life in society.(Martanto,et.al, 2023)

Table 1.2 Comparison of Application Numbers for 2022 and 2023

Year	Application
2022	321
2023	1.290

Source:(Martanto,et.al, 2023)

The number of TPPO application in 2023 saw a significant increase compared to the 321 applications 2022.

Tabel 1.3 Origin of TPPO Application

No	Origin of Application	Amount
1	Yourself	92
2	Family	3
3	Companion	13
4	Legal Counsel	46
5	Accompanying	13
6	Non-Governmental Organization	162
7	Police	951
8	Government Agency	20
9	Prosecutor's Office	10
Total		1.297

Source: (Martanto,et.al, 2023)

Out of a total of 1,297 applications received by LPSK in 2023, 951 of them came from the Police. This data reflects LPSK's efforts to build synergy with law enforcement agencies, as well as showing improved coordination with the Polri's TPPO Task Force in implementing preventive measures against human trafficking crimes.

Tabel 1.4 Legal Status of TPPO Applicants in 2023

No	Status	Amount
1	Victim	1.189
2	Reporter	3
3	Witness	25
4	No Legal Status	18
5	Unknown	2
Total		1.297

Source: (Martanto,et.al,2023)

In 2023, the highest number of protection requests received by LPSK came from victims, totaling 1,189 requests. The number was followed by 25 applications from witnesses and 3 from reporters. In addition, the LPSK also received 18 applications from individuals who do not have legal status as protection subjects, as well as 2 applications from parties with unknown status.

Table 1.5 TPPO Age Category 2023

Category			Total
Child	Adult	unknown	
55	962	12	1.297

Source: (Martanto,et.al,2023)

Table1.6 Category Gender of TPPO Year 2023

Gender		Total
Man	Woman	
707	476	1.297

Source: (Martanto,et.al,2023)

Out of the total applications received, 55 applicants were children and 962 were adults, while 12 applicants' ages could not be identified due to limited information. Children who are applicants are generally victims of sexual exploitation through digital applications or victims of false promises to work in the domestic sector. Based on gender, the applicants are predominantly male, accounting for 63%, with a difference of 231 people compared to female applicants. This data reflects the modus operandi of human trafficking, where men are often exploited in the plantation sector, while women are generally placed in domestic work.

In Indonesia, legal provisions related to human trafficking are regulated by Law No. 21 of 2007 on the Eradication of the Crime of Trafficking in Persons (TPPO), which includes types of offenses and protection for victims. However, the ACTIP Convention regulates additional aspects that are not included in the law, such as cross-border coordination, state jurisdiction, and border control. According to ICJR, ACTIP also contains other specific provisions, namely:

- 1) ACTIP imposes harsher penalties for trafficking cases involving victims in vulnerable conditions to deadly diseases, such as HIV/AIDS, as well as in cases with more than one victim. Meanwhile, Law No. 21 of 2007 does regulate aggravated penalties, but it does not specifically cover those conditions.
- 2) ACTIP includes the criminalization of money laundering as a related offense in human trafficking cases. In Indonesia, TPPU is regulated under Law No. 8 of 2010, but Law No. 21 of 2007 does not specifically define money laundering. The provision regarding the criminalization of money laundering in the TPPO Law only appears as an additional penalty in Article 15 of Law No. 21 of 2007, and is limited to corporations.
- 3) ACTIP requires member countries to criminalize the involvement of state officials in human trafficking as a corruption offense, with the element of obtaining benefits within the scope of state duties. Law No. 21 of 2007 actually contains similar provisions in Article 8 regarding abuse of power, but its broad and non-specific wording makes it difficult to apply to cases of corruption by state officials in the context of human trafficking.(ICJR, 2017)

The handling of human trafficking cases in Indonesia is also regulated by Law No. 12 of 2017 on the Ratification of the ASEAN Convention Against Trafficking in Persons, Especially Women and Children. This law contains several important points related to the prevention of human trafficking, especially those involving women and children, including:

- a. To protect all citizens and achieve welfare, the Government of Indonesia, as part of the international community, is establishing global cooperation in the prevention and eradication of human trafficking, especially against women and children.
- b. As a member of ASEAN, Indonesia is committed to cooperating in the prevention and eradication of TIP, especially against women and children, by referring to the principles of international agreements and national interests that are in line with Pancasila and the 1945 Constitution.
- c. The Indonesian government signed the ASEAN Convention Against Trafficking in Persons, Especially Women and Children on November 21, 2015, in Kuala Lumpur, Malaysia.
- d. Based on the considerations in points a, b, and c, the establishment of a Law on the Ratification of the ASEAN Convention Against Trafficking in Persons, Especially Women and Children is necessary.(JDIH, 2024)

With the establishment of ASEAN ACTIP, Indonesia can analyze the impact of the ACTIP Evaluation on the protection of human trafficking victims in Indonesia. The prosecution of human trafficking offenders heavily relies on the participation of victims as witnesses in the criminal justice process, where they are asked to provide testimony and recount the chronology of the events they experienced. However, this process often becomes a traumatic experience for the victims, so their involvement as witnesses requires careful consideration and adequate support to ensure the right decision is made and to prevent further psychological impact. (Sumner, 2020)

In this case, ASEAN has established 22 data indicators to protect victims, namely:

Table 1.7 ASEAN Indicators in Protecting Victims

No	Indicators
1	Police Report on Human Trafficking
2	TPPO Prosecution Report
3	TPPO Case Court
4	Average Duration of Trafficking Cases
5	TPPO Appeal
6	Outcome of Conviction or Acquittal
7	Defendant's Sentence Outcome
8	Compensation / Restitution / Result of Damages
9	Compensation/Restitution/Indemnity Received by the Victim
10	Assistance for Victims-Legal Counseling
11	Assistance for Victims - Pre-recorded Testimony Video
12	Assistance for Victims - Public Complaint Mechanism
13	Data on Types of TIP

14	Selected Data by Gender
15	Selected Data Based on Age
16	Selected Data on Disabilities
17	Online Annual Report on Trafficking in Persons
18	Annual TPPO Report 3-5 Year Trend Data
19	TPPO Annual Report on National & Regional Cooperation
20	TPPO Annual Report; Involved Officials
21	Information Site About TPPO Assistance and Support Services
22	TPPO Court Rulings with Anonymity & Online

Source:(Sumner, 2020)

2. LITERATURE REVIEW

A. Idealis Perspective

The theory of idealism perspective in international relations views that international relations should be based on moral and ethical values, not on personal interests or power.

According to Carr in his book titled "The Twenty Years Crisis," Carr criticizes idealism as an overly utopian view. Carr also explains in detail the main characteristics of idealism, including the belief in international law, global institutions, and universal morality..(E.H. Carr, 2016)

Meanwhile, according to Michael W. Doyle, idealism in international relations posits that states are rational actors who recognize the benefits of reciprocal cooperation and normative foreign policy.(Bloor, 2022)

In this research, the role of the State is paramount in implementing appropriate policies for handling human trafficking cases, especially involving women and children, particularly in Indonesia.

B. International Regime Theory

This research uses international regime theory, according to Young & Zürn (1995), international regimes are defined as social institutions consisting of principles, norms, rules, procedures, and programs agreed upon to regulate the interactions of actors in specific issue areas. The International Regime has Important Elements, namely;

1) International Principles

International principles are legal guidelines accepted and adopted by countries in establishing international relations. These principles play a crucial role in promoting the creation of peace, justice, and cooperation among nations at the global level.

2) International Norms

Norms in international relations refer to the expected standards of behavior from countries in the context of global interactions. In general, norms can be understood as models of behavior that are considered ideal or desirable within a society or group. Norms reflect values, beliefs, and practices that are considered important and accepted within a specific social environment. Norms can be categorized into two types: formal norms and informal norms. Formal norms refer to rules that are officially sanctioned by authorized bodies, like laws and government regulations. In contrast, informal norms are not codified into law but are widely observed within society, including customs, habits, and traditions.

3) Rule

Rules mean written regulations that govern the behavior of countries in specific areas. Rules are a set of instructions or principles established by a specific authority or organization and

must be followed by individuals, groups, or organizations involved in a particular situation or activity.

4) Decision-Making Procedures

Decision-Making Procedures are formal or informal processes used by countries in making decisions within the context of international regimes. The Decision-Making Procedure involves negotiation, consultation, or voting among the countries involved in the regime.(Sugiarto, 2023)

C. The Concept of Policy Evaluation

According to William N. Dunn in Sudiro (201:63), the term policy evaluation can be compared to the words "interpretation," "assessment," or "ranking." In this context, policy evaluation must provide clear and reliable information about the performance of a policy. William Dunn further states that evaluation contributes to the thinking of fundamental values. According to William N. Dunn, there are 6 criteria for policy evaluation, namely effectiveness, efficiency, adequacy, equity, responsiveness, and accuracy.

a. Effectiveness

William N. Dunn states that effectiveness is associated with whether alternatives achieve the expected results or the goals of action implementation, which are closely related to technical rationality, and are always measured based on units of products or services or monetary value.

b. Efficiency

In William N. Dunn's view, efficiency is the amount of effort required to achieve a certain level of effectiveness. In economic rationality, efficiency in the relationship between effectiveness and effort is usually measured by money or the amount of expenditure calculated as the cost used for efficiency, where policies that yield the best results at the lowest cost are called efficiency.

c. Sufficiency

In the realm of public policy, adequacy can be understood as a goal that has been met over time through various means. William N. Dunn (2003:430) describes adequacy as a particular level of effectiveness in meeting every need, value, or opportunity related to a given problem. This perspective suggests that adequacy is closely tied to effectiveness by narrowing down the range of viable options that can successfully address all relevant needs, values, or opportunities in resolving an issue.

d. Equalization

According to William N. Dunn, Justice given and obtained for the purpose of public policy is the same as leveling in public policy. The criteria of equality are linked to legal and social rationality. This shows how the consequences and efforts are distributed among different groups in society. Policies whose efforts can be fairly accepted are called equity-based policies. This means that certain programs may be effective, efficient, and adequate if the cost-benefit is equitable. Justice or fairness is the key to leveling.

e. Responsiveness

Responsiveness is defined as the extent to which a policy can meet the needs, preferences, or values of a specific group within society (Dunn, 2003:437). The success of a policy can be measured by how the community responds to its implementation. Rejection is the community's reaction to negative effects or presence. Dunn also states that responsiveness is important because an analysis that meets all other criteria (effectiveness, efficiency, adequacy, and equity) will not be effective if it does not address the real needs of the groups that are supposed to benefit from the policies, which can start to feel positive support.

f. Accuracy

William N. Dunn said that feasibility is the criterion used to select a number of alternatives to be recommended by assessing whether the outcomes of the recommended alternatives are a viable choice for the intended goals. Accuracy refers to the values of a program's objectives and the strength of the assumptions underlying those objectives.(Huda et al., 2021)

3. METHOD

The method used in this research for data collection and analysis is the qualitative research method. Qualitative researchers seek meaning, understanding, comprehension, and verstehen related to a phenomenon, event, or human condition by personally and/or indirectly participating in the investigated situation, contextually, and comprehensively. This research is conducted online through various digital platforms. Due to the nature of the research, which does not require direct interaction in the field, data collection was conducted using internet technology, such as social media or specific websites.

4. RESULTS AND DISCUSSION

In this study, it is proven that the government continues to make significant efforts in addressing human trafficking cases in Indonesia through ACTIP, which is a regional legal instrument established by ASEAN on November 21, 2015. At the 42nd ASEAN Summit in Labuan Bajo, Indonesia proposed strengthening collective efforts to combat human trafficking crimes. However, the complexity of human trafficking issues requires regional collective efforts to address them, starting from detection, prevention, protection, repatriation, and rehabilitation, to tackling the root causes.(ASEAN-, n.d.)

In addition, ASEAN ACTIP in Indonesia also conducts a program on Guidelines for (Application of the Principle of) Do No Harm for Frontline Officers: Protecting the Rights of Victims of Human Trafficking.

1) The Concept of Non-Maleficence

The Non-Maleficence Approach acknowledges that wise actions intended to help can end up causing harm. It is very important for program managers and practitioners to assess the potential risks of any activity proposal.

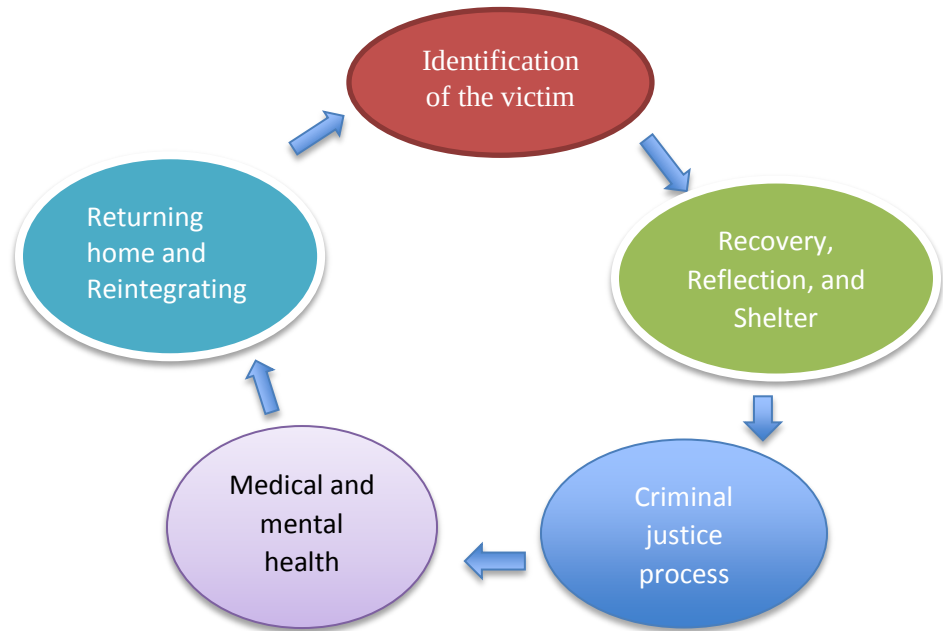
Risk assessments and management plans should be developed in consultation with the affected communities or individuals to help monitor and mitigate potential hazards.

2) The Principle of Do No Harm and Human Trafficking Crime

Most interventions and programs for the prevention and handling of human trafficking do not aim to endanger the lives and well-being of trafficking victims and their families. However, most of the time, some of these actions end up causing harm. This is related to the extreme and complex risks associated with human trafficking, the vulnerable conditions of its victims, and the greater likelihood of trauma.

3) Applying the Principle of Do No Harm When Providing Direct Assistance and Protection to Victims

The appropriate steps must be taken to help victims of human trafficking so that they do not experience physical and mental pressure. Here are the steps taken to help the victims:

Figure 2.1 Guidelines for Direct Assistance and Victim Protection

Source:(ASEAN, n.d.)

From the above guidelines, it explains that there are five stages that the government must undertake in providing legal support for victims of human trafficking, namely:

1) Identification of Victims

Victim identification is the process by which someone is Once recognized as a victim of human trafficking (TPPO), they become entitled to receive aid and protection services, including medical care and other health services, shelter, food and essential supplies, as well as counseling, psychosocial support, and other necessary assistance.

2) Recovery, Reflection, and Shelter

The period of recovery and reflection will give victims time to heal from the incident and help them improve their mental, physical, and psychological health as well as their social well-being. Shelters or temporary residences can provide victims of human trafficking with a safe and secure environment where they can receive essential services, achieve recovery, and obtain support in any legal proceedings. Victims can freely process all available information and options during this period.

3) Return and Reintegration

Returning victims to their places of origin must be carried out safely and with dignity, while respecting their privacy and anonymity. This repatriation must also be voluntary.

4) Medical and mental health care

Human rights fall under the right to health. Access to mental and medical health care is crucial for victims of human trafficking. The majority of victims experience mild to severe health issues. The conditions of exploitation or violence experienced as acts of control can endanger the physical and mental health of the victims.

5) Criminal Justice Process

The rights and needs of victims must be at the center of the criminal justice system. However, victims are often used as objects and evidence in legal processes that focus on prosecuting the perpetrators. According to the ASEAN Regional Guidelines and Procedures, every victim of human trafficking involved in the investigation or prosecution of the perpetrator of

exploitation must receive the necessary protection, support, and assistance while they are involved in the criminal process.(ASEAN, n.d.)

A. DATA ASEAN

1. Thailand

Table 2.1 Human Trafficking in Thailand

No	Explanation	Amount
1	Number of Cases	40
2	Number of Suspects	52
3	Number of Victims in the Case	51
4	Number of Victims Who Received Assistance and Protection	277
5	Number of Victims Receiving Protection Assistance from the Ministry of Social Development and Human Security	201
6	The Number of Victims Receiving Protection in Private Shelters	5
7	The Number of Victims Who Do Not Want to Receive Compensation Protection at the Shelter	71

Source:(E-AHT, n.d.)

The Thai government consistently prioritizes the prevention and eradication of human trafficking as a national agenda. This commitment is realized through serious, sustained, and increasingly concrete efforts over time. In 2022, the Thai government allocated a budget of 297.7 million Baht specifically for efforts to prevent and combat human trafficking cumulatively, from 2017 to 2023, the total budget allocated reached 5,199.98 million Baht.

Entering the year 2023, the main focus of the Thai government is on prevention strategies and the resolution of human trafficking cases through an integrated partnership approach. This approach includes cooperation between government agencies, development organizations, private sector, international institutions, and the public at both the national and international levels. (E-AHT, n.d.)

2. Singapura

Tabel 2.2 Human Trafficking Cases in Singapore

Year	Explanation	Amount
2022	Perdagangan Seks	20
2022	Perdagangan Tenaga Kerja	5
2023	Perdagangan Seks	22
2023	Perdagangan Tenaga kerja	1

Source:(Department of State Singapura, 2024)

In 2022, the Singaporean government allocated 149,400 SGD (\$113,182) for victim assistance, prevention, and partnerships, but did not specify funds for support services. Approximately 25,760 SGD (\$19,515) were used to support four victims of human trafficking. Additionally, the government funds four shelters with a capacity of 250 people for women victims of crime, including human trafficking, and their children. (*Department of State Singapura, 2024*)

3. Indonesia

Tabel 2.3 I Human Trafficking Cases in ndonesia

Year	Explanation	Amount
2020	Child Trafficking Case	149
2021	Child Trafficking Case	234

Source:(MPR, 2023)

Data from the Online Information System for the Protection of Women and Children (SIMFONI PPA) recorded 2,605 cases of TIPPO in Indonesia from 2017 to 2022. From that number, the largest percentage of TIP victims were children at 50.97%, women at 46.14%, and men at 2.89%.(MPR, 2023)

Indonesia has made several efforts in tackling human trafficking, including enhancing investigations, prosecutions, and international cooperation, as well as providing assistance to hundreds of victims, including those exploited in online scams. However, the government still does not meet minimum standards in several important aspects. Investigations in the fisheries sector have only resulted in the identification of two victims, and there has been no adequate priority in monitoring this sector due to the absence of national SOPs for victim identification across all sectors. The government also provides shelters, but imposes strict restrictions such as passport detention and limiting the mobility of victims, which causes many victims to leave these facilities and be reluctant to engage in legal processes. Moreover, administrative mediation in cases involving migrant workers has not been able to provide a deterrent effect or criminal accountability. Although the 2007 PTPPO Law prohibits all forms of human trafficking, its application is still limited to certain cases only. (*Departmen of State Indonesia, 2024*)

4. Vietnam

Tabel 2.4 Kasus Perdagangan Orang Di Vietnam

Year	Information	Suspect	Number of cases
2022	Suspect of Human Trafficking Crime	247	90
2023	Suspect in Human Trafficking Crime	365	147

Source: (*Departmen of State Vietnam, 2024*)

The authorities do not have sufficient information to determine whether data involving unspecified exploitation meets the definition of human trafficking under international law. Some data may include cases from previous years. In 2023, prosecutors filed

109 cases with 288 suspected human traffickers for prosecution. This is different from 55 cases with 163 suspected human traffickers filed in 2022.

Tabel 2.5 Data of Suspects in Human Trafficking in Vietnam

Category	Year 2022	Year 2023
Case sent to the Prosecutor's Office (SPP)	54 cases	100 cases
The suspects involved	157 suspects	238 suspects
Based on Article 150	29 cases	57 cases
Based on Article 151	25 cases	43 cases
The case accepted by the Court for full prosecution	69 cases	117 cases
The suspects involved	155 suspects	341 suspects
The case that has started being processed in court	53 cases	77 cases
The involved defendant	121 defendants	198 defendants
Based on Article 150	Not mentioned	85 defendants
Based on Article 151	Not mentioned	113 defendants
The number of defendants sentenced	121 defendants	198 defendants
Sentence: Range of sentences	Not mentioned	Suspended sentences up to life imprisonment

Sumber: (*Department of State Vietnam*, 2024)

In this context, the government is working to strengthen law enforcement. Article 150 of the Penal Code makes it illegal to traffic individuals for labor or to traffic adults for sexual exploitation. Violators can face prison terms ranging from 5 to 10 years and fines between 20 million and 100 million Vietnamese dong (VND) (approximately \$824 to \$4,122). Meanwhile, Article 151 prohibits trafficking children under 16 for labor or sexual exploitation, prescribing punishments of seven to twelve years in prison and fines of 50 million to 200 million VND (roughly \$2,061 to \$8,244).

These penalties are substantial and, in the case of sex trafficking, are on par with those for other serious crimes, like rape. However, Article 150 does not fully align with international standards, as it applies only to children aged 16 to 17 and requires proof of force, deception, or coercion to classify sex trafficking as a crime. Consequently, it fails to criminalize all forms of child sex trafficking.

B. Implementation of ACTIP in Indonesia

ASEAN has bolstered its regional security initiatives by implementing the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP) to address the growing number of human trafficking cases in Southeast Asia. This convention provides a framework for ASEAN member states to work together to maintain regional stability and security, particularly in Indonesia, which has been significantly impacted.

In this regard, Indonesia implements the international ACTIP regime in three stages, namely;

a. The Ratification Process

The ratification process of the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP) by the People's Consultative Assembly of the Indonesian Republic began in 2017 with the enactment of Law Number 12 of 2017. The convention was previously adopted in November 2015, with the main

objective of strengthening cooperation among ASEAN member states in the efforts to combat human trafficking.

b. Transformation into National Legislation

The transformation of the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP) into national legislation is realized through Law Number 12 of 2017. In an effort to address human trafficking cases, Indonesia enacted the law as a form of implementing ACTIP and as a complement to the existing legal framework, namely Law Number 21 of 2007 on the Eradication of the Crime of Trafficking in Persons (TPPO). Law No. 21 of 2007 contains provisions regarding various forms of violations related to human trafficking as well as mechanisms for the protection of victims.

c. Implementation of the National Program

In addressing human trafficking cases, Indonesia has established a national program to combat human trafficking through the Agus Tuge Coastal Human Trafficking Crime Task Force (GT-TPPO) to provide rehabilitation and assistance to human trafficking victims. (Setiawan, 2021)

However, despite Indonesia having ratified ACTIP overall and experiencing improvements over the past few years, and showing commitment through various initiatives, challenges in implementation and coordination among member countries remain important issues that need to be addressed to achieve the convention's objectives.

C. Evaluation of ACTIP in Indonesia

According to William N. Dunn, policy evaluation has 6 indicators related to the international ACTIP regime, namely:

a. Effectiveness

Success in a victim protection program is an achievement that can be categorized as effective. However, the efforts of the ACTIP program in ASEAN have not yet been effective in handling human trafficking cases, where the number of human trafficking victims remains quite high, especially in Indonesia.

b. Efficiency

The right efficiency is when the government of a country or an organization is able to utilize the available resources to provide moral support to the victims of human trafficking and offer the best services to the victims, as well as impose sanctions and fines on the traffickers in accordance with the established regulations.

c. sufficiency

The adequacy of the implementation of ACTIP in ASEAN countries, especially in Indonesia, has not yet been able to reduce the number of human trafficking cases in the Southeast Asian region. This is also influenced by the lack of public awareness regarding the dangers of human trafficking, which threatens the welfare and morals of individuals, as well as the government's indecisiveness in handling human trafficking cases within its jurisdiction.

d. Equity

According to William N. Dunn, the indicator of equity in the case of human trafficking in Indonesia can be seen from how fairly public policies provide benefits to the entire society in the Southeast Asian region, particularly in Indonesia. In terms of addressing human trafficking cases in Southeast Asia, equity can be seen in the victims' access to protection, legal assistance, and rehabilitation. However, there are

still disparities in the implementation of policies, including ACTIP. While protection is more concentrated in urban areas, victims in remote or border regions often face difficulties in accessing services. This shows that the policies have not been fair in reaching all victims.

e. Responsiveness

In the case of human trafficking in Southeast Asia, particularly in Indonesia, this indicator can be seen in how the government responds to the issue of human trafficking through policies, victim protection, and regional cooperation. Although Indonesia has processed the ratification of ACTIP and implemented several efforts, the response provided is still not fully effective due to various technical and coordinative constraints.

f. Accuracy

In the context of human trafficking in Southeast Asia, particularly in Indonesia, the indicator of accuracy can be seen from the effectiveness of government policies and regional cooperation in addressing the complexities of human trafficking crimes. Although Indonesia has ratified ACTIP and established various national regulations, such as Law No. 21 of 2007 on the eradication of human trafficking, the question of policy effectiveness remains relevant for further examination.

The main issue that arises is that these policies still do not cover all the aspects needed to tackle human trafficking cases in Southeast Asia, especially in Indonesia.(Huda et al., 2021)

The international regime implemented by ASEAN countries in addressing human trafficking cases and establishing the ASEAN Convention Against Trafficking In Persons, Especially Women And Children (ACTIP) in Indonesia has not yet been effectively carried out. This is due to the still high number of human trafficking victims in the Southeast Asian region, especially in Indonesia. And supporting factors such as:

a) International Principle

The principle of non-interference, which is highly upheld in ASEAN, actually becomes an obstacle. Countries are reluctant to criticize or intervene in the domestic policies of other countries, resulting in a lack of strong monitoring and enforcement mechanisms against countries that do not fully implement ACTIP commitments.

b) Norms

Although this norm has been agreed upon, in practice, many ASEAN member countries still have minimal implementation of the norm, either due to limited resources, weak law enforcement, or lack of public awareness.

c) Rule

The rules in this regime include legal commitments and operational standards that must be followed by member countries, including in handling human trafficking cases, legal processes against perpetrators, and victim protection mechanisms. Most ASEAN member states, including Indonesia, have not fully aligned their national legal frameworks with ACTIP standards. There are still disparities in legal

definitions, victim identification processes, and limitations in cross-border mutual legal assistance mechanisms.

d) Decision-Making Procedure

The consensus-based decision-making system makes collective decisions slow and less decisive. The absence of a sanction mechanism against non-compliant countries also weakens the effectiveness of ACTIP as a regime.

D. Challenges Of ACTIP In Indonesia

In addressing and eradicating human trafficking crimes, time and challenges must be faced by the state so that cases of human trafficking do not become more rampant and claim more victims. In its efforts to combat human trafficking, ASEAN faces a number of challenges. First, ASEAN's non-interventionist philosophy is considered a barrier for member governments to develop successful policies. Second, the process of integrating new policies and concepts into the national laws of member states usually takes longer because ASEAN is an intergovernmental organization.

According to the Chief Executive Office of Forgotten Children, Terra Hillard, "emphasizing the need to provide preventive interventions and share support and care for victims and survivors of human trafficking aged 18 and above, the obstacles faced are the lack of truly valid research and data." (RTI, 2024)

E. Factors Affecting the Effectiveness of ACTIP in Indonesia

1) The Principle of Non-Intervention and Weak Coordination

Differences in legal systems among ASEAN countries can hinder cooperative efforts to address human trafficking cases. (Pangastuti, et.al, 2019)

2) Economic and Social Factors

Poverty: The high poverty rate in Indonesia is one of the driving factors of human trafficking; many people are forced to seek illegal work abroad, increasing the risk of becoming victims of human trafficking.

Low Education: This issue is also caused by low education levels and a lack of public awareness regarding the dangers of human trafficking. (Adnan, 2024)

3) Weaknesses in Law Enforcement

Slow Justice System: Inefficient legal processes often result in human trafficking perpetrators not receiving severe punishment, creating the perception that the risk of being caught is low. This encourages perpetrators to engage in illegal activities. (Setiawan, 2021)

Differences in legal policies and varying perspectives among ASEAN member countries are factors that influence the effectiveness of implementing the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP) serves as a key instrument for addressing human trafficking cases in the region. In Indonesia, the implementation of Law Number 21 of 2007 on the Eradication of the Crime of Trafficking in Persons reflects the government's commitment to tackling this issue.

However, the availability of empirical data that can prove whether the implementation of regulations and government programs in providing protection to victims and imposing sanctions on perpetrators has been in accordance with Standard Operating Procedures (SOP) is still very limited.

Furthermore, there has not yet been a sufficient study on the effectiveness of government fund usage in supporting the investigation process and providing compensation or assistance services to victims. This condition underscores the importance of the state's role and regional cooperation among ASEAN countries in providing valid, accountable, and transparent data to the public. Especially for the Indonesian people, access to comprehensive information regarding government programs and forms of assistance is crucial so that the rights of victims can be fulfilled in accordance with applicable legal provisions.

5. CONCLUSION

This research proves that the ASEAN Convention on Trafficking in Persons, Especially Women and Children is still not effectively implemented. This is evident from various obstacles, such as the weak synergy among stakeholders, the mismatch between national policies and ACTIP principles, and the suboptimal protection for victims. Overall, ASEAN ACTIP plays a crucial role for ASEAN countries, especially Indonesia, in addressing human trafficking cases, particularly those involving women and children. Various efforts have been made by the Indonesian government in ratifying ACTIP, aimed at strengthening efforts to prevent and combat human trafficking, as well as enhancing regional cooperation among ASEAN countries in this regard.

Although there are challenges that Indonesia must face regarding the legal framework for human trafficking and the legal framework concerning the forms of human trafficking exploitation. These challenges include the scope of definitions, locus, and the formulation of articles related to human trafficking and its forms of exploitation. Indonesia implements programs agreed upon by ASEAN to provide assistance and legal protection for victims of human trafficking. The efforts made by Indonesia in providing protection to victims include victim identification, recovery reflection and shelter homes, repatriation and reintegration, medical and mental health services, and the criminal justice process.

However, the data on victims receiving protection assistance and the overall number of perpetrators who have been sanctioned are still not fully disclosed. The programs provided to protect victims of human trafficking currently do not have valid data regarding whether these programs are still ongoing and being implemented or not.

- SUGGESTION

The recommendation in this study is that the Indonesian government should focus more and take over this important role so that cases of human trafficking in Indonesia do not increase, as well as strengthen legal assistance and protection for victims of human trafficking and impose severe penalties on human trafficking perpetrators. Not only that, ASEAN-ACT has the obligation to provide data on victims receiving assistance, and data on perpetrators who have been sanctioned, as well as to impose legal sanctions and provide protection assistance to the same victims across all ASEAN countries where all legal rules must be the same in imposing sanctions on human trafficking perpetrators.

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