

# CHAPTER 1

## INTRODUCTION

### A. Background

In general, the practice of human slavery has existed since the ancient era. Since the beginning of human civilization, there has been human slavery. As time progressed, human slavery turned into human trafficking. Human slavery or human trafficking is not a new case where it is considered normal for society (Midhol, 2022). The basic concept of Trafficking in Persons (human trafficking) is a form of human exploitation carried out by fellow human beings, by eliminating the rights of the exploited human beings. The United Nations (UN) Protocol on Drugs and Crime (United Nations Office on Drugs and Crime) defines human trafficking as several actions such as recruitment, transfer, release and/or receipt of human beings by means of threats and coercion. exploitation needs.

Human trafficking means any action or transaction carried out by an individual, party or group to transfer a person to another party for profit or other reasons. Victims of human trafficking are not only trafficked for prostitution or other forms of sexual exploitation, but also include other forms of exploitation, such as labor, forced services, or practices similar to slavery. Perpetrators of human trafficking crimes recruit, transport, move, accommodate, or receive people to arrest, or exploit those people in exploitative practices in all forms by threats of violence, use of violence, kidnapping, forgery, fraud, abuse of power, and other inappropriate things.

Human trafficking is not a new problem in the Southeast Asia region. This issue has been of concern to most countries in Southeast Asia for a long time. The problem affects different countries in the region differently, depending on various factors, thus dividing countries into sending, transit or receiving countries. However, these categories are not clear or stable, as the routes, destinations and methods of human trade have changed over time. The human trafficking polemic in the Southeast Asia region, especially the Philippines, is still an issue that has not yet been resolved. The Philippines is the country of origin for victims of human trafficking, as well as the transit and destination country for men, women and children who are the subjects of trafficking or sexual exploitation and as forced laborers. Victims who are vulnerable to human trafficking are those who live in remote areas of the Philippines. Traffickers use email and social media to recruit victims to work both abroad and domestically. Previously the recruiters had worked

with local and transnational organized criminal networks. Many of the victims experienced physical and sexual violence, threats, did not receive decent living conditions, were not given wages at all, or had problems with identity documents.

The Philippines is a country that has migrants spread across various countries, within the Southeast Asia region and other regions. The migrant population does not only consist of official migrants who have complete documents and are legally under the auspices of official government employment agencies, but there are also illegal migrants, and some of them are victims of human trafficking. Even though there are agencies that legally distribute employment outside the Philippines, the existence of intermediaries who offer various services with illegal alternatives and fast service also continues to grow, many of whom are trapped in these alternatives. This then contributes to the problem of human trafficking which continues to increase every year. Indirectly, the victim experienced a violation of his rights by misappropriating the contract given by the illegal recruiter, generally relating to the amount of wages and conditions and situation where he would work. During the recruitment process, the perpetrator did not provide an actual explanation regarding the nature or how the work would be done. carried out by victims after arriving in the destination region or country, it is not uncommon for victims to experience sexual violence or coercion and manipulation both by the perpetrator and at the destination where they work.

Furthermore, the United States Department of State always releases a Report on Trafficking in Persons every year.

<b>Years</b>	<b>Prosecution</b>
2016	553
2017	488
2018	462
2019	377
2020	416

Source : United States : Departement of State

Based on this report, from 2016 - 2020 there were ups and downs in Human Trafficking cases. In 2016 the number of human trafficking cases in the Philippines was very high, reaching 500 and compared to 2017 - 2019, this number continued to decrease to 377 in 2019, which indicates that the Philippines has complied with the minimum standards required. Thus, the Philippines can be categorized as a country that

is able to eradicate human trafficking, but every year the identification of cases and victims of human trafficking continues to increase. Although the government met minimum standards, it did not intensively investigate and prosecute officials suspected of involvement in human trafficking crimes, consistently prosecute fraudulent recruiters and other criminal labor traffickers, or increase support for special protection and assistance services for child victims. cyber-facilitated sex human trafficking.

In fact, the Central Philippine government is carrying out various national and international efforts to eradicate human trafficking. In the national environment, the Philippine Government has also tightened legislation related to the prohibition of human trafficking, which is also frequently updated every few years. Not only domestically, the Philippine government together with ASEAN also implemented a Convention called the ASEAN Convention Against Trafficking in Persons, Especially Women and Children. It is hoped that all the efforts made by the Philippine government will be able to reduce human trafficking from year to year.

## **B. Research Question**

Based on the background explanation above, the formulation of this research problem is How is the Philippine Government Policy in Eradicate Trafficking in Person?

## **C. Research Purpose**

From the problem formulation above, the researcher formulated the aim of this research as to determine the Philippine Government's Policy in Eradicate Trafficking in Persons.

## **D. Theoretical Framework**

### **1. Human Trafficking**

Human trafficking is an action that refers to the subjection of men, women and children to exploitative conditions, in other words it is also called modern day slavery. There is a definition of the Palermo Protocol issued by the UN Convention against Transnational Organized Crime which was adopted in 2000. In Article 3 of the Palermo Protocol, the definition of human trafficking is stated, namely,

“Human trafficking may mean the recruitment, transportation, transfer, harboring or receipt of persons, through the use of the threat or use of force or other forms of coercion, or kidnapping, fraud, abuse of power or position, vulnerability or by giving or receiving payments or

benefits to reach an agreement. of a person who has control over another person for the purpose of exploitation. Exploitation may include, at a minimum, the exploitation of another person's prostitution or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, or the removal of bodily organs.” (Palermo Protocol)

The assumption that human trafficking is a transnational crime is no longer in doubt. However, stating that human trafficking is only a cross-border affair is a mistake because in reality human trafficking can also occur in a cross-border context. From this, human trafficking can result in sexual and labor exploitation as well as the sale of human organs. Apart from that, the Palermo Protocol also differentiates human trafficking into two groups, namely vulnerable children aged 18 years and adults aged over 18 years. It is called a transnational crime, because human trafficking is carried out across national borders, between one country and another.

Human trafficking is a transnational crime that not only involves women, but also children and men. This includes not only sex trafficking, but also trafficking for labor and organ transplants. The UN Convention on the Eradication of Trafficking in Persons and the Exploitation of Other Persons specifies three elements that are required for a crime to be called human trafficking, namely:

1. There is recruitment in the country of origin, appointment to the destination country, reception and accommodation in the destination country, as well as human handover from the recruiter to the recipient.
2. Human trafficking is carried out through the threat or use of violence, or through coercion, kidnapping or fraud.
3. Human trafficking aims at exploitation. Trafficking of women or even children for sexual services is generally carried out for prostitution, but sometimes for other related acts, such as the production of pornographic material

Networks of transnational criminal actors play an important role in the human trafficking process, from the beginning to the end, including the process of searching and identifying victims, recruitment, the process of facilitating

transportation for illegal crossings or immigration, until finally the victims are trafficked. These actors take advantage of the conditions that occur in the economic environment of the victim's society, and then use them as goods that can generate large sums of money for them. So in this case, it can be said that human trafficking is the most serious violation of human rights, because it indirectly takes away individual rights such as freedom and a decent life, as well as discrimination in human dignity.

In this criminal act, there are actors who play an important role from the initial process to the final process, starting from the identification process, recruitment, the process of facilitating human trafficking (illegal cross), to the process of the individual being bought by someone. In the process, the state is not involved in these activities, but there are law enforcement and border officials who are corrupt in facilitating trade or these individuals do not care or even ignore these activities, resulting in these crimes occurring. Instances such as these can happen in the country of origin, in the transit country, and even in destination country. This is an organized crime that crosses national borders which occurs widely and systematically against civilians, making human trafficking to be a transnational crime. Based on the explanation from Human Trafficking, there is organized crime occurring in the Philippines which has led the Philippine Government to take firm action by making a policy regarding human trafficking.

## **2. Political System (David Easton)**

In political science, the political system analysis approach is included in the category of behavioral approach. The main idea of the behavioral approach is the category of behavioral approach. The main idea of the behavioral approach is the emphasis of analysis on human (or society) behavior so that it is different from the institutional approach as its introduction which emphasizes institutions as the unit of analysis in the political system.

According to Easton, the work of a political system is influenced by the input and output in the political system, and the environment in the political system. Politics, according to Easton, is an interplay of human behavior as a system. A system consists of units which in a political system take the form of actions that are closely related to the creation and implementation of policies. In a political

system, input can be in the form of demands or support which after going through a conversion process will turn into output (decisions or policies). The resulting output, after there is feedback from and to the environment, will become new input for the political system (Easton, 1992).

There are three basic requirements that must be considered when discussing the political system. First, the system is characterized by interdependence between the units within it, so this shows coherence. Second, the system must be neutral or free from ideological influence. Third, system refers to two things, co-variance and dependency between units that make up the system. Changes in one unit in a system will affect other units in a system. Easton explained that what differentiates a political system from other systems is the definition of politics itself. Politics is the struggle of individuals or groups to control social values. Therefore, in the political system there is a principle of allocation of social values. However, the difference between a political system and other systems does not necessarily create a gap. A system can be input for another system, and vice versa (Pribadi et al., 2017).

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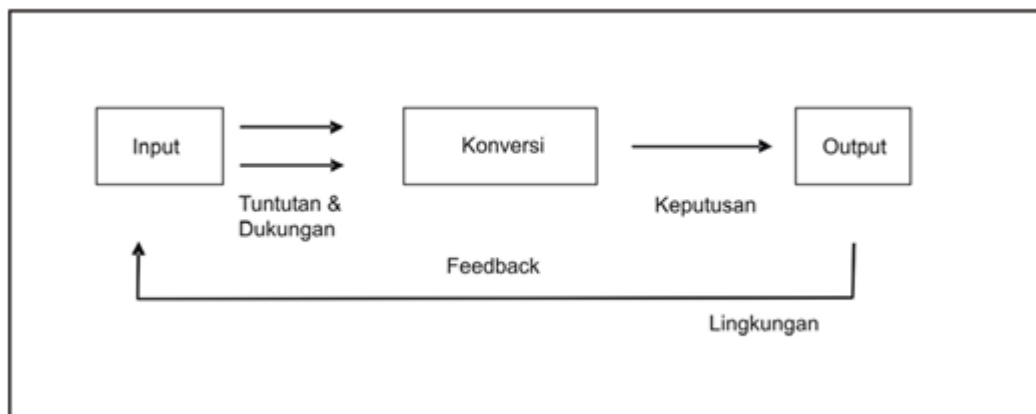
There are four characteristics of a political system that can differentiate a political system from other systems. First, identification characteristics. We must be able to identify political systems to be able to differentiate them from others. In this identification, there are at least two things that must be considered, namely the units in the political system and restrictions. In politics, the units are

political actions. As for restrictions, this needs to be considered when we discuss the political system and the environment.

Second, input and output. To ensure the functioning of the political system, input is needed that is routine, permanent and steady. Without input, the political system will not work. Moreover, without output we will not be able to identify the work that has been produced by the political system.

Third, differentiation in the political system. Members of the political system do not recognize a minimal division of labor that provides a structure within which these activities take place. In politics, we will find various political actions with their respective roles, for example legislative, executive, judiciary, political parties, up to interest groups and pressure groups.

Fourth, integration in the system. Integration in the political system is an effort to regulate power and activities in the political system. Integration in this



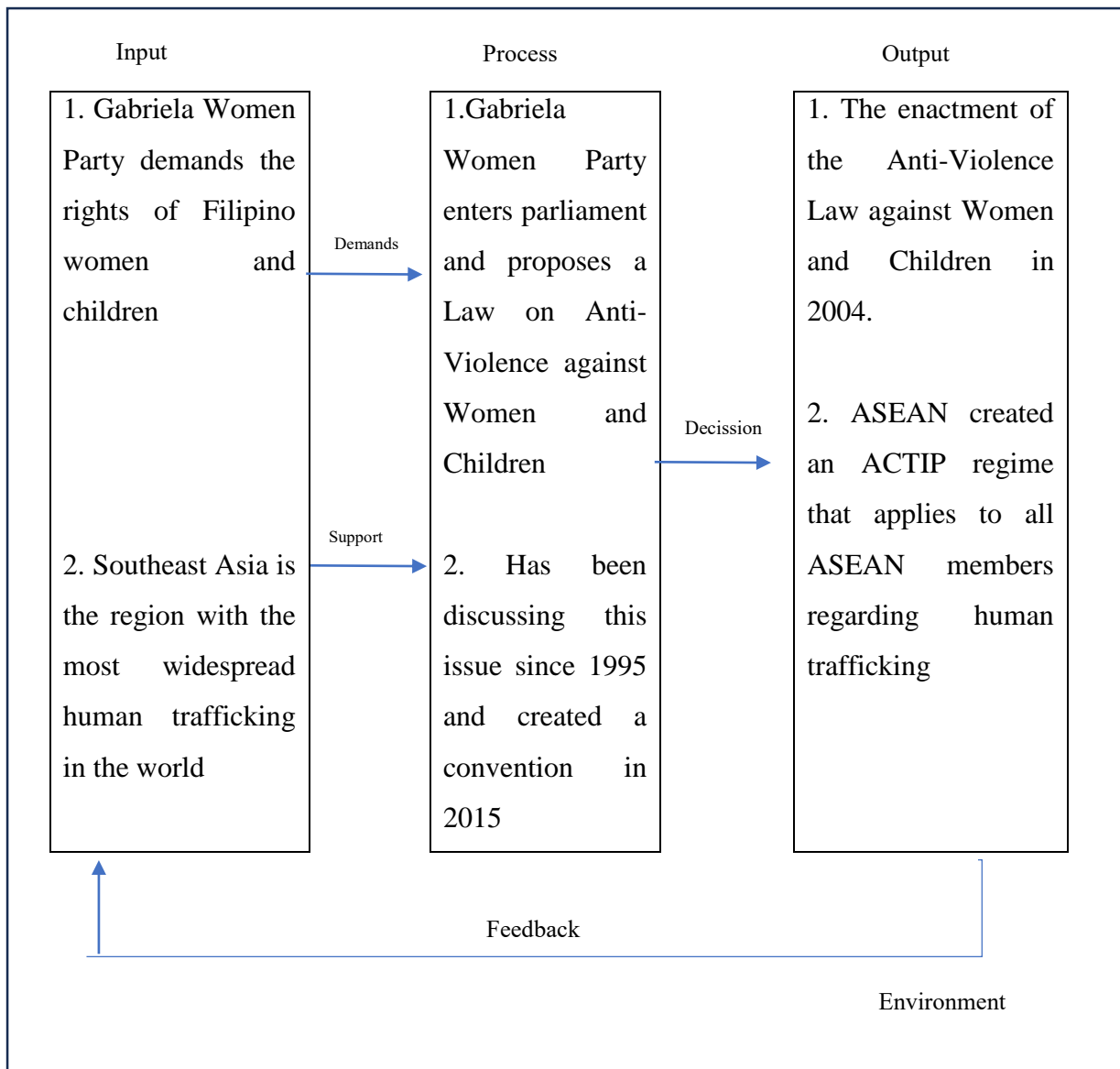
political system is made possible by the awareness of the members of the political system to maintain the existence of the political system itself so that mechanism emerges that can integrate and even force its members to work together even at a minimal level so that they can make authoritative decisions.

Source : David Easton (Easton, 1992)

The elements contained in a political system in general are input, conversion (process), output, feedback, and environment. Based on the picture above, you can see how the political system works. There is input in the form of demands and support which is then continued with conversion to end up becoming output, namely in the form of decisions or policies. This conversion is like a black box considering that not many people know the process that occurs in it. Once it becomes output, there is feedback through the environment which will then come back to influence the input.

From the statement above, a country has a system for running its government with input in the form of communication links from the bottom up, namely members of society who submit demands to political authorities. Thus, there can be a flow of information communication that flows from the community to the political authorities and the authorities can establish good communication by conveying back messages received from the community in the form of regulations or decided policies. In this way, the interaction between an organization and its environment can provide influence as well as those receiving influence, making it a community organization that becomes the formulator and implementer of efforts to achieve common goals.





Source : David Easton (Easton, 1992)

Based on the explanation of the theory above, it can be said that this theory is in line with the case study of Philippine Policy in Responding to the ASEAN Convention Against Trafficking in Persons (ACTIP). The demands of the Gabriela Women's Party (GWP) are the Input, which was originally a women's organization in the Philippines that decided to take part in as well as hold elections. They began under the umbrella of the Bayan Muna Party to study and at the same time gain experience in the arena of electoral politics, and to consolidate the progressive bloc, where the process of consolidating discourses or issues within it is carried out, namely by including women's issues in other political parties. GWP's success in participating in the elections under the auspices of the Bayan Muna Party also indicates GWP's political

communication ability to obtain coalition partners in parliament that are in line with GWP's interests, namely fighting for the rights of Filipino women. Moreover, since 2004, GWP has had increasing incentives to fight for laws that defend women and children. The results of GWP's involvement in parliament is the Output, which saw the enactment of the Anti-Violence Law against Women and Children in 2004, and the Magna Carta of Women in 2009. These two pieces of legislation have become important legal instruments in the context of combating violence against women in the Philippines.

The Southeast Asia region is the region with the most widespread human trafficking in the world, so this has become a demand (input) for ASEAN and has been discussing issues regarding human trafficking since 1995, however, it was only realized by making a convention in 2015 (process) and enacting a regime that called the ASEAN Convention Against Trafficking in Persons, Especially Women and Children which applies to all ASEAN members regarding human trafficking (output).

#### **E. Hypothesis**

The Philippines' policy in eradicating human trafficking is:

1. The Philippine government enforced anti-trafficking laws by implementing anti-trafficking laws in 2003 and 2012.
2. Implement the anti-trafficking law in 2003 by creating the Inter-Agency Council Against Trafficking.
3. Develop regional and international cooperation by making bilateral MoU with ASEAN countries and non-ASEAN countries to combat human trafficking.
4. The Philippine government seeks to protect victims of human trafficking by providing direct services or referrals to various protection services to all identified victims.

#### **F. Research Method**

The method that will be used in this research is qualitative. In this qualitative research method, researchers will collect data through secondary data obtained by looking for sources of information that support research such as books related to the author's research, official journals, government reports, internet-based research, websites, reports, document-based research, and other supporting data that may be relevant or have a relationship with this author's research. The research process will be

carried out systematically, starting with collecting data, managing data, and analyzing the sources that have been collected so that it will produce a conclusion from the problem formulation that the author has researched. Considering that the method used by the author is descriptive qualitative, the research obtained only comes from library studies or literature that can support the research.

#### **G. Writing Systematic**

The writing of this thesis is structured systematically based on the rules that apply in scientific writing and is divided into several chapters, with discussions in their respective but interrelated fields. The aim is to make it easier to interpret the problem topic, this thesis is divided into three chapters, namely:

#### **CHAPTER 1**

#### **INTRODUCTION**

This chapter will explain the reasons for choosing the title, research objectives, background of the problem, research questions, theoretical framework, hypothesis, research methods, and systematic writing.

#### **CHAPTER 2**

#### **PHILIPPINES POLICY TO ERADICATE HUMAN TRAFFICKING**

This chapter will describe the Philippines' policy towards human trafficking.

#### **CHAPTER 3**

#### **CONCLUSION**

This chapter concludes the discussion of the previous chapters.