

Counter-Human Trafficking in East Nusa Tenggara: The Urgency of Strengthening NGOs Role through Multilevel Collaborative Governance

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ABSTRACT

Human trafficking has been one of the prolonged transnational organized crime issues in Indonesia, especially in East Nusa Tenggara Province (NTT). Though government has made some efforts to address the issue, the trafficking cases in the region still remains high. This research attempts to analyze and challenge the existing anti-trafficking scheme designed and performed by the government. Using a qualitative research method, this research found that the government has managed to include non-state stakeholders—such as NGOs and civil society organizations—in its counter-trafficking strategy. However, the role of non-state stakeholders are still limited and regarded as a mere technical support as well as an assistance provider for the trafficking victims, rather than engaged in an early and further strategic stage. The established cooperation tends to represent a partnership instead of a collaboration. This research highlights the urgency of redesigning counter-trafficking response in East Nusa Tenggara and strengthening the role NGOs through a collaborative multilevel governance, which emphasize further engagement of non-state stakeholder in policy-making process.

Keywords: Human trafficking; NGOs role; multilevel collaborative governance.

ABSTRAK

Perdagangan orang merupakan salah satu isu kejahatan terorganisir transnasional yang berkepanjangan di Indonesia, khususnya di Provinsi Nusa Tenggara Timur (NTT). Meskipun pemerintah telah melakukan beberapa upaya untuk mengatasi masalah ini, kasus perdagangan manusia di wilayah tersebut masih tetap tinggi. Penelitian ini menganalisis dan menantang skema anti-trafficking yang telah dirancang dan diterapkan oleh pemerintah. Dengan menggunakan metode penelitian kualitatif, penelitian ini menemukan bahwa pemerintah telah mengikutsertakan pemangku kepentingan non-negara—seperti LSM dan organisasi masyarakat sipil—dalam strategi kontra-traffickingnya. Namun, peran pemangku kepentingan non-negara masih terbatas dan dianggap hanya sebagai pendukung teknis belaka dan sekadar sebagai penyedia bantuan bagi para korban perdagangan manusia, daripada terlibat dalam jenjang strategis awal dan lebih lanjut. Kerjasama yang dibuat cenderung lebih merepresentasikan kemitraan daripada kolaborasi. Penelitian ini menyoroti urgensi perancangan ulang strategi kontra-trafficking di Nusa Tenggara Timur dan penguatan peran LSM melalui tata kelola multilevel kolaboratif, yang menekankan keterlibatan lebih jauh dari pemangku kepentingan non-negara dalam proses pembuatan kebijakan.

Kata Kunci: *Perdagangan manusia; peran NGO; tata kelola kolaboratif multilevel.*

Introduction

The practice of human trafficking, as one of the most eerie transnational organized crime, has long been a phenomenon that may be experienced by various circumstances across the

globe—regardless the age, gender, ethnicity, nationality, etc. Though human trafficking might occur in every region of the globe, Asia-Pacific region has been recognized as a significant region affected by human trafficking. United Nations Office on Drugs and Crime (2022), reported that the ratio of the number of victims of trafficking in persons in the Asia-Pacific region reach 0.34 victims per 100,000 population in 2020. The region has faced notable challenges in combating human trafficking due to various factors such as porous borders, economic disparities, and demand for cheap labor and services. However, UNODC data only represents the number of victims detected and recorded by the authorities, while the actual casualty ratio could be higher¹. This data is limited to include victims from 11 East Asian countries and 8 Pacific countries.

As one of the countries situated in this region, Indonesia contributes a significant number of trafficking cases and is considered on the Tier 2 Watch List—indicating that Indonesia does not meet the minimum standards in addressing trafficking based on the Trafficking Victims Protection Act, and is at risk falling to Tier 3 which constitutes state's failure on enhancing its efforts to address the crime². This research deliberately looks at East Nusa Tenggara Province (NTT), which constitutes the Top 3 contributor of human trafficking cases in Indonesia.³ Trafficking in persons in East Nusa Tenggara is commonly triggered by cultural and social-economic factors. The geographic condition of NTT province, its poverty rate, unequal development, and also the corrupt government have been the critical factors that have allowed the operations of trafficking syndicate last for a long period of time⁴. The syndicate utilized this situation to offer a better opportunity to those who have been seeking for employments. The poor education rate and skill then expose the recruited people to a more vulnerable situation to trafficking, and end up being a cheap-to-unpaid labor, or worse, trapped in prostitution business.

Based on the data from the Service Center for Placement and Protection of Indonesian Migrant Workers in Kupang (BP3TKI), the number of non-procedural migrant workers from NTT who died abroad tended to show an upward trend during 2013–2018 (BP3TKI, 2019). Referring to the data issued by the Witness and Victim Protection Agency (LPSK) (2020), within 2015-2020 they had received 704 applications seeking for protection out of human trafficking. 438 of the victims were women and 266 of them were men. Among the 147 child-victims, there were 126 girls. Throughout 2021, as many as 83 corpses were returned to NTT, identified trapped in the non-procedural migration deal and ended up as human trafficking victims.⁵ It has been recorded that NTT posits the third position on human trafficking cases with the percentage of 8.24%.⁶ The summed up records from 2013-2021 indicate that human trafficking issue in Indonesia, specifically in NTT, has always been a prolonged multidimensional problem, thus requires a multifaceted response involving actors at all different levels. It is true that the government of Indonesia—both the central and local government—has indeed paid their attention to this issue and attempted to address the issue by responding the complex problem with the enactment of regulations, laws, and policies. The governments have also created a collaboration engaging civil society networks. However, it is still

¹ UNODC. 2022. *Global Report on Trafficking in Persons 2022*. Vienna: United Nations Office On Drugs and Crime.

² US Department of State. 2022. *2022 Trafficking in Persons Report: Indonesia*. US Department of State. Accessed May 21, 2023. <https://www.state.gov/reports/2022-trafficking-in-persons-report/indonesia/>.

³ LPSK. 2020. *Pekerja Migran Indonesia : Pahlawan Devisa, Budak di Negeri Orang*. Accessed May 21, 2023. <https://lpsk.go.id/berita/detailwartahukum/3221>.

⁴ Hutami, A. N. 2021. "Perdagangan Manusia dan Pembangunan: Problem Tata Kelola Negara-sentris dan Kerentanan Masyarakat Perbatasan Indonesia-Timor Leste." *Tesis*. Universitas Gadjah Mada.

⁵ Vice. 2021. *Kasus Perdagangan Manusia Memburuk di NTT, Krisis Iklim Turut Jadi Pemicunya*. Accessed May 21, 2023. From Vice:

<https://www.vice.com/id/article/wx5mb4/kasus-perdagangan-manusia-dan-praktik-calo-tki-meningkat-di-ntt-dipengaruhi-k-amarau-panjang-akibat-krisis-iklim>.

⁶ *Ibid.*

insufficient to eradicate human trafficking practices in the region, as we still see the high number of trafficking cases on the previous data. This research highlights despite the governments have issued many regulations and policies, they are still not strategically designed still do not grant an active involvement and authority to the other actors (local community and non-governmental organizations) on its execution in the field.

It is important to underline that through its links to organized crime and corrupt government, human trafficking undermines both human and state security. The government will not be able to work only on their own to counter trafficking. The roles of non-state actors are also vital in guarding to what extend has the government progressed and enforced the law, in order to create a well-functioned governance. Therefore, in tackling such a complex crime as trafficking, a strategic planning which involves the collaboration and participation of all relevant actors and stakeholders, specifically the Non-Governmental Organizations (NGOs) on the designed scheme is urgently required. In the context of counter-trafficking, a significant role of NGO collaborative multilevel governance is needed as a comprehensive strategy to eventually address human trafficking issues.

This research attempts to investigate despite the efforts made by the government of Indonesia—both central and local government, why human trafficking issue in East Nusa Tenggara remains a major problem until the present time. It is undeniable that the NGOs have gradually been involved as the actors in tackling the issue, yet have not contributed any significant progress. This research seeks to figure the hole within the existing governance scheme and analyze to what extend NGOs could participate within then scheme.

Analytical Framework

This research employs multilevel collaborative governance as the conceptual framework to analyze the pattern of the existing counter-human trafficking scheme in East Nusa Tenggara, and to figure what has been missing on its execution. Stoker (1998) conveyed that multilevel collaborative governance are multidimensional concepts, employed in multifaceted disciplines, perspectives, and community-level engagements. This kind of multifaceted concepts allows a dynamic and wide range definition of ‘governance’. It may be interrelated to international relations and political studies, organizational studies, or development studies⁷. The concept of collaborative multilevel governance, arose primarily as a result of criticism and evaluation over state incapability to meet the public’s urgent demands⁸. This situation encourage the non-state actors to seek a new answer to the existing problem and get themselves involved to address the problem.

The concept of multilevel collaborative governance highlights the reduction of state’s solitary role, and distributes range of responsibilities to the other actors—lower level government agencies, community-level organizations, and private sectors. The central governments streamlines policies through collaboration and coordination with the agencies at the local-level government. Furthermore, the local-level governments are given more authority, duties, as well as financial resources than ever, in order to thoroughly address the issue⁹. Despite this interaction indicates a vertical dispersion of power, it does not necessarily constitute a hierarchical relations. The power of actors at higher level is not always greater than that of actors at lower level. Instead, it represents a form of decentralization, where issues, roles, and responsibilities are being specified through a bottom-up and top-down approach—up to supranational institutions and down to regional or local government.

⁷ Stoker, G. 1998. "Governance as theory: Five propositions." *International Social Science Journal* 15: 17–28.

⁸ Newman, J., M. Barnes, H. Sullivan, and A. Knops. 2004. "Public participation and collaborative governance." *Journal of Social Policy* 33 (2): 203–223.

⁹ Edwards, Bill, Mark Goodwin, and Michael Woods. 2003. "Citizenship, community and participation in small towns: a case study of regeneration partnerships." *Urban renaissance* 181-204.

Ansell and Gash (2008) pointed out how a collaborative governance requires the engagement of multiple stakeholders in collective forums with state institutions in a consensus-oriented decision-making process. Ansell and Gash (2008) emphasized six pre-requisites of a collaborative governance. First, the initiative must come from the government institutions. Second, it must include non-state stakeholders as the active participants in the cooperation. Third, the participants must actively and directly engaged in the decision-making process. Fourth, the forum is arranged in a formal manner and meets collectively. Fifth, the decision made in the forum must be through consensus. Sixth, the ultimate goal of the collaboration is the establishment of policy and its implementation that fulfills the peoples' needs¹⁰.

Such collaborative governance requires state agencies and non-state stakeholders to work collectively in distinctive way, as each actor has their own unique role and function. The NGOs and civil society organizations involvement in policy-making process should represent the third party interest, including the victims' needs and interest. Though engaged in decision-making process, NGOs should stay in their nature which is providing assistance and support, and runs its function to critically oversight the implementation of the established anti-trafficking policies. Meanwhile the government must guarantee the security of its population, consider NGOs suggestions, and strategically accommodate the public urgent needs and demands.

Methodology

The method used in this research is qualitative method with a descriptive analytic pattern by using conceptual framework to highlight the urgency of strengthening the NGOs role through the collaborative multilevel governance to counter trafficking in East Nusa Tenggara. In order to achieve the research objective, the researchers used secondary data, obtained through library research. The collected data are relevant to confirm whether or not the present counter-trafficking collaboration scheme in East Nusa Tenggara has allowed NGOs to participate profoundly. The data include books, journal articles, policies and laws on human trafficking, official documents and reports from Statistic Bureau Agency (BPS), Placement and Protection of Indonesian Migrant Workers (BP3TKI), and the Witness and Victim Protection Agency (LPSK), as well as other reliable sources. To validate the claim that human trafficking problem in East Nusa Tenggara province has been protracted and at emergency level, the researchers presented the trafficking data in the range of 2013-2021 to see its trend tendency. Subsequent to the data collection, the data were processed with triangular technique and contested to verify each data or information, brought about a new finding.

Looking at the ideal six pre-requisites of multilevel collaborative governance concept, the researchers only pointed out the critical role of NGOs within the scheme of (1) how the collaboration was initiated; (2) what actors were involved, (3) and their engagement during the decision-making process; (4) what kind of forum they arranged—formal manner or not; (5) whether or not the forum has been through a consensus; and (6) whether or not the implementation has fulfilled the people's needs. As this research mainly attempts to investigate to what extend the role of NGOs within the collaboration—instead of to what extend the collaboration has worked, the researchers do not elaborate each pre-requisite in specific manner. The researchers set the article outline by providing an overview of human trafficking phenomenon at the beginning of the analysis; then exposing the government shortcomings in combatting trafficking; highlighting the critical role of NGOs in counter-trafficking; and as the processed data are relevant to the indication, facts, evidences and updates towards human trafficking issues in East Nusa Tenggara, the outcome of this research

¹⁰ Ansell, Chris, and Alison Gash. 2008. "Collaborative governance in theory and practice." (Journal of public administration research and theory) 18 (4): 543-571.

emphasizes on the urgency of revisiting and reformulating the existing counter-trafficking approach to be more strategic by highlighting the need to strengthen NGOs role within the collaboration scheme.

Analysis

a. Human Trafficking In East Nusa Tenggara: An Overview

The unequal development in Indonesia has created discrepancy between urban and rural area, which directly and indirectly contributes to the high rate of migration flow. As one of the underdeveloped areas in Indonesia—measured from its Human Development Index (HDI), East Nusa Tenggara Province occupies the top ten provinces for migrant workers-sending (BP2MI, 2020). Most of these workers are identified prefer undertaking the migration with a non-procedural channels, as it offers them shortcuts and greater possibility of getting their application ‘accepted’, compared to the procedural steps which they find more complicated and strict¹¹.

Central Statistics Bureau (2020) shows that NTT is posited on the third rank as the province with the highest poverty rate after Papua and West Papua, with a percentage of 20.90% (see Figure 1)¹². The Agency of Indonesian Migrant Workers Protection (2020) records that NTT was ranked 11th as the contributor to Indonesian Migrant Workers¹³. These two data show the relation between poverty rate and migration flow, and its implication to the high number of human trafficking cases originated from NTT. It can be seen from the graph of human trafficking cases ranged from 2015 to 2019, recorded by the Indonesian Ministry of Social Affairs (2019) (see Figure 2).

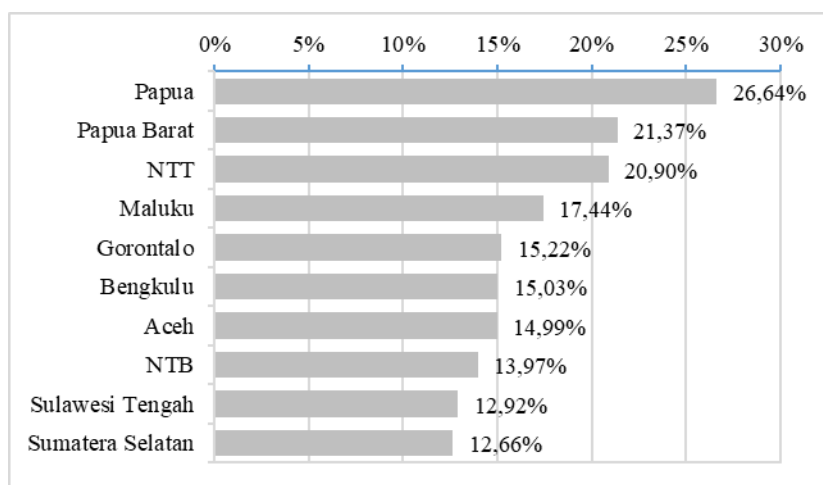


Figure 1. Top 10 Provinces with the Highest Poverty in Indonesia (Badan Pusat Statistik 2020)

¹¹ Hutami, *loc.cit.*

¹² Badan Pusat Statistik. 2020. *10 Provinsi dengan Kemiskinan Tertinggi di Indonesia per Maret 2020*. Badan Pusat Statistik.

¹³ Badan Perlindungan Pekerja Migran Indonesia. 2020. *Data Penempatan dan Perlindungan PMI: Periode Mei 2020*. BP2MI. Accessed February 14, 2021. https://www.bnp2tki.go.id/uploads/statistik/images/data_23-06-2020_Laporan_Pengolahan_Data_BNP2TKI_MEI_2020_Rev_1.pdf.

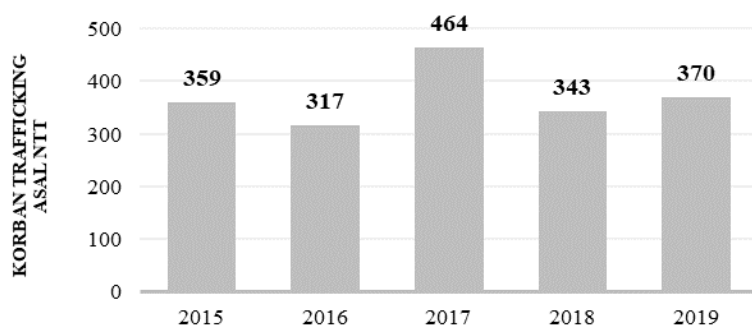


Figure 2. Victims of Human Trafficking from NTT 2015-2019 (Kementerian Sosial RI, 2019)

The number of human trafficking victims originating from NTT tends to be fluctuating (see Figure 2), experienced an upward and downward trend during 2015-2019 period. However, it is undeniable that the number of victims recorded from this province is still considered high as it had been consistently constitute above 300 lives detected per year—while the greater number of the undetected remains unknown. This indicates that the issue of human trafficking in NTT is an emergency, protracted and has not been handled strategically.

Hutami (2021) identified the core factors that perpetuates human trafficking practices in NTT is the lagging in human-centered development—which is measured from the accessibility of people to education and healthcare, as well as socio-economic welfare of the community in the region. Central Statistics Bureau (2018) reported the human development index (HDI) of NTT Province is the third lowest across Indonesia, valued at 64.39 with a human development growth rate of 1.04%, lagging far behind the national HDI average of 70.42¹⁴. The low value of human development index of NTT Province represents the life quality of its population. It is obvious that the unequal development and its orientation putting human development on the last page, have created such systemic problem that impoverish the population and makes them more vulnerable to being trafficked. Beside its human development issue, the geographic condition of NTT—a dry area with uncertain climate—also become the driving factor for the population to commit migration and seek for better opportunity, as they cannot rely on the agricultural productivity¹⁵.

Broadly speaking, the human trafficking practices in NTT are unlikely to happen without the significant role of globalization which brings all forms of ease and allow rapid mobilizations. The low level of human development—in terms of education and ability to sort out reliable information—contributes making them often trapped by the syndicates who manipulatively take advantage of others situation through globalization and operate in a covert and organized manner. Oftentimes the human trafficking victims are not aware of being a victim as they were manipulated to believe that they were sent out under their consent. In some cases, the victims may not be aware of being exploited as sometimes they earn more income abroad compared to in their origin country¹⁶. It also happens due to the varied perceptions among the public regarding the definition of human trafficking itself—one of which is caused by the role of syndicates in framing offers to work abroad as if based on the consent and approval of the migrant workers at the beginning of the offer, which is actually part of their strategy of fraud and manipulation.

b. The Government Shortcomings in Combatting Trafficking

¹⁴ Badan Pusat Statistik. 2018. *Indeks Pembangunan Manusia 2018*. Jakarta: Badan Pusat Statistik.

¹⁵ Hutami, *loc. cit*

¹⁶ Ojomo, A. 1999. "Trafficking in human beings: Nigerian law enforcement perspective." *In International Conference on New Frontiers of Crime: Trafficking in Human Beings and New Forms of Slavery, Verona 22-23*.

It has been more than a decade since the study carried out by the US Department of State in 2008 examined trafficking issues in Indonesia and placed it on the Tier-2. Today, instead of getting more advanced in addressing the issue, Indonesia was downgraded to Tier-2 Watch List¹⁷. It indicates that Indonesia has failed even on the prevention step and failed in providing protection to the victims. It also shows that the government has not fully complied with the minimum standards for the elimination of trafficking, but still making efforts to meet those standards¹⁸. It is important to highlight that Indonesian government does have many legal tools to counter human trafficking yet having limited capacity and low engagement of the officials in eliminating the crime—since they are the main elements in law enforcement. Following are the legal instruments enacted by the Indonesian government to prevent and combat trafficking:

- Act on Children Protection 2002;
- Act on Extradition 1979;
- Law No.21 of 2007 about Elimination of Human Trafficking Crimes;
- Act on Placement and Protection of Indonesian Migrant Workers 2004 ;
- Act on Abolition of Domestic Violence 2004 ;
- Act Concerning Mutual Legal Assistance in Criminal Matters 2006 ;
- Act on Protection of Victim and Witness 2006 amended in 2014;
- Law No. 13 of 2003 about Manpower;
- Law No. 18 of 2017 about Protection of Migrant Workers;
- Government Regulation No. 4 of 2015 concerning Supervision of the Placement and Protection of Indonesian Migrant Workers Abroad;
- Minister of Manpower Regulation No. 39 of 2016 about Manpower Placement;
- Minister of Manpower Regulation No. 9 of 2019 about Procedures for Placement of Indonesian Migrant Workers;
- Minister of Manpower Regulation No. 10 of 2019 about Procedures for Granting Company Permits to Place Indonesian Migrant Workers;
- Minister of Manpower Regulation Number 14 of 2008 about Prevention and Handling of Victims of Trafficking in Persons;
- Governor's Decree Number: 357/Kep/HK/2018 about Termination of Departure of Prospective Indonesian Migrant Workers / Indonesian Migrant Workers from East Nusa Tenggara Province Abroad;
- Governor's Decree Number: 358/Kep/HK/2018 About Termination of Inter-Working Candidates Between Regions of Origin East Nusa Tenggara Province To Outside Nusa Tenggara Province East;
- Governor's Decree Number: 24 /Kep/HK/2019 concerning the Task Force for the Prevention and Handling of Victims of Trafficking in Persons and Prospective Indonesian Migrant Workers and Candidates for Inter-Working Non-Procedural Inter-Regional Workforce in East Nusa Tenggara Province.

Normatively speaking, the series of legal instruments above should have been sufficient to profoundly eliminate such transnational organized crime. However, it is identified that the judiciary decision often end up discriminating the victims and preserving impunity for traffickers¹⁹. The poor

¹⁷ US Department of States, *loc. cit.*

¹⁸ US Department of States, *loc. cit.*

¹⁹ Utami, P. N. 2019. "Penanganan Kasus Tindak Pidana Perdagangan Orang oleh Pemerintah Provinsi Nusa Tenggara Timur." *Jurnal HAM Vol 10 (2)*: 195-216.

and corrupt bureaucracy in Indonesia, specifically in East Nusa Tenggara has directly and indirectly contributed to creating a permissive environment for human trafficking practices. Shelley (2010) identified that some of the individuals involved in trafficking networks have a political influence and play a key role in many trafficking rings, thus have the potential to successfully co-opt the bureaucracy²⁰. An incompetent and corrupt bureaucracy is identified as one of the key factors contributing to the high level of impunity obtained by the traffickers. Therefore, the government alone often fails carrying out its function. The US Department of State (2021) on its Trafficking in Person Annual Report, also highlights its concern on the complicity of particular authorities in trafficking practices in Indonesia that has made it a pervasive long-standing issue in the region²¹.

At some point, the Indonesian government does not seem truly robust to eradicate the prolonged issue of trafficking, as it reduced its funding allocation to the national task force's coordination office for the sixth year in a row and has not yet prioritized designing a strategic funding and resources in order to create an effective scheme²². As a consequence, the NTT Provincial Police ended up encountering obstacles while working on investigation. The limited budget is not sufficient for them to operate in such archipelagic area as NTT. For instance, when they were assigned to tackle one trafficking case in Sumba, it would cost a huge budgetary to travel across island to investigate many parties such as the village head, the Manpower Office, and the victim's immediate circle²³. Beside the absence of rigorous scheme has continued to hamper the identification of victims in general, the poor vertical coordination between the government at the higher level and lower level turned out insufficient in ensuring the central government objectives were duly implemented²⁴.

Nevertheless, the NTT Regional Government and the Ministry of Manpower have also made some effort to prevent trafficking through the establishment of a One-Stop Integrated Service (LTSA) for the Placement and Protection of Indonesian Migrant Workers (P2TKI). It engages relevant parties in one building such as Department of Demographic Affairs, Immigration Directorate, Labor Service, Police, Banks, and Insurance to help managing the requirements of working abroad. All services are integrated in the same building, thus making it easier to detect any forgeries²⁵. However, this program still has shortcomings and not strategically well-planned. The activists of Humanitarian Solidarity for Trafficking Victims, points out how the effectivity of LTSA is quite modest, as it is only available in the city or more centered area. Meanwhile, most of the potential migrant workers area coming from a more remote area such as the border areas, where panders/brokers are still dominating²⁶.

c. The Critical Role of Non-Government Organizations in Counter-Trafficking

According to the Asia Foundation, there are more than 200 of non-governmental organizations operating in Indonesia, and most of them are focused in East Nusa Tenggara. On its mission to combat trafficking, the majority of NGOs focus mainly on raising awareness, furthering community and economic development, as well as providing support and assistance for the victims²⁷. NGOs manifest

²⁰ Shelley, Louise. 2010. *Human trafficking: A global perspective*. Cambridge: Cambridge University press.

²¹ US Department of State. 2021. *2021 Trafficking in Persons Report: Indonesia*. Accessed April 22, 2022. <https://www.state.gov/reports/2021-trafficking-in-persons-report/indonesia/>.

²² *Ibid.*

²³ Utami, *loc. cit.*

²⁴ US Department of States, *loc. cit.*

²⁵ Jovani, A. 2019. "Upaya Pencegahan Praktik Perdagangan Perempuan di Nusa Tenggara Timur." *Jurnal Inada: Kajian Perempuan Indonesia di Daerah Tertinggal, Terdepan, dan Terluar* 2 (1): 98-110.

²⁶ Wahyudi, R., and R. D. Ambarsari. 2018. "Evaluasi Pelayanan Migrasi Ketenagakerjaan Antara Aturan dan Pelaksanaan." *Jakarta Selatan: Jaringan Buruh Migran*.

²⁷ Gan, C., N. T. T. Ha, T. H. Kao, and K. Poch. 2014. "An Assessment of The Role of Nongovernment Organizations in Combating Trafficking of Women and Children in Cambodia and Viet Nam." *Journal of Greater Mekong Subregion Development Studies* 6: 71-91.

their engagement in communities' development through various measures, such as collecting data and information regarding trafficking activities then distribute them to the communities for education purpose, assisting trafficking victims during temporary shelter post-rescue, providing legal assistance, and helping with returning and reintegrating into victims' origin communities.

Rousseau (2018) emphasize that, in many cases regarding trafficking issues, NGOs can be more successful and have greater beneficial influence than government entities. The victims of trafficking often find themselves apprehensive about reporting their victimization and skeptical about cooperating with law enforcement agencies once they are rescued²⁸. Aronowitz (2009) argues it happens due to there is the fear of reprisal from the traffickers, the tendency of victims distrusting government institutions, and the presumption of states incapability in guaranteeing assistance and protection to trafficking victims—especially those without documents and committing non-procedural migration²⁹. In such complicated scenario the Non-Governmental Organizations thus take a crucial role and play its part as a helping hand for the victims³⁰.

As their scopes are less centered on criminal equity endeavors, NGOs tend to focus more on supplying grassroots intervention that engage with victims and encourage their long-term reintegration, rather than supplying services to victims or being involved in rescue mission³¹. NGOs and civil society are known more embracing, thus may perform a more intuitive approach to empower trafficking victims and help develop inventive reintegration framework which place humanity as main priority, regardless the non-procedural migration committed by the victims. Furthermore, the non-governmental organization along with its advocacy networks also play a prominent role in assuring the survivors security and dignity, as it has the capacity and potentials to influence government response human trafficking issues, as well as fill in the gaps remain in government undertakings³². There are many of NGOs in East Nusa Tenggara concerned on human trafficking problems in the region, and they have been incorporated in an Alliance against Human Trafficking in NTT, called AMPERA. Most of them are engaged in advocating victims in the legal process to fight for justice, also assisting Indonesian migrant workers who are having problems regarding their non-procedural and illegal status³³.

d. The Urgency of A New Approach: Strengthening NGOs Role in Multilevel Collaborative Governance

The policies and efforts made by the government needs to be appreciated as an initial step. However, they also need to be reviewed and evaluated for better improvement. The mere role of a state actor has been proven ineffective and tend to be less considerate to the situation on the ground. The primary responsibility to eradicate trafficking is indeed on the government's hand, however, such transnational organized crime requires multifaceted collaboration. At some point, this research admits that non-state stakeholders have been involved, but the scheme is not strategically designed and not

²⁸ Rousseau, D. 2018. "From Passive Victims to Partners in Their Own Reintegration: Civil Society's Role in Empowering Returned Thai Fishermen." *Anti-trafficking review* 10.

²⁹ Aronowitz, Alexis A. 2009. *Human trafficking, human misery: The global trade in human beings*. Greenwood Publishing Group.

³⁰ Clear, Anne, Megan Paull, and David Holloway. 2018. "Nonprofit advocacy tactics: Thinking inside the box?" *VOLUNTAS: International Journal of Voluntary and Nonprofit Organizations* 29 (4): 857-869.

³¹ Limoncelli, Stephanie. 2016. "What in the World Are Anti-Trafficking NGOs Doing? Findings from a Global Study." *Journal of Human Trafficking* 2: 316.

³² Noyori-Corbett, Chie, and David P. Moxley. 2018. "Addressing Female Sex Trade Human Trafficking in Japan Through NGO Advocacy Networks." *International Social Work* 6 (1): 954-967.

³³ Soemarno, W. P. 2020. "NTT dalam Cahaya ANT: Studi Kasus Perdagangan Manusia Berkedok Pengiriman TKI di NTT." *Jurnal Transformatif Unkriswina Sumba* 9 (2): 49-96.

sufficient to answer the core problem. Therefore, it should be outlined that further engagement of other actors are prominent to improve the coherence of anti-trafficking endeavors which play the key role not only to guard and make sure the government duly functions, but also to participate in designing the strategy (see Figure 3).

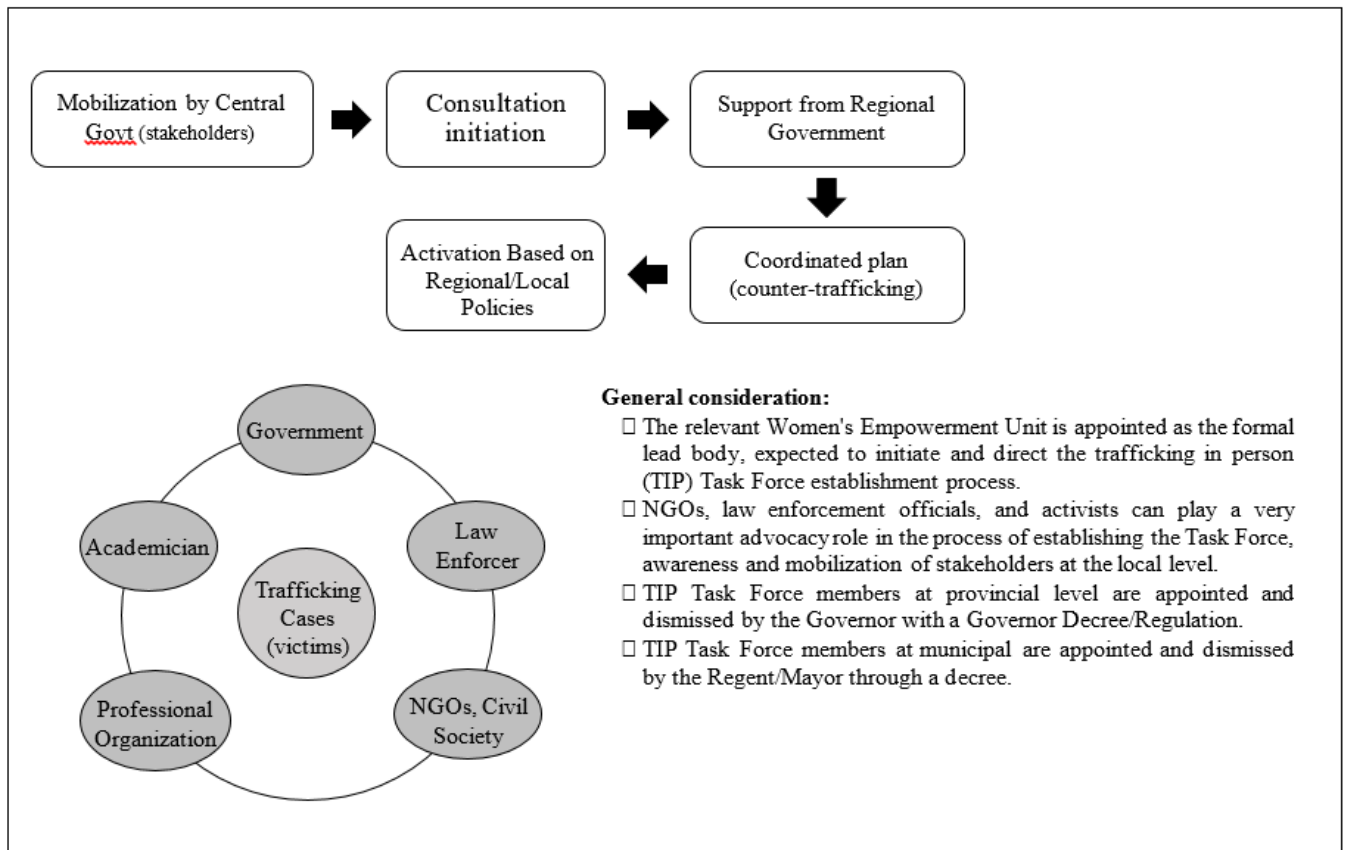


Figure 3. The Establishment of Task Force Synergy to Counter Trafficking (KemenPPPA & IOM 2019)

As shown in the Figure 3, the central government of Indonesia has initiated a synergy through the establishment of the Trafficking in Person Task Force, engaging NGOs and civil society, academician and professional organization. However, this research reveals from many previous studies that the role of non-state actors—specifically NGOs within the cooperation are described limited to a service provider and technical support to the government collaboration scheme^{34,35}. Referring to the ideal six pre-requisites of multilevel collaborative governance concept, the researchers identify that; (1) There has been a collaboration initiated by the Indonesian government; (2) The collaboration has engaged non-state actors such as NGOs and local community; (3) However, the collaboration is only found on the technical level instead of the early stage of decision-making process; (4) The forum is arranged in formal manner but does not meet collectively; (5) The decision made in the forum has been through a consensus yet only among the formal decision-makers; and (6) The implementation has not fulfilled the people's needs, measured from the trafficking cases that remains high.

³⁴ Putri, D. A. A., and T. C. Utomo. 2019. "Kerjasama International Organization for Migration (IOM) dan Pemerintah Indonesia dalam Menangani Perdagangan dan Perbudakan Manusia di Industri Perikanan PT. Pusaka Benjina Resource Tahun 2015." *Journal of International Relations* 5 (1): 998-1006.

³⁵ Baihaqi, A. I., S. P. Salam, and H. F. Warganegara. 2021. "Pentingnya Kerjasama antara Pemerintah Indonesia dengan International Organization of Migration (IOM)." *Jurnal Ekonomi, Sosial & Humaniora* 2 (10): 1-8.

Ideally speaking, a multilevel collaborative governance must include the non-state actors both at decision-making process and further engaged in technical execution. Rowe and Frewer (2004) define public participation in a collaboration as "the practice of consulting and involving members of the public in the agenda-setting, decision-making, and policy-making activities of organizations or institutions responsible for policy development." The engagement of non-state actor's participation is supposed to improve the quality of the policies as it would extend a wide range of parties with different expertise, values and interests^{36,37}.

In order to create a collaborative sphere, it is substantial to draw a firm separation line between the roles of States, NGOs and private sectors. Foot (2015) on his study underlined how collaborations can be either successful or chaotic due to the obstacle encountered on the grounds³⁸. The engagement of other parties—like civil society or NGOs—in a strategy may trigger conflicts of interest in the collaboration circle. As the role of NGOs and civil society are often engaged in the four P's cluster (prevention, protection, prosecution, and partnership), they are likely to question their status which only demonstrates a technical support to the government as they are excluded and not considered in the political decision-making process. Furthermore, as the NGOs aim varies from that of governmental and intergovernmental entities, its roles in anti-trafficking coalition may be perceived as excessively critical towards the state policies at times. On one hand, the government is delighted with NGOs engagement and find them very helpful for providing supports. While on the other hand, the government sometimes are not very welcomed with the NGOs further involvement in the circle and regards them as obstacles for being too critical towards any strategies made by the government³⁹.

NGOs and civil society should not be regarded as a mere particular partner in anti-trafficking strategy that provides assistances only when the government wants them and ask them to do so, while basically they can actively give more meaningful and constructive contributions towards the improvement of policies and approaches pertaining human trafficking issue and the assurance of human security in general. Though they have the same ultimate goal—which is to eradicate trafficking—the most potential clash between the government and civil organization is found on the way they regard the problems; government tends to only designate and limit the assistance funding based on the number of officially identified victims, while NGOs and civil organizations expect to assist anybody who are victimized regardless their administrative status⁴⁰.

Referring to the Organization for Security and Co-operation in Europe (OSCE)—which has been working on creating a collaborative room for any stakeholders to cooperate, Indonesian government could adopt the cooperation scheme that demonstrates different stages of formalizations. The formalized cooperation is engaging NGOs and civil society organizations in the decision-making process under the government leadership. It allows NGOs to deliver their concerns over individual cases to the government and review the policies with the events taken place on the ground. Though on its practice, they sometimes encounter confrontation coming from the government and only have their proposals towards the policies ended up becoming a formality. A promising example of NGO engagement in policy-making process is illustrated by the NGOs in the United Kingdom which take

³⁶ Rowe, Gene, and Lynn J. Frewer. 2004. "Evaluating Public-Participation Exercises: A Research Agenda." *Science, Technology, & Human Values* 29 (4): 512-556. doi:10.1177/0162243903259197.

³⁷ Trei, Mariliis. 2021. "The involvement of NGOs in asylum policy decision-making: The case of Estonia." *5 th International Conference on Public Policy*. Barcelona: International Public Policy Association.

³⁸ Foot, Kristen. 2015. *Collaborating against human trafficking: Cross-sector challenges and practices*. Vol. 2. Lanham: Rowman & Littlefield.

³⁹ OSCE. 2018. *The Critical Role of Civil Society in Combating Trafficking in Human Beings*. Vienna: Organization for Security and Co-operation in Europe.

⁴⁰ van Doorninck, M. 2017. "Changing the system from within: The role of NGOs in the flawed anti-trafficking framework." In *Routledge Handbook of Human Trafficking*, 419-430. Routledge.

parts in developing UK Modern Slavery Bill through an ad hoc forum that allow any stakeholders to exchange information regarding the new legislation needed⁴¹.

Being in the closer circle to government under a close partnership may also ruin the NGOs independence and may become vulnerable to cooptation risk. If the engagement of NGOs with the government seems gone too far, the major society that includes trafficking victims may start to be skeptical and distrust the organizations⁴². However, Ansel and Gash (2017) conveyed that it is almost unlikely for NGOs and civil society—when exposed to power, to exercise their authority to control other parties, as they tend to have been relying on voluntary contributions to operate. Instead, they would utilize it to optimize their agenda and pursue the ultimate objective in a more effective manner.⁴³ In order to preserve its independence, it is therefore substantial for the NGOs to keep managing its advocacy function outside the public-private counter-trafficking cooperation, and keep their critical voice out loud in order to guard and oversight the development of anti-trafficking policies as well as its execution.

By engaging and strengthening the role of NGOs and civil society organizations in the policy-making process, this collaborative governance model is expected not only to be able to improve the coordination between stakeholders, but also to extend their support in more effective way by developing a national support program that facilitate and provide economic assistance to all trafficking victims and anybody who were suffer from any kinds of exploitation. The placement of NGOs within the collaborative framework is meant to support the policies adoption and its execution, improve public agencies and civil society partnership capacity; fortifies multilevel anti-trafficking coalition system; as well as strengthen the research program in order to stay relevant to the situation and able to keep up with any forms of trafficking in other guises.

Conclusion

Referring to the prolong human trafficking issue in East Nusa Tenggara, a meaningful engagement of NGOs and civil society organizations is urgently needed and must be included in the counter-trafficking strategy through a multilevel collaborative governance. The solitary role of a state would not be sufficient to strategically address such transnational organized crime as trafficking. It requires multifaceted response and approach that able to answer the problem from all dimensions. This research highlights the participation of NGOs and civil society organizations that is still limited and shallow on its execution. The Indonesian government, just as any other governments across the globe, has actually included NGOs on their anti-trafficking efforts. However, the NGOs' roles are still regarded as a mere service provider to the government, which is just a part of mission and policy implementation only. They have been particularly assigned only to complement government's efforts in anti-trafficking response, especially fulfilling the needs of providing assistance and protection for trafficking victims.

The existing partnership and collaborative scheme needs to be reviewed for better improvement. An effective counter-trafficking strategy should be conducted in a collaborative platform with non-state stakeholders being involved in the policy and decision-making process. Thereby different ideas being exchanged among different type of stakeholders, including the government, civil organizations and NGOs, as well as the private sectors. In this kind of cooperation a firm separation line needs to be drawn clearly in order to avoid any potential conflicts that might happen either among the stakeholders within the collaborative platform or between the NGOs and society outside the platform who will always oversight the adhered NGOs independence principle.

⁴¹ OSCE, *loc. cit.*

⁴² Foot, *loc.cit.*

⁴³ Ansell and Gash, *loc. cit.*

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