

Improving the Participation of Villagers in the Handling of Human Trafficking through Community Watch

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Abstract

One of the strategic ways of preventing human trafficking and crimes against the migrant worker is that the implementation measures should begin from the village and should involve all elements of society. This research aims to study Community Watch (CW) as a model of human trafficking and crime prevention at the village level in relation to the dispatch and placement of Indonesian Migrant Workers (PMI). This research adopts a combination of methodological approaches. First, it engages with the doctrinal-legal approach to access the legal provisions, in particular, UU TPPO (Human Trafficking Law) and Law concerning Indonesian Migrant Workers (PMI). Second, it engages with the sociological approach to study the human trafficking phenomenon in Madura in order to find the facts and to further identify the problems. Data collection was conducted through library studies, interviews, and observations. The result of this research shows that the village government has not demonstrated its contribution to the prevention of human trafficking and crimes related to the dispatch and placement of PMI. This research concludes that the development of CW is essential in solving the human trafficking issues at the village level due to its paramount position in the society to ultimately protect and prevent citizens from being victims of human trafficking.

Keywords: Community Watch, village authority, Indonesian migrant workers, crime prevention

Introduction

The root causes of non-procedural migrant worker dispatch and human trafficking in Madura are limited job opportunities, low quality of human resources, and poverty. These circumstances have pushed some to work abroad by whatever means. Such circumstances are supported by the need for well-paid labor abroad and the success stories told by their friends and relatives who have previously worked abroad, despite using non-procedural method (Erma Rusdiana, 2018). The factors motivating the migration of Indonesian Migrant Workers (PMI) are as follows: a) The supporting factors include poor economic condition, low education and having no skill/expertise; therefore, such workers work in the domestic sector. b) The attracting factors include the ease of becoming an Indonesian migrant worker (non-procedural method), high salary, stories of success in their hometown and the ability to attend pilgrimage (Haji) for free (for Saudi Arabian destination) (Budi Mustiko, 2019).

A resident of Gunung Sekar, Sampang, named Rusmiati, was charged with trafficking of migrant workers. Rusmiati received three indictments related to Articles 4 and 2 clause 1 of RI's Law Number 21 of 2017 on Human Trafficking Eradication and Indonesian Migrant Workers Protection (Muhlis, 2020). The defendant is a housewife who was shopping in a market and saw her relative; she told the relative that her sister had worked in Malaysia through an individual. Incidentally, other unknown persons heard the conversation, and they told Rusmiati to introduce them to the person that can help send an individual to work abroad. Due to her good will and intention to help them, Rusmiati gave them the phone number of the person she was talking about, and this led her to become a defendant in the Sampang District Court.

In Madura, trafficking of migrant workers with the motive of taking them abroad to work, as mentioned earlier, has long been a common problem that needs to be solved immediately, not only by the central and local governments but also by the village government. The case mentioned above indicates that limited information and low quality of human resources make people vulnerable to becoming not only victims but also perpetrators of human trafficking with reference to migrant worker placement. People are generally very vulnerable to becoming perpetrators and victims of human trafficking when they lack adequate knowledge on the matter.

For that reason, campaigns should be conducted to disseminate information on what trafficking is and how it is practiced; also, massive supervision should be put in place by involving public participation. Therefore, studies should be conducted on public participation in prevention of human trafficking. One of the implementable models to prevent human trafficking is Community Watch (CW), a human trafficking prevention model at the grass root level involving public participation, including customary leaders, religion

leaders, community leaders, village heads/*lurah*, Family Welfare Program, Youth Organization (*Karang Taruna*), NGO, educators, and students. CW was established to grow awareness and care among community members concerning human trafficking and to improve the effectiveness of human trafficking prevention and management from the upstream, since most human trafficking cases begin at the village level (*Laporan Tahunan Sekretariat Gugus Tugas Penanganan dan Pencegahan Tindak Pidana Perdagangan Orang*-Annual Report of the Secretariat of the Task Force for the Handling and Prevention of the Crime of Human Trafficking, 2018).

The establishment of CW at the village level is not always in the form of a new institution, but it can be synergized with a preexisting community institution. This is because without government action in anticipating and dealing with human trafficking, the situation would worsen, including the dispatch of migrant workers.

In this study, problem statements are:

1. What is the migration pattern of Madura people?
2. What is the level of government's commitment to the prevention of human trafficking at the village level?
3. How is the participation of villagers through Community Watch (CW) helping the fight against human trafficking?

Methodology

This study is a socio-legal research with juridical and sociological approaches. Regarding the juridical approach, the legislations and legal provisions related to human trafficking were studied. Meanwhile, with respect to the sociological approach, the human trafficking phenomenon in Madura was studied to find the actual facts, leading to problem solving. The research took place in some villages in four regencies in Madura; some of the villages have become Indonesian migrant worker enclaves. Informants were selected using purposive sampling technique. Primary data were obtained through interview and questionnaire. Secondary data were obtained through library study and other related documents. Furthermore, the data were analyzed quantitatively and presented descriptively.

Results and Discussion

1. Migration Pattern of Villagers at Home and Abroad

This research was conducted in 15 villages in four regencies: Bangkalan, Sampang, Pamekasan, and Sumenep. Many citizens migrate from these villages to various destinations, both at home (within the country) and abroad. The high interest in migration is inseparable from the geographical, social, and economical conditions of the village.

The result of in-depth interview with individual village heads shows that citizens in the villages of Sumenep Regency largely migrate to places outside the town in Javanese Island. Meanwhile, the citizens in its archipelago, who largely work as fishermen, often look for fish up to Sulawesi. Similarly, the people in the villages located in Pamekasan Regency largely migrate to Java Island. These are different from the characteristics of migration in Sampang and Bangkalan regencies, called Indonesian migrant worker enclaves.

Generally, it can be said that all the village heads interviewed stated that most of their people work as farmers, construction workers, vendors and small traders. However, due to the village's unsupportive geographical condition, many people travel out of the village/regency to other regions, such as Surabaya, Semarang, and Jakarta. They leave the region due to invitation from their families, neighbors, and friends. Those who leave the village are originally males, either married or unmarried. The married ones originally leave the village alone, but when they feel capable, they bring their families to join them. However, many of them allow their families to stay in the village.

Although they are still residents of the village, the village government has no data about their people working outside the town or abroad. They never applied for change of address or recommendation for working abroad. Meanwhile, the village made no effort to collect data on such people. Village heads and their apparatuses found out about their existence based on rumor only.

The problems encountered by people from Bangkalan and Sampang who are working outside their towns or abroad are similar. The village heads would know the problems that their people encounter if only the labor office or sub district office gives them such information. The problems are most often related to deportation. Further, there was an incident involving migrant workers from some villages in Geger Sub District; they were victims of fire outbreak in Malaysia. Meanwhile, other problems include unpaid wages and mistreatment, but information on human trafficking has never been received by the village. The measure taken by the village if its people encounter problems abroad is to coordinate with the sub district office and other related offices. Meanwhile, the village has neither made any attempt nor collected data on their people living outside the city or abroad. Migration is common with the local people; they usually follow their relatives who have become successful and try to make a fortune there. People have always heard of the human trafficking issue, but they do not understand what deeds constitute human trafficking. Nearly all village heads said that no one has become a victim of human trafficking. This is because no resident reports it, and the village has not yet devised a means of preventing their citizens from falling victim to human trafficking.

The result of the interview with Kampak Village Head shows the Kampak villagers' poor knowledge on how to work abroad legally and safely, migration of laborers, human trafficking and human smuggling, and government's responsibility for protecting Indonesian migrant workers. In relation to the procedure of working abroad, the people do not know the institution dealing with Indonesian migrant workers, registration procedure, recruitment, pre-dispatch, dispatch, arrival, placement, and discharge. They submit all affairs related to their departure as Indonesian migrant workers to the recruiter or *tekong*. Therefore, they miss the right information related to manpower, particularly the procedure of working abroad, and they become entrapped as non-procedural Indonesian migrant workers.

Due to the strong will to change their lives and livelihoods as well as the temptation of low departure cost promised by the recruiter, numerous people accept the offer. However, they end up as illegal Indonesian migrant workers, which is a bitter pill to swallow, since they expected their decision to be an antidote to the poverty that they have suffered for a long time. The Indonesian migrant workers' limited access to information tends to result in passive attitude and makes the workers accept any treatment meted out to them by their company or employer because they do not know what to do.

The issue of the migrant worker is complex and has many dimensions, actors, and interests, from the village level to the destination country. Therefore, the issue has transnational and political dimensions, so the state should be responsible for giving protection. Based on critical analysis of the occurring migrant worker cases, as suggested by Wahyu Susilo, about 75% of problems are linked to problems that are present at the beginning of the recruitment process in the region. Those problems are as follows: (Hadi Subhan, 2012, pp.23-24)

- a. haphazard recruitment pattern,
- b. non-quality implementation of training without quality control,
- c. potential Indonesian migrant workers not been qualified but compelled to leave,
- d. the presence of debt trap mechanism conducted by recruiter and PPTKIS, and
- e. trafficking practices inherent in the recruitment mechanism and Indonesian migrant worker placement.

The problems above contribute significantly to the vulnerability and incidence of migrant worker cases abroad. This situation also gives the Indonesian migrant workers' weak bargaining power when dealing with employers and agents in the destination country.

To obtain the village heads, customary leaders, and religious leaders' perspective on the vulnerability to human trafficking, interviews were conducted. The result shows that in Madura (Bangkalan, Sampang, and

Pamekasan), the issue on human trafficking management and non-procedural Indonesian migrant worker dispatch and placement has not reached villagers.

The problems encountered by the village government are as follows: 1) The village apparatus is helpless in participating actively in the prevention of human trafficking and non-procedural Indonesian migrant workers. It can be seen largely from the statements of the village heads and their apparatuses that citizens migrate due to invitation from their successful relatives. In addition, they feel that they have no authority to prevent an individual from working. 2) Migration is done silently; i.e., citizens migrate without applying for recommendation letter needed to migrate abroad. Nearly all Indonesian migrant workers do so non-procedurally. 3) Availability of limited resource and facility. 4) Socialization activities conducted by the local government on the Human Trafficking Law reach the village head level only. Even the village heads state that they are aware of it, but there has been no enlightenment concerning Law No. 18 of 2017. Meanwhile, village apparatuses and other village institutions, community leaders, and villagers are not aware of it at all.

However, the Village Government Law and Indonesian Migrant Worker Law have substantively authorized the village government and other village institutions to participate. The problem of poor public participation in preventing human trafficking and non-procedural Indonesian migrant workers is, among others, due to the village government and community's assumption that migrating abroad to work by accepting invitation from relatives is common and has been taking place for a long time. In addition, they assume that anything related to procedure and law is the authority of the central/local governments, related institutions, and law enforcement agents.

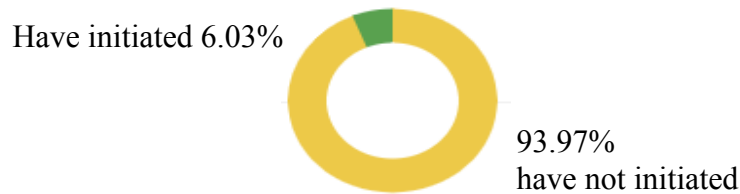
2. Village Government's Authority in Preventing Human Trafficking and Non-Procedural Indonesian Migrant Workers at the Village Level through Community Watch.

In the context of human trafficking, particularly involving women and children, the Ministry of Women and Children Protection launched three programs in 2016. One of them is End Human Trafficking, and it has the following goals: the establishment of anti-human trafficking detection system; improved community awareness about participating actively in anti-human trafficking detection system; the establishment of synergy between stakeholders in handling human trafficking cases through a task force for dealing with human trafficking; ensuring that potential Indonesian female migrant workers get adequate training.

Therefore, the Commission of Women and Children Protection (Komisi Perlindungan Perempuan dan Anak/KPPA) launched the Community Watch program as an attempt to prevent and handle human trafficking by involving various elements of the community. Nationally, the trend of Community Watch

initiation was still low after three years, in 2018. The trend is shown in the figure below:

National Trend of Community Watch 2018



Source: <https://siga.kemenpppa.go.id/data-kekerasan>

Among all regencies/cities in Indonesia, only 6.03% have initiated it. The remaining 93.97% have not initiated it. Considering the data, out of 34 provinces in Indonesia, only 17 villages in 14 provinces have initiated Community Watch, a village-based community action against human trafficking. The figure above shows that, nationally, public participation is still low in preventing human trafficking and non-procedural Indonesian migrant workers.

East Java is the widest province in Java Island and administratively consists of 29 regencies, 9 cities, 666 sub districts, and 8,501 villages/*kelurahans* (BPS, 2020). It is one of the provinces where some regencies are considered as Indonesian migrant workers enclave. Several regencies became known as locations of dispatch of Indonesian migrant workers. Four of those regencies are located in Madura, and most of them are associated with non-procedural Indonesian migrant workers, who are vulnerable to becoming victims of human trafficking. Regarding the trend of Community watch initiation in an attempt to prevent human trafficking and non-procedural Indonesian migrant workers in East Java, out of 38 cities/regencies, only 2 have established Community Watch. One of them is Guluk-Guluk Sub District of Sumenep Regency. The trend of Community Watch initiation in East Java is displayed in the figure below.

Trend of Community Watch in East Java, 2018



Source: <https://siga.kemenpppa.go.id/data-kekerasan>

Out of the 38 regencies/cities in East Java, only 5.26% or 2 regencies have established Community Watch, while the remaining 94.74% have not initiated it yet. The figure shows the low level of public participation in the prevention of human trafficking and non-procedural Indonesian migrant workers in East Java.

The visible direct effects of CW model include improved alertness in society and early detection of human trafficking cases, reporting of cases (if any) to law enforcement, and assisting the victim during enforcement and rehabilitation processes. In addition, the members of CW should participate actively in *Musrenbang* (planning and development discussion) and encourage the village/*kelurahan* to allow the use of the village fund in supporting CS's duty in the village/*kelurahan*.

The idea of developing local regulations related to human trafficking and non-procedural Indonesian migrant workers exists in the regencies of Sumenep, Sampang, and Pamekasan, and is included in the Local Legislation Program (*Prolegda*). Meanwhile, the Local Government of Bangkalan Regency has drafted a local regulation requiring Indonesian migrant workers coming from Bangkalan to enter into consultation with the East Java provincial government, and there are some notes to wait for before the implementation of the regulation on Law No. 18 of 2017 about PMI. In this case, Bangkalan Regency is one step ahead compared with other regencies in protecting their citizens who will migrate abroad as Indonesian migrant workers.

Since most human trafficking cases begin at the village level, people's awareness and concern about human trafficking should be enhanced at the grass root level to improve the effectiveness of human trafficking prevention and eradication. Thus, it is very desirable for the village government to show seriousness in promoting active public participation through Community Watch (CW) and to put it into the village development plan as a form of legitimacy, for its existence to be sustainable and supported by the community.

Henny Nuraeny (2013: 320) suggests that discussing the prevention of human trafficking is inseparable from constituting a complementary element of law enforcement (criminal policy) and giving the society protection (social defense). It means that discussions on crime (including human trafficking) fighting concept should focus on the preventive measures and must not be entrapped in the felon and felony aspects.

One of the important matters governed by Law No. 18 of 2017 about Indonesian Migrant Worker Protection is the presence of decentralized Indonesian migrant workers service. Laborer migration governance is implemented particularly through strengthening the state's role not only at the central level but also giving significant recognition of the government's role at the local level (from provincial, regency/city, to village). It indicates the

commitment of the state (at all levels) in protecting the migrant workers, ending the process of centralizing the exploitative worker migration governance and encouraging the local government's responsibility and ownership concerning the protection of Indonesian migrant workers (Wahtu Susilo, 2017).

In the local autonomy framework, the issue of coping with human trafficking and migrant worker placement is within the purview of the local authority. Therefore, the local government should be able to implement the central policy related to the issue. The implementation can be in the form of regulation, policy, program, and even a sustainable coping model.

Through duty and responsibility distribution, the village government should participate in the worker protection process. The protection of migrant workers should be implemented early from the village, including the protection against any crimes. The involvement of the village is a means of coping with crimes against potential migrant workers, because the management of crime will be very effective when it starts with preventive measures.

In the attempt to protect PMI, the village as the first area from which the migrant workers come has a duty and responsibility as governed in Article 42 of Law No. 18 of 2017. It states that the "Village Government has the duties and responsibilities to: receive and give information on job demand from institution organizing the governmental affairs in manpower sector; verify the data and documentation of Potential Indonesian Migrant Workers; facilitate the fulfillment of administrative demographic requirement of Indonesian Migrant Workers; monitor the departure and repatriation of Indonesian Migrant Workers; empower Potential Indonesian Migrant Workers, Indonesian Migrant Workers, and their families.

The regulation above is very important as legal protection for the village to conduct various activities related to the departure and placement of Indonesian migrant workers. Through that regulation, the village can formulate various policies to protect its citizen before, during, and after working as Indonesian migrant workers, as an attempt to cope with human trafficking.

With regard to the village's authority to develop regulations, the 1945 Constitution and various legislations in Indonesia have stipulated that the legal authority of developing and establishing a legal product is implemented by executive and legislative institutions, from the central to the regency, city, and village levels (Resolutions of the People's Representative Council of Indonesia Number V/MPR/2000). Due to the existence of village autonomy, the village has the authority to organize itself, i.e., by developing village regulation. The village regulation is a product of the village government and villagers' initiative in an attempt to manage development and implement the village government's policies for the sake of community interest. Village regulation is essential to successful village development (Feisha Paramitha Gara, 2018)

Law No. 6 of 2014 on Villages gives broader authority; therefore, in governing for the community's interest and providing economic welfare to the community, the village government can develop regulation at the bottom level. According to Law No. 6 of 2014, in order to protect its citizens and provide services as well as protect migrant workers, the village government can initiate the establishment of village regulation. Such a regulation specifically governs safe migration and protection of migrant workers and their family members. It is intended to prevent human trafficking caused by non-procedural Indonesian migrant worker dispatch and placement.

The content of village regulation is governed by the Minister of Internal Affairs' Regulation Number 29 of 2006 about the Guidelines of Village Regulation Development and Mechanism. Article 4 Clause (1) states that the entire content should be an attempt at organizing village government, village development, and community empowerment, and further elaboration of higher legislations (Nikek. Rumokoy, 2013)

Essentially, the development of village regulation is an activity conducted not merely to fulfill the duty of the village head and BPD (Village Representative Council), but also to solve problems and bring benefits to the villagers. Village regulation as a legal instrument governing the community should have prestige in order to be obeyed by its own people (*Septyarto Priandono, 2015*).

Village regulation development is a preventive measure taken in coping with non-procedural migrant workers. In addition to administrative objective, it is also intended to prevent crime from occurring in the first place to potential migrant workers. It is very reasonable that the preventive measure is prioritized as it can be taken by anyone without specific and economic skill. Through village regulation, this preventive measure can be taken by the village along with its community.

3. Public Participation in Preventing Human Trafficking and Non-Procedural Indonesian Migrant Workers through Community Watch

Law enforcement practice views crime against Indonesian migrant worker as identical to human trafficking, while other crimes are ignored. Such situation is exploited by the recruiter, so it becomes a criminogenic factor in dispatching Indonesian migrant workers non-procedurally. The local government attempts to regularize agents of non-procedural Indonesian migrant workers to avoid the problems from the beginning of the process. However, such attempt has not yet involved the village, its institutions and sustainable public participation. The departure of non-procedural Indonesian migrant workers indicates that the local government has not been able to prevent the problem due to inadequate manpower to manage the system from recruitment to pre-placement, placement, and post placement. Meanwhile, the

prevention is the primary responsibility of executive and legislative institutions, and it is not implemented well (Erma Rusdiana, 2019). Successful management of human trafficking is highly determined by all responsible parties' ability and commitment. The Task Force for Human Trafficking Prevention and Management is not optimal yet as it is only coordinative in nature. It should involve *lurah* (village head) and *Camat* (sub district head) as the chairperson in order to achieve human trafficking prevention. This is because the village and sub district are the local and central governments' most effective eyes and mirrors to see how human traffickers recruits people with diverse background in varying forms and ways. Furthermore, youths should be the propagators of information during education and advocacy activities concerning the hazards of human trafficking (Penny, 2019).

CW is a form of community empowerment in the form of participation in preventing human trafficking and non-procedural Indonesian migrant workers. Community empowerment is a central issue in community development. Empowerment, essentially, involves two aspects: *to give authority to and to give ability or to enable*. In the first case, community empowerment is defined as giving authority, transferring power, and delegating authority to other parties. In the second case, empowerment is defined as an attempt of giving ability or enabling (Priyono and Pranata, 1996: 63). It can be concluded that empowerment emphasizes on the decision making autonomy of a community group.

The application of democracy and participation aspects focusing on locality will support the attempt to strengthen the local potency. Therefore, community empowerment also focuses on the reinforcement of individual members of the community as well as its regulations. To achieve community empowerment, some measures need to be taken: Firstly, improving critical awareness of the community's position in the social-political structure. Secondly, the increase in critical awareness is expected to enable the people to arrange argumentation against a variety of exploitations and to end it all at once. Thirdly, the community's capacity should be improved. Fourthly, empowerment should also be associated with the community's social-cultural development. The values existing in the culture and tradition of local communities, such as mutual cooperation and *arisan* (gathering), can be considered as social capital in realizing the advance of community development (Suparjan, 2003: 44). In this context, in the prevention of human trafficking and non-procedural Indonesian migrant workers, mutual cooperation, friendliness, and care are values considered as social capital, and they are inherent in the village community.

At the implementation level, the community-based prevention of human trafficking should hold on tightly to the principles of independence, impartiality (fair treatment), synergy, participation, transparency, accountability, and equality (Paul Sinlaeloe, 2016). The prevention of human

trafficking with the community-based approach should be an organized and institutionalized movement. Some activities can be done by the community in the context of human trafficking prevention:

- 1) Anti-human trafficking institution should be established at the village level to prevent illegal/non-procedurally dispatch of any worker abroad or domestically (age and other document falsification). The institution should synergize with related parties, such as religious institutions, village government, NGOs, law enforcement agents, and trafficking task force.
- 2) Routine meetings and periodical trainings should be held to improve the capacity of the anti-human trafficking institution in fighting against human trafficking.
- 3) The mental preparedness and skills of citizens who want to migrate should be assessed by documenting certain information about them. This documentation is related to the identity of migrating inhabitants, document completeness, education, experience and training of the potential migrant workers and family support.
- 4) Collection of data and documentation should be done regarding human trafficking cases related to the identity and condition of a victim, fact and information related to the incidence of human trafficking, victim's experience and expectation, and victim's condition at departure through the time when she/he is stated to be a victim of human trafficking. In collecting data, the profile of perpetrators should be made, and the perpetrator's network and the modus operandi used should be mapped out.
- 5) The community should be educated, as the foundation of implementing advocacy and socialization, to improve public awareness of human trafficking among the community groups.
- 6) Advocacy that encourages the publication of policies (local regulation/village regulation) about human trafficking and service mechanism to the victim should be conducted.
- 7) Public participation should be improved and institutions should be reinforced regarding the protection of human trafficking victims (particularly women and children).
- 8) Legal extension related to the eradication of human trafficking involving the police and/or attorney should be done.
- 9) Civil society network should be developed and strengthened, particularly regarding the marginalized women group through critical education, organization, and consolidation.
- 10) Training should be provided to potential/migrant workers concerning financial management to enable them to manage their finance appropriately.

CW is established to revive the community's awareness and concern about human trafficking and to prevent non-procedural Indonesian migrant workers. The aim is to improve the effectiveness of human trafficking prevention and management from the upstream, since most human trafficking cases originate from the village level. In the process of establishing CW at the village level, the village head/*lurah* coordinates with the Women Empowerment and Children Protection Office at the regency/city, who later will give recommendation to the local NGO serving as a facilitator in establishing CW and training agents of change (Champion) of PPTPPO. The establishment of CW in the village is not always in the form of a new institution, but it can be synergized with a preexisting institution in the village, such as Family Welfare Program (PKK), Youth Organization (Karang Taruna) or other groups in the village, including *pengajian* (Quran Study) group. These institutions or groups can provide a medium for socialization and sharing of knowledge on the risk of working non-procedurally as well as the official procedure to become an Indonesian migrant worker to prevent human trafficking incidence. In addition, communication and networking should be strengthened between the NGO facilitating Indonesian migrant workers and Labor, Transmigration Office, and law enforcement agents in handling human trafficking and the problems encountered by potential Indonesian migrant workers/non-procedural Indonesian migrant workers. Furthermore, the regency/mayor inaugurates the agents of change in its Decree (SK) as the reward for their willingness to contribute to preventing and handling human trafficking crime at the village level.

Conclusion

1. Geographical, social, and economic conditions; poor formal education; limited job opportunity; and high unemployment and poverty rates encourage Madura people to migrate domestically and abroad. However, their departure is not accompanied with sufficient knowledge, and they work non-procedurally, thereby becoming vulnerable to human trafficking.
2. Law No. 6 of 2014 about Villages gives the village government broader authority to develop regulations. Therefore, in order to protect its citizens and provide services as well as protect Indonesian migrant workers, the village government can establish village regulations. Thus, it is very desirable for the village government to show seriousness in promoting active public participation through Community Watch (CW) and to put it into the village development plan and village regulation as a form of legitimacy, for its existence to be sustainably supported by the community.
3. Community Watch (CW) is a form of community empowerment in the form of participation in preventing human trafficking and non-procedural Indonesian migrant workers. CW is established to enhance awareness and

concern in order to improve the effectiveness of human trafficking and non-procedural Indonesian migrant worker prevention and management at the village level. At the implementation level, community-based prevention of human trafficking should hold on tightly to the principles of independence, impartiality (fair treatment), synergy, participation, transparency, accountability, and equality

Recommendation

To support the realization of village regulation development as a way of legitimizing Community Watch for protecting migrant workers from human trafficking, the following recommendations are given:

1. The establishment of Community Watch should be conducted communicatively and in detail along with all elements of the community and village government in order for it to be understandable and acceptable to all community members.
2. Intensive socialization should be done pre- and post-village regulation development, and it should be conducted effectively by optimizing public participation. ***

References

- BoediMustiko, 2019. *Model Pencegahan Perdagangan Perempuan Pekerja Migran Madura Melalui Pelibatan Community Based Organization/CBO Laporan Hasil Penelitian Lektor Kepala, LPPM UnivTrunojoyo Madura.* ((Model of Prevention of Trafficking of Women Migrant Workers in Madura through Engagement Community Based Organization/CBO: Research Report of the Head Lector, LPPM University of Trunojoyo Madura)
- Erma Rusdiana, 2017. *Problematika dan Upaya Penanggulangan TKI Non Prosedural, Laporan Hasil Penelitian Mandiri, Fakultas Hukum Univ. Trunojoyo Madura.* (Problems and a Countermeasures Non Procedural Migrant Workers, Independent Research Report, Faculty of Law, University of Trunojoyo Madura) https://www.shs-conferences.org/articles/shsconf/abs/2018/15/shsconf_icolgas2018_08012/shsconf_icolgas2018_08012.html
- Erma Rusdiana and Eny Suastuti, 2018. Optimization of the Village Roles in Countermeasure to Criminal Acts of Human Trafficking. SHS Web Conf. Vol. 54, 2018, The 1st International Conference on Law, Governance and Social Justice (IColGas 2018).

- <https://www.shsConferences.org/articles/shsconf/abs/2018/15/contents/contents.html>
- Feisha Paramitha Gara, 2018, “*Efektifitas Fungsi Pemerintah Desa Dalam Pembuatan Peraturan Desa Di Desa Wori (Studi Kasus di Desa Wori Kecamatan Wori Kabupaten Minahasa Utara)*” (Effectiveness of Village Government Functions in Making Village Regulations in Wori Village (Case Study in Wori Village, Wori District, North Minahasa Regency) <https://adoc.pub/efektifitas-fungsi-pemerintah-desa-dalam-pembuatan-peraturan.html>, retrieved on November 15, 2020
- Hadi Subhan. *Tim Pengkajian Hukum Tentang Pelindungan TKI Pada Masa Pra Penempatan, Selama Penempatan Dan Purna Penempatan: Badan Pembinaan Hukum Nasional Kementerian Hukum Dan Hak Asasi Manusia*, ((The Legal Review Team Regarding the Protection of TKI during the Pre-Placement Period, Placement and After Placement: National Law Development Agency, Ministry of Law and Human Rights) Jakarta, 2012.
- Henny Nuraeny, 2013. *Tindak Pidana Perdagangan Orang* (The Crime of Human Trafficking), Jakarta. SinarGrafika.
- Muhlis, *Terdakwa Kasus Perdagangan Manusia Di Sampang Jalani Sidang Pertama* (The accused in the Human Trafficking Case in Sampang Goes to the first Trial), <https://maduraindepth.com/terdakwa-kasus-perdagangan-manusia-di-sampang-jalani-sidang-perdanaperdana>, retrieved on May 21, 2020.
- Laporan Tahunan, 2018, *Sekretariat Gugus Tugas Penanganan dan Pencegahan Tindak Pidana Perdagangan Orang* (Secretariat of the Task Force for the Handling and Prevention of the Crime of Human Trafficking) <https://www.kemenpppa.go.id/lib/uploads/list/f3b9b-buku-laptah>, retrieved on May 21, 2020
- Nike K.Rrumokoy, 2013. *Prinsip-Prinsip Pembentukan Peraturan Kepala Desa Berdasarkan Undang-undang Nomor 12 tahun 2011* (Principles of Village Head Regulation Formation Based on Law Number 12 of 2011) <https://media.neliti.com/media/publications/869-id-prinsip-prinsip-pembentukan-peraturan-kepala-desa-berdasarkan-undang-undang-nomo.pdf>, retrieved on November 16, 2020.
- Septyarto Priandono, 2015. *Mekanisme Pembuatan Peraturan Desa* (Village Regulation Making Mechanism), <http://www.keuangandes.com/2015/03/mekanisme-pembuatan-peraturan-des/>. Retrieved on Nov.16, 2020.
- Kementrian Pemberdayaan Perempuan, *Panduan Pencegahan dan Penanganan Tindak Pidana Perdagangan Orang* (The Guidelines for the Prevention and Handling of the Crime of Human Trafficking, Ministry of Women's Empowerment, <https://jdih.kemenpppa.go.id/peraturan/Permeneg%20PP&PA%20> retrieved on November 10, 2020

- Paul Sinlaeloe, 2016. *Tindak Pidana Perdagangan Orang* (the Crime of Human Trafficking), Malang. Setara Press.
- Phillipus M. Hadjon, 1987. *Perlindungan Hukum Bagi Rakyat di Indonesia* (Legal Protection for People in Indonesia), Surabaya. PT. Bina Ilmu.
- Penny NaluriaUtami, *Penanganan Kasus Tindak Pidana Perdagangan Orang Oleh Pemerintah Provinsi Nusa Tenggara Timur*, Jurnal HAM, volume 10 No 2 Desember 2019 (Handling of Cases of Human Trafficking by the Provincial Government of East Nusa Tenggara, Journal of Human Rights, Volume 10 No.2 December 2019)
- Rina Yulianti, 2015. *Implementasi Undang-Undang Nomor 6 Tahun 2014 Tentang Desa Di JawaTimur, Makalah Fasilitator Diklat II Pendidikan dan Pelatihan Peningkatan Kapasitas Kepala Desa Se-Jawa Timur pada Center For Security and Welfare Studies (CSWS) Fakultas Ilmu Sosial dan Ilmu Politik Universitas Airlangga Bekerjasama Dengan Badan Diklat Provinsi Jawa Timur* (Implementation of Law Number 6 of 2014 concerning Villages in East Java, Papers of Training Facilitators II Education and Training for Capacity Building for Village Heads in East Java) at Center For Security and Welfare Studies (CSWS) Faculty of Social Science and Political Science Airlangga University Collaborating with the East Java Province Education and Training Agency)
- Suparjan dan Sunyatno Hendri, 2004. *Pengembangan Masyarakat : Dari Pembangunan Sampai Pemberdayaan*, (Community Development: from Development to Empowerment) Aditya Media, Yogyakarta
- Tri Priyono, 2004. *Melawan Perdagangan Perempuan : Butuh Kemauan Semua Pihak* (Against Women Trafficking, Need to will of All) *Jurnal Perempuan No.29 Tahun 2004* (Journal of women NO 29 of 2004)
- Wahyu Susilo, *Membaca Kritis UU Perlindungan Pekerja Migrant Indonesia* (Critical Review of the Law Protection of Indonesian Migrant Workers) <https://www.dw.com/id/membaca-kritis-uu-pelindungan-pekerja-migran-indonesia/a-41595460>, retrieved on November 15, 2020).
- Undang-Undang No. 6 Tahun 2014 Tentang Desa* (Law No 6 of 2014 concerning the Village)
- Undang-Undang No. 18 Tahun 2017 Tentang Pelindungan Pekerja Migran Indonesia*. (Law No.18 of 2017 concerning Protection of Indonesian Migrant Workers)
- Majelis Permusyawaratan Rakyat Indonesia, *Ketetapan Nomor V/MPR/2000 tentang Pemanjapan Persatuan dan Kesatuan Nasional* (Decree No.V/MPR/2000 concerning Consolidation of National Unity)