

# Implications of Policies on The Prevention and Management of Child Trafficking Victims In West Java Province

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## Abstract

Child trafficking is a serious violation of human rights in the form of modern slavery and the majority of victims are women and children. It has impact on the physical and psychological sufferings, the decline of life quality, and on not only victims, but their families, nation, and state, as well. Currently, the Child Trafficking is no longer a common social phenomenon, it is an extraordinary crime committed by syndicate, either organized or non-organized. In response to this case, the central and local governments, particularly West Java Province, have issued a variety of policies; however, it is acknowledged that those policies have been not put in optimal implementation. This study is designed to analyze the causes of ineffective implementation of policies on the prevention and management of child trafficking victims in West Java Province. This study uses a qualitative method along with case studies under consideration that the disposition of principal problems on the causes of ineffective implementation of policies on the prevention and management of child trafficking victims in West Java Province is not yet clear, holistic, complex, and dynamic, as well as full of meaning, so it is impossible to capture and collect data by using quantitative research methods in the social situation. In addition, the researchers aimed to have in-depth understanding of the social situation and a new concept for the development of public policies, particularly the implementation of policies on the prevention and management of child trafficking victims.

**Keywords:** Implementation of Policy, Prevention and Management, Child Trafficking Victim, West Java Province

## 1. Introduction

Child Trafficking is one of trend issues on public policy and, therefore, an interesting study to be discussed, as the Child Trafficking, especially in Asia, is emerging as a principal issue subjected to the spotlight of world. The Child Trafficking is an organized crime that goes beyond national borders and known as transnational crime. For any reason, it is a serious offense which is contrary to human dignity and values, and violates the Human Rights (Irwanto, Fentiny Nugroho, Johanna Debora Imelda, 2001). Unfortunately, the offense was taking place in Indonesia on a quite alarming scale, where Indonesia was recorded and expressed as one of country sources and transit of international child trafficking, for purposes, for commercial sex and child labor in the world (<https://zulianaistichomah.wordpress.com>, accessed on May 3, 2016).

The Indonesian government's performance in the prevention and management of child trafficking has long been concern of the international world. Based on US Department of State Report set out in The Trafficking Victim Protection Act of 2000, the prevention and management of trafficking in persons in Indonesia, particularly children within aspects of litigation and nonlitigation were considered less maximal, so Indonesia is included in one of Tier 3 countries in the elimination of trafficking in persons; (Nuh, 2005).

Given the position of Indonesia, for the prevention and management of child trafficking, in the concluding observations on Second Report of the KHA Implementation in Indonesia by 2004, the United Nations Children Rights Committee recommends the Indonesian government in order to decide a precise definition of trafficking in persons, particularly children, improve legal protection for child victims, take effective measures to affirm the enforcement of law, and increase the intensity of efforts to raise public awareness of the abduction and child trafficking. Given the United Nations Children Rights Committee recommendations, it is clear, the Indonesian government is required to maximize arrangement themselves and to make the right policy on the prevention and management of children under trafficking.

Based on the above case, for the first step in the prevention and management of trafficking in persons, particularly children, in December 2000 in Palermo, Italy, the Indonesian Government has signed the United Nations Convention Against Transnational Organized Crime), and two Protocols: Protocol to Prevent Suppress and Punish Trafficking in Persons, Especially Women and Children and Protocol the Smuggling of Migrants by Land, Sea and Air. Both Protocols are international legal instruments which are very helpful in preventing and managing trafficking in persons, especially women and children, protect and assist victims of trafficking in persons, especially women and children keeping pay honor to human rights (Sahala, 2004).

For follow-up, in 2000, the Indonesian Government has adopted the definition of trafficking based on the United Nations Protocol (Palermo Protocol) by issuing a policy through Presidential Decree No. 88 of 2002 on the National Action Plan for the Elimination of Woman and Child Trafficking (RAN-P3A). The time span of this National Action Plan is for five years, from 2003 to 2007. The issuance of a Presidential Decree, in the short term, is considered quite important as an alternative to dealing with various cases of trafficking in Indonesia having been alarming. However, in the long term, it is still important to create clear rules of law for management of trafficking (Nuh, 2005). At the end of National Action Plan 2002-2007, on April 19, 2007, a policy on the Eradication of Trafficking in Persons (PTPPO) was established by Law No. 21 of 2007. In defining the trafficking in persons, the Law No. 21 of 2007 was, actually, referring to the Palermo Protocol; however, the child trafficking have been not put in explicit definition, and it is followed up by other laws which are always equipped and refined.

In addition to establishing a coordinative agency as it is mandated by Government Regulation No. 69 Year 2008 about Task Force on the Prevention and Management of Criminal Act for the Trafficking in Persons, the Ministry of Women Empowerment and Children Protection has issued several policies on the prevention and management of child trafficking victims.

Although a wide range of policies and efforts, the status of Indonesia in the fight against trafficking in persons, particularly children, is rising just into one stage: Tier 2. As it is stated in US Foreign Ministry Report publishing Trafficking in Persons Report, July 2015, that Indonesia is still in the status of Tier 2. This means that Indonesia has not meet fully minimum standard of the prevention and management of trafficking in persons; however, the Indonesian Government Indonesia was making significant efforts to meet it, and this position was always occupied by Indonesia since 2008, 2009, 2010, 2012, 2013, 2014, and 2015 (Ministry of Women Empowerment and Children Protection, 2015).

This is supported by data reported by the International Organization for Migration (IOM). The organization note that in the periods of March to December 2014, Indonesia was occupying the first position in the number of trafficking in persons some 6651 people or approximately 92.46 percent, in details of the victims of female children are 950, adult female, 4,888, child female, 166, and adult female, 647. 82 percent of the total are women who have been working at home and abroad for exploitation of labor, while the remaining 18 percent are men, the majority of them has exploitation when they are working as cru on ship to fish or other workers, including work for oil palm plantations in West Kalimantan, Sumatra, Papua, and Malaysia ([http: liputan6.com](http://liputan6.com), accessed 16 November 2016).

Given changes in the mechanism of Indonesian governance from Centralization to Decentralization accompanied by the enactment of an Indonesian Law Number 9 of 2015 on the Second Amendment for the Indonesian Law Number 23 of 2014 on the Regional Government, the local governments (provincial, district and municipal) may assume greater responsibilities for the public services delivered to the local communities in organizing and taking care of their household in accordance with the interests of local communities. Therefore, the local autonomy is rights, authorities, and obligations of autonomous regions to set up and manage their own administrative affairs and interests of local communities in accordance with regulations and laws under Law Number 9 of 2015 on Regional Government. The autonomous region is a unit of legal community having regional boundaries and authorities to regulate and manage governmental affairs and local community interests at its own initiative based on the aspirations of the people in United State system of the Republic of Indonesia (Rosidin, 2015).

In addition to the mandate by Indonesian Law Number 9 of 2015 on Local Government, the government policies on the Eradication of Criminal Act for Trafficking in Persons (PTPPO)

established by Law Number 21 of 2007 give Government and Regional Governments with mandates to perform the prevention and management of trafficking in persons victims, especially children.

Based on the case, to anticipate victim of child trafficking, both domestic and abroad, the West Java Province make serious efforts to protect its citizens by issuing a policy on the Prevention and Management of Child Trafficking Victims in West Java under the Regional Regulations Number 3 of 2008, Article 6 on the Prevention and Management of Child Trafficking Victims in West Java Province. In relation to the case, in order to implement Regional Regulations of West Java Province Number 3 of 2008, Article 6 on the Prevention and Management of Child Trafficking Victims in West Java Province, the Governor Regulations of West Java No. 89 of 2009, Article 7 on the Prevention of Child Trafficking, and Article 20 on the Management the Child Trafficking Victims for Guidelines for the Implementation of Local Regulations of West Java Province Number 3 of 2008, Article 6 on the Prevention of Child Trafficking Victims In West Java were issued as a reference for the Regional Governments, enforcers of law, the public, and parties having an interest. In relation to that case, a Regional Action Plan was made. The Regional Action Plan is a guideline for local governments and the district/municipal governments, and non-governmental organizations in the prevention and management of trafficking in persons, especially children. Also, the Regional Action Plan is an effort to build alliances with various agencies or relevant sectors and stakeholders to make mutual commitments synergistically in the prevention and management trafficking in persons, especially children.

To implement the Regional Action Plan, the Government of West Java Province needs to establish a Task Force having position under and direct responsibility to Governor/Regent/Mayor in accordance with their respective authorities. Based on the case, to optimize the prevention and management of trafficking in persons, especially children, in West Java Province by the Task Force, the Regional Government of West Java Province through Decree of the Governor of West Java Number 467.2/ Kep.287-BP3 AKB/2015 establish a Task Force for The Prevention and Management of Trafficking in Persons and Violence Against Women and Children.

The Task Force is a coordinative agency having a task of coordinating the prevention and management of trafficking in persons criminal victims in West Java under the provisions of laws. Membership of Task Force for the Prevention and Management of Trafficking in Persons and Violence Against Women and Children is consisting of the Regional Organization, agencies enforcing law, professional organizations, instances, researchers/academicians, and national government organizations who are committed to maintain human rights.

Although policies on the prevention and management of child trafficking victims were established under Regional Regulations of West Java Province Number 3 of 2008, Article 6 (six), containing article on the prevention and management of child trafficking victims, the policies have been not put in effective implementation in West Java. The reason is that West Java Province, as one of areas in the territory of Indonesia, is declared otherwise vulnerable to child trafficking, and even become one of largest Sending Areas for trafficking in women and children in Indonesia. The cases are rising each year in significant numbers; however, so far, the number of child trafficking victims, as it were reported and managed by the Task Force for the Prevention and Management of Child Trafficking (GTPPPO) in West Java Province, is under estimated than the case (Gunanto, 2009).

This is supported by data reported by the International Organization for Migration (IOM) showing that in the periods of March 2005 to December 2014, the amount of trafficking in persons in Indonesia is 6,651. In light of the scene of the crime of trafficking in persons in Indonesia, the West Java Province ranks the first position in the amount of victims some 2,151, or 32.35 percent, the second position is Central Java, 909 or 13.67 percent, and the third position is Kalimantan some 732 or 11 percent. Most of them are trafficked to Jakarta some 20 percent, Riau Islands, 19 percent, North Sumatera, 13 percent, East Java, 12 percent, and Banten, 13 percent (<http://liputan6.com>, accessed on November 16, 2016).

Based on the case, it is necessary to analyze the causes of ineffective implementation of policies on the prevention and management of child trafficking victims in West Java Province. In addition to the purposes, the research is expected to find a new concept for the development of public policies, particularly policies on the prevention and management of child trafficking victims.

## 2. Literatur Review

## 2.1 The Concept of Policy Implementation

Conceptually, implementation is an activity or program cast in a policy, and constitutes an action to achieve the goals set out in a decision. This action seeks to transform what is written or contained in the decisions into operational patterns and trying to achieve desirable results, either major changes or minor changes as they were decided earlier (Rusli, 2013). Based on the definition, the authors concluded that the essence of policy implementation is attainment of a goal. And the goal may be goal between or actual goal, depending on which standpoint it is interpreted. An implementation is judged on whether it is falling in a good, moderate or even fail category to achieve its objectives in terms of the goal. In line with the above definition, the implementation of policy is, in principle, a means of achieving its objectives. To implement a policy, therefore, two alternative methods were proposed; they are direct implementation in the form of programs and formulation of policies or derivatives of the public policies (Nugroho, 2004).

As we described earlier, the public policy on state structure and government are, basically, divided into three principles: formulation of policy, implementation of policy, and evaluation of policy (Nugroho, 2004). Among all three of principles, the implementation of policy is a complex activity and so many factors that influence the success of a policy implementation. The implementation of policy is a crucial point in the study of public administration and even of Public Policy. As we know, the implementation of policy is a stage of policy-making among the issues of policies, for examples, enactment of a law, issuance of government regulations, application of Judicial Commission decisions or spread of government regulations and what are consequences for the population subjected to the regulations. If a policy is not suitable, if the rule is not able to cope with problems having the publication of rule goals, it is doomed to failure anyhow kind of the implementation (Edward III, George C, 1980) in (Rusli, 2013).

The implementation of policy is always interesting to be studied, either by the parties involved in the processes of formulation and implementation or those who are in an external policy environment. The increased interest in the implementation of government policies is related closely to the growing awareness of less and even ineffective government policies in many areas due, in particular, to many things arising in their implementation. As an administrative instrument, the focus on the implementation of policy is designed to understand what is, in fact, taking place after a program is declared valid in order to have an impact and achieve the desirable goals.

Based on the above case, it is explained that the implementation of policy is basic implementation (legislation) or executive commands or decisions of important type or judicial decisions. Issues to be solved, goals and objectives to be achieved, and various methods of structuring/managing the implementation process are identified under those decisions. This process is taking place after going through a certain stage, usually beginning at formulation, output, arrangement, validation of a policy, then implementation of policy by executive agency (instance), willingness of target groups to implement those decisions, the real impact, either desirable or not, and output, the impacts of decisions as perceived by decision-making agencies and, finally, important improvements (efforts to make improvements for the policy or regulation) (Mazmanian, 1983) in (Wahab. 2004).

As Mazmanian (1983), see (Rush, 2013), argue that the important role of the implementation of public policy is the ability to identify variables affecting the achievement of formal goals at whole stage of implementation process. Furthermore, the variables may, generally, be classified into 3 (three) independent variable categories: a treatise on the difficulty of issues to be controlled, the ability of a policy decision to structure the implementation process properly, variables beyond policies/regulations affecting the implementation.

Other issues on the implementation of a policy are so-called "the complexity of joint action." A systems approach is very important in the public policy, as each policy have an impact and a chain reaction, whether it is intended or not. During the phase of formulation, serious considerations regarding possible consequences of implementation are necessary. It is difficult, even almost impossible, to detect the next consequences. Human beings have limitations in their efforts to cover the whole problem and the future situation. Social experimentation, involving use controlled experiments, is just beginning to be developed to test possible effects, and a program that is first summarized as a policy (Pressman & Aaron Wildavsky, 1973) in (Rusli, 2013).

The implementation of policy, generally, connotes a relevancy lend itself the realization of public policy goals as a result of government activity. It is meant that a creativity to create a public policy service system was included; in other words, some specific meanings were designed and presented to achieve, it is expected, at the end of a certain time (Van Meter, D.S and C.E. Van Horn, 1975) in (Widodo, 2006).

Furthermore, Grindle theory gives priority to the availability of basic condition for successful execution of public policy. Grindle questioned whether the policy is quite implementable. Its measurement is what is the content of the policy, and how the context of implementation (Grinddle, 1980).

Grindle arrived at evidences that implementation, even if successful, have many weaknesses in translating the desirable goals into a routine procedure. It is appearing due to any conflict of interest, at which stage of a decision is made, and who find out what in the target communities

Furthermore, Grindle suggest one study of policy or program itself (objectives, implementation plan, and the availability of resources has affected the achievement of the less end). And again, the study have found several variables as to the distribution of power in a society and effects of conflict and decision-making, and factors having extensive effects – social circumstances in which the program is operated.

A specific thing encouraging studies of implementation (Grinddle, 1980) is a wide gap between objectives and outcomes in third countries, so that Grindle studies, finally, tend to focus more on the roles of government apparatus and administrative procedures. It is recognized by Grinddle, a little attention given to relationship between the characteristics of the policies and programs of continuity for their implementation and, thus, a little attempt to relate the issues of implementation to the characteristics and the regimes of rulers in which the policy is implemented today. It is time to try, therefore, to collaborate what are the main issues of implementation in the third world.

Grindle develop an approach as a result of a study by contributors and they concluded that the process of implementation process is, actually, focused on politics. The study is aimed to answer two main questions on the implementation in general; i.e., what is attributed by authors to conditions surrounding the implementation of public programs in the third world in relation to the content of the policies, particularly what are actual roles they play in the implementation and, secondly, the context which is, actually, same in the challenge: how the administrative actions play role in the implementation of policy under the context of politics.

Both questions are leading to the understanding of the implementation as they share the same understanding of the implementation itself. According to them, all of these is a continuous process of decision-making by actors and the various groups:

1. Objectives listed in the program contained in the content of the program to be implemented.
2. And the interaction of decision makers under the atmosphere of administrative politics in that time. Based on the study, Grinddle develop generalizations based on case studies on why and how the content and the context of variables intervene in the process of implementation in the third world.

In principle, the public policy contains a number of statements on goals, objectives, and meanings that are translated into a program of action to be reached at some stage of the policy. It seems that there are a number of programs to be developed as a response to a similar policy. The action program can be sorted in a more specific project to execute. The purposes of the action program and the individual project are to produce changes in policies in workplace, changes could be considered as the final result of a program.

According to Grinddle, differences made between policies and programs have implications for the functions of program and the dependence on the ends (what are the final results). As consequence, the implementation of policy is always involving an investigation. analysis, and real action program and had been planned as a type of attainment of the broader objectives, for examples, any discussion of the general purposes anticipated by governments such as the increase of agricultural productivity, the provision of housing for the poor people in urban areas, the elimination of slums, and rural development. The success and failure of implementation are depending on the end of programs aimed at achieving those objectives, along with the measures used. The difference between policy and



program itself is very difficult to separate, because the use of the word policy is often highly varied, for example, a policy could be concerned with the level of success, where the purpose is formulated by strict numbers. A common statement expressing that the government's agricultural policy is to increase productivity could be interpreted as a policy on the provision of government funding to help businesses of small farmers in commercial/productive agricultural sector. It is, in turn, is defined as policy on the provisions of irrigation and transportation for small farmers. In this sense, the policies and programs are used alternately. In addition, as the implementation of policy is considered to produce outcome, it is difficult to distinguish policies and programs for its constituents. Grindle questioned what point is, the failure of the program is a signal of policy failure? Furthermore, Grindle (1980) says that the program is, in fact, made to fit to achieve the policy goals, as the assumptions are always not the case in practice.

Implementation is, essentially, a process of administrative action that can be traced to specific phases of the program. Does success or failure can be evaluated in relation to capacity, in what case the program was operated as planned? All implementation of policy can, in turn, be evaluated by measuring the final results compared to the policy goals.

According to Grindle (1980), the implementation of the policy is political and administrative processes. In the implementation of policy, activities are involving the content of policy and the context of implementation.

a. Content of Policy include:

1) The affected group interests.

The implementation of policy carries consequences of changes introduced to social, political, and economic relations areas. It is posing challenges and rejections of those whose interests are affected, leading to an uncomfortable atmosphere for those who in dangers from the enforcement of policy.

2) Benefits

When a policy brought benefits to many people, the policy shall, immediately, have positive responses, while latent benefits have fewer responses. If benefits are perceived immediately, the conflicts are rare; however, when benefits have not been felt immediately, the policy is, frequently, neglected, making it hard to apply.

3) Changes anticipated.

Differences in change and behavior are one thing in the content of policy having role in the implementation of policy. For example, the introduction of a new technology to agricultural sector requires changes in behavior and traditional/manual methods into machinery application. It is of course heavier than policy on the provision of low-cost housing for low-income those. In addition, if programs with benefits for the long term are more difficult to apply than those with short-term benefits. To give examples of disease prevention programs is more difficult than the provision of land for the urban poor, as the current policy is concerned with security and economic improvements which are perceived directly.

4) Location of Decision-Making

Location of decision-making involving just one ministry is much simpler, for examples, monetary policies. Rather, it would be the more difficult, despite of it is in one department but spread over multiple departments and areas for examples, educational programs. The most difficult is when the location of decision-making is spread to many departments and areas, for examples, housing or policies on land that involves many parties and located in regions. However, there are programs that even attractive, though scattered, for example, rural development.

5) Implementer

When a policy was decided and described, it is necessary to have those who will execute the program, and describe how the program is operated. What is meant is that there were bureaucratic agents with diverse capabilities to manage programs in order to lead them to a success. Some of them may be more competent, more active, more dedicated, and so on. In addition, it has good connection to political elite, as well.

6) Commitment to resources

Access to resources is an important factor in the implementation of policy. This is allowing implementers to be able to overcome some requirements imposed upon them (Grinddle, 1980).

Grinddle added that how objectives are formulated in the formulation of a policy will have considerable effects, whether clear, whether ramified, and whether political and administrative officials are agreed on the targets.

#### b. Context of Implementation

Although the above description illustrates that the content of a policy is crucial, Grinddle have unchanged belief that there is a critical impact as social, political, and economic domains have important roles and, therefore, review of a context in which a program is highly necessary to execute, as the following description:

##### 1. Power, interest, and actor strategy

Implementation contains a series of decisions made by the relevant actors, for example, planners at all of public administration levels, politicians, economic elite, secondary and lower bureaucracies. They might be actively involved or not. The objectives of the actors are, sometimes, similar to or different each other and the results as a consequence of the attitude "who can what" are determined by strategies, resources, and positions of power and each relevant actor. What is performed is the calculations of interests and group competition for limited resources, measuring responses of implementers and manners of political elite. In short, all of interactions are taking place under the context of the existing institutions. Furthermore, analysis of program implementation has implications for examining the capabilities of actors' power, to which extent their interests and strategies to achieve. Likewise, an overview of the characteristics of the regime in which they interact shall, in turn, open up opportunities to achieve policy goals and the objectives of program.

In reaching the objectives of the program, the officials are facing two major problems in terms of interaction of program domain and program administration. First, officials should resolve problems in such way that there is no lawsuit of related parties in the end of program. For example, they need to gain as much supports of politicians as possible, manage lawsuits of executive agencies, bureaucrats in charge of implementing the policy, political elite in the front line, and beneficiaries. They are required to convert opponents harmed by this program into supporters of policies and, of course, to maintain those in step but still wish for benefits to prevent them from being turned. To ignore this lawsuit is requiring extra energy to bargain, accommodate diverse interests and, once again, possible conflicts may be emerging. When all of objectives, however, have been reached, the resources get afford to resolve the issues, there is no problem to focus on the program.

##### 2. Compliance and responses of implementer

The other side and the issue (and this is the second issue) in achieving the objectives of policies and programs is compliance or responsible attitude. Ideally, the public institutions such as bureaucracies must be responsive to those in need who were subjected to the policies in order to provide appropriate services. In the absence of compliance during implementation, the public officials will lose opportunities to evaluate the achievement of the program and to provide support at a critical time for success. In many cases, the compliance is also meaning the policy have not been succeeded due to any intervention of groups or individuals to acquire goods and services in larger quantities or hamper certain programs they did not want as a target group. The problem for implementers is to ensure the amount of accurate compliance that generate flexibility, support, and feedback; while, at the same time, maintain quite attention to the distribution of resources in order to achieve specified goals. This is a type of balance that need to be maintained and a thing that need to be taken into account in the calculation of possible responses of relevant actors and their capacities to distort the objectives of the program. To be effective, skills and artistic capabilities in politics of implementers are necessary and able to understand the working environment in which they find a way out for the success of policies and programs.

In relation to both issues, Grindle found that implementation of the policy is also influenced by the extent to which the political regimes and the ruling institutions have the power to implement policies they planned.

### 3. The ruling institutions and regimes

Anyway an objective is formulated carefully, it have just minor role if they responsible for the program does not have any power to organize, implement, and control its implementation. The issue is associated with whether the activities implemented were decentralized or still in control of political elite and central bureaucracy. A study by Grindle and colleagues found that a political system whose power is too vast scattered tend to potential deviations. This indicates that the context of the administrative scope is also involving such variables as the political structure and the type of the ruling regime where the program is given. Whether the regime is authoritarian or more open-ended will be highly influential in the presence of general elections that encourage larger responsibility, either on the part of politicians or of administrative officials and restricting unilateral solutions. Cases concerning ideology, culture, alliance of political parties, international events, are other forms that need to be considered in the administrative process. In addition, the program never takes place under isolation conditions and other public policies. Successful programs are very affected by priority of public officials or outcome and other programs. The description give a picture that the content of similar policies could resulted in different outcomes if they are implemented in substantially distinctive contexts (Griddle, 1980).

The next question is what conditions are needed for successful implementation of policies or programs? Peter Cleaves in (Grinddle 1980) suggests two things: first, political actors and administrators require a mobilization of power to implement policies having been planned carefully and followed by capabilities to execute, depending mainly on the involvement of other elements in the political environment. Second, depending on the content of the policy in which a situation will be encountered whether the policy is hard or easy to implement. Peter gave simple examples of implementers who make some choices by mobilizing other political resources in an effort to achieve their targets or by making the policy simpler, but more responsive to the interests of the population affected by the policy.

Peter concluded that the content of the policy and the availability of resources for political leaders in different political systems can be different to open opportunities for the successful implementation of the policy. Conditions in third world countries can theorize at a time to be a revolution and all crops.

Furthermore, according to Grindle, unlike political systems in Europe and US, the process of public policies implementation in the third world is focused on political participation and competition. The explanation is because the characteristics of politics themselves which is characterized by remoteness and lack of access to decision-making for most of the population and the sharp competition driven by different needs as a result of highly scattered locations and limited resources. So, while politicians in Europe and America focus on the input stage, in the third world the most of needs were taken by the determination of the representation of interests followed by the emergence of conflicts and efforts to overcome the stage of output. It can be said that policies and programs are even more difficult to set, predict, and more tend to stray in the third world than anywhere else in the presence of political activities within the implementation process.

Grindle and colleagues conducted case studies of development programs in Brazil, Columbia, India, Kenya, Mexico, Peru, and Zambia. Also, the studies analyzed what is going wrong with those programs, and each investigator provides a solution to the problems encountered. Grindle then collect them in a theory of policy implementation.

The implementation of policies includes the content of policies and the context of policies in which the policies are implemented. Afterwards, it will be known whether implementers execute the policies as expected and whether the environment have quite role to make changes intended occur. It is very suitable to those problems found in earlier studies, so that the content of the policy can be explored and investigated more deeply. The domain of the policy implementation including power, interests, and strategies of the actors, the characteristics of the institutions and the regimes, as well as the compliance and responses of implementers will be explored to know how roles they play.



Based on the various theories and models offered by a number of experts in dissecting the policy implementation issues to achieve their goals, after a thorough investigation has been completed, it appears there are a number of fundamental similarities. In general, the experts identify factors influencing the successful implementation of policies. In a set of the factors, there are at least 3 (three) main factors often called, despite of the different pressures. All three factors are:

- 1) Content of policy. A good policy in terms of content have at least the following properties: clear, not distorted, supported by basic theories put to a test, communicated easily by the target groups, supported by resources, both well human and financial.
- 2) Policy implementers and target groups. The implementation of policies is depending on implementers and target groups. Implementers are required to have capabilities, competencies, commitments, and consistencies to perform a policy in accordance with instructions of policy makers. In addition, the educated and relatively homogeneous target groups will be easier to accept a policy than closed, traditional, heterogeneous groups. Furthermore, the target groups which are a large part of the population will be more complicating the successful implementation of policies.
- 3) Environment. Socio-economic conditions, political, public support or population culture, and location in which a policy is implemented will affect the success of public policies. Socio-economic conditions of a developed society, a stable and democratic political system, good supports of constituents and elite of power, and the supporting everyday culture of a community will facilitate the implementation of a policy.

## 2.2 Concept of Child Trafficking

Child trafficking is one type of violence against children involving physical, mental and or sexual abuses (Gultom, 2014).

On 15 November 2000 the General Assembly of the United Nations (UN) has set Protocol for Prevention, Suppression, and Punishment of Trafficking in Persons, Especially Women and Children, Supplementing the Convention of United Nations Against Transnational Organized Crime, or known as Palermo Protocol, and then the Protocol is put into effect on 25 December 2003. Under the Protocol, the child trafficking is defined as the recruitment, transportation, transfer, harboring or receipt of a person by means of a threat or coercion or other forms of violence, abduction, fraud, deception, abuse of power or utilization of a vulnerable position or giving or receiving of payments or benefits to get the consent of a person to have control over another person, for purposes, for exploitation. Exploitation shall include at a most minimum level the exploitation of prostitution against a person or other forms of sexual exploitation, hard labor, slavery, or practices similar to slavery, servitude, or the removal of organs (Protocol For Prevention, Suppression, and Punishment of Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime, 2000).

Of this Protocol, there are three elements referred to as trafficking in persons: process, method, and purpose. Process includes the recruitment, transportation, transfer, harboring and receiving. Method includes threat or coercion or other forms of violation, abduction, fraud, deception, abuse of power, or utilization of a vulnerable position or giving or receiving of payments or benefits to obtain the consent of a person to have control over others. Purposes includes sexual exploitation, forced labor, slavery, or practices similar to slavery, servitude, or the removal of organs.

As for child trafficking, this Protocol define it as recruitment, transportation, transfer, harboring, or receipt of a child, for purpose, for exploitation shall be considered trafficking in persons, even if this it is not involving the method. So, for a child if there are only two elements of the process and purpose, it can be referred to as trafficking in persons.

The manual of Protecting Child Rights and Dignity Under Trafficking compiled by Asia Against Child Trafficking (ACT) and Indonesia Against Child Trafficking (ACD) define child trafficking as recruitment, transportation, transfer, accommodation/hiding, or receipt of a child, for purpose, for exploitation in domestic or abroad, which include but is not limited to child prostitution, child pornography, and other forms of sexual exploitation, child labor, laborer or forced labor, slavery, or practices similar to slavery, servitude or the removal and sale of organs, illegal, prohibited use of

activities, and participation in any armed conflict. In this manual, the recruitment, transportation, transfer, accommodation, reception of children through adoption or marriage, for purpose, for exploitation is also considered belonging to child trafficking (Asia Against Child Trafficking and Indonesia Against Child Trafficking, 2006).

Presidential Decree No. 88 of 2002 on the National Action Plan for the Elimination of Trafficking in Women and Children on 30 December 2002 defines child trafficking as all acts of perpetrators of trafficking that contain either saw or more acts of recruitment, transportation between regions and between countries, the alienation, departure, reception and temporary shelter or at the destination. By means of threat, use of verbal and physical violence, abduction, fraud, deception, abuse of a position vulnerable (for example, when a person does not have other choices, isolated, drug dependence, trap of debt and so on), giving or receiving of payments or benefits where women and children used for the purpose of prostitution and sexual exploitation (including phaedhopile), migrant workers, both legal and illegal, adoption, trapped employment, mail-order brides, maids, begging, pornographic industries, distribution of illegal drugs, and sale of organs, as well as other forms of exploitation.

To define trafficking in persons and child in the National Action Plan has been referring to the Palermo Protocol, but in the National Action Plan does not define specifically for child trafficking, and merge between adults and children. This means that trafficking in children must meet the three elements of process, method, and purpose. As for child trafficking in the Palermo Protocol only meet one element of the process and purpose, while the way it can be ignored.

In Law No. 21 of 2007, trafficking in persons is defined as the act of recruiting, transporting, harboring, transportation, transfer, or receipt of persons by threat of violence, use of force, abduction, confinement, fraud, deception, abuse of power or of a position vulnerable to debt bondage or established a payment or benefits to achieve the consent and the person having control over another person, whether committed within the country or between countries for the purpose of exploitation or cause people to be exploited. And the definition of the above three elements are referred to as trafficking in persons: process, method, and purpose.

As for the child trafficking in this Act is not defined specifically, and only mention the delivery of children into or out of the country in any way that results in the child being exploited as contained in Article 6 that every person who delivers the child into or onto abroad by any means which results in criminal exploitation of the child with imprisonment of minimum 3 (three) years and a maximum of 15 (fifteen) years and fined at least Rp.120.000.000,00 (Dun hundred Twenty Million) and most Rp.600.000.000,00 (Six hundred million Rupiah).

Another restriction on the sale of children can be found in the Stockholm Declaration. The declaration mentions the understanding of child trafficking as movement/displacement of children in secret and forbidden to cross the border (location) with the ultimate goal is to force these children get into situations that are sexually or economically oppressive and exploitative and benefit haul pars recruiters, traffickers, and crime syndicates (Ahmad Sofian, Misran Lubis, Rustam, 2004).

Another definition explained that child trafficking is any act or transaction whereby a child is transferred to others by anyone or group for the benefit or in other forms. He also explained that the child trafficking can also be interpreted as an act that includes aspects of the recruitment process, and or displacement against someone, often for exploitative labor, including sexual exploitation by force, threats, and deception/debt-trap. So, based on such understanding, the child trafficking is looking for at least five (5) elements namely the recruitment, transportation, there is no consent, coercion or exploitation and cross-border (Gultom, Legal Protection Against Children and Women, 2014).

There is not any difference found in some concepts of trafficking as described above. All desirable elements in trafficking are almost similar. Conceptually, something may be said as trafficking when some activities such as recruitment, transportation, and displacement were detected. The recruitment is defined as a process of adopting a child from original place or another person. Transportation refers to the removal of a child under successful recruitment to another person or to a particular place. This displacement could across borderline of a country or in a country, and the last element is fraud with victims who did not know the purpose of darts displacement (Ahmad Sofian, Misran Lubis, Rustam, 2004).

Until now, in fact, there is a tendency of narrowing the meaning of child trafficking which is often just seen from aspects of prostitution. Whereas, the facts in the field indicate that child

trafficking is not just for the purposes of prostitution, it has very large dimensions. This is not free of high demands for children for various purposes. There are at least five types of child trafficking are found in Indonesia, namely: the child trafficking for prostitution, child trafficking to be used as domestic servants, child trafficking for begging, child trafficking to be employed in places that are dangerous like platforms, trafficking children to serve drug dealer (Irwanto, Fentiny Nugroho, Johanna Debora Imelda, 2001).

The Office of the State Minister of Women Empowerment identify at least 11 (eleven) forms of trafficking in children and women based on the objectives as it is found in Indonesia, i.e., commercial sex workers, migrant workers, cheap labor, domestic workers (PRT), beggars, drug dealers, workers for entertainment place, consumption of people with pedophilia, mail-order brides, adoption, and the removal of organs (Ministry of Women Empowerment and Child Protection, 2015).

In the Protocol of the Child Rights Convention on child trafficking, child prostitution, and child pornography adopted by the UN General Assembly in March 2000 and has been ratified by the Indonesian Government in October 2001 explained that there are at least four types of child trafficking goals: child trafficking, for purposes, for sexual, removal of organs for the sake of a profit, forced labor, and adoption (Ahmad Sofian, Misran Lubis, Rustam, 2004).

Along with the globalization of the world, then the child trafficking has evolved, where children can be made objects for:

1. Housemaid, where children often receive minimal wages and their wages are not always received every month, even they do not know the day off. In addition to this, child domestic workers are particularly vulnerable to violence by their employers, either male or female. Both physical or psychological violence and sexual abuse are resulting in physical and psychological injuries, disability, and even death. In the realm of Indonesian manpower law, the housemaids are not included in workers under legal protection, so that they can be easily removed from their workplace by their employers, when the employers do not like them. In light of the working hours, the types of works, the systems and the amount of wages received, opportunities for rest and self-development, and vague work ties, the work of housekeeper is included in exploitative work.
2. Sexual and pornographic Commodities, in this case the children were trapped as sexual commodities, originated dad fraud or false promises dad person or group of people who offer the talon victims to work in other cities or abroad with a fairly lucrative income without must have adequate education and verified by a diploma. They are also not collected money to get the job promised. Even some recruiters gave some tips as pocket money to prospect victims or their families. Another form is a promise to send and will provide useful education to live by. The victim was then taken or transported to a place unknown to him, and then handed over to the person or group of people who slap hired as sex workers. The displacement of victims and other people of power next to a couple of times, victims were forced to perform sexual services work. Victims are still virgin, usually pass through and become the object of the auction with a very high price. Victims who have been sold by means of the auction are raped by their buyers. The rejection of sex with buyers resulted in the persecution against them by their buyers and procurers. Also, the same thing is encountered by child victims of pornographic commodity. These children were victims of fraud, persuasion, and seduction to be a photo model or advertising model; however, after entering the domain of pornographic perpetrators, they are situated in helplessness, trapped in the winding debt, dependency that prohibited or certain products. They are required to do activities related to pornography.
3. Squeezed Labor for jobs in confinement, slavery, forced slave or labor, among other squeezed labor for fish trap, ocean, and plantations.
4. Beggars, Singing Beggars, and the other Street Workers, in this case, boys and daughters who were beggars, buskers, street work shoeshine or more commonly exploited. They

work in a very long time, did not have a chance to learn and play, and be in an environment that endanger the safety of their life and influence their psychological development. They are also vulnerable to violence perpetrated by adults (thugs, authorities, and the general public) as well as by her own parents such as beatings, verbal abuse and rebuke, sodomized or raped.

5. Adoption and Selling Fake Baby Found in conflict areas or poor areas, where false adoption is generally performed by syndicate members, in this case the syndicate came to poorer areas, areas under conflict, shelters or areas experiencing disaster. They came to adopt babies under 1 year old, with promises that these infants acquire maintenance and better care. However, in reality, babies were sold to other parties at a price high enough so that the syndicates earn huge profits.
6. Wives as mail order brides (Mail Order Bridge) were occurring in two forms: trade marriages, first marriages used as a scam to take women and bring them to other areas that are very familiar to him, but when he got in the region of interest, the women were used as object prostitution. The second is a marriage for girls cook it into the household to do domestic jobs of highly exploitative types.
7. To perform Narcotics Trafficking, where drug traffickers often use children as a tool or a way to do the work, the production process, marketing circulation, storage, smuggling, or the introduction of narcotics and drugs.
8. Make it object/target of sexual exploitation by people with pedophilia or people who have certain beliefs that just want to have sex with children.
9. Commodities under the Shipment of Migrant Workers, where the results of three researches by the Ministry of Women Empowerment and Child Protection in research sites in West Java, East Java, and Riau reported that child trafficking through this pathway is a type of largest trafficking in Indonesia. Victims are, usually, persuaded and given full information to follow the delivery of workers to abroad. Extortion and fraud have occurred since the beginning of the recruitment process and then by sponsors (passenger recruiters/agents) of victims handed over to the delivery of other workers (legal and illegal). The victim is then accommodated in a place, such as shelters Training Center (BLK) as a training camp and a place of captivity. In place of the victim waited until the absence of demand from abroad who is interested in buying the victim, after a request from agents/individuals abroad, the victim is sent. Since arriving in another country, the shipper in Indonesia is not responsible for the situation of victims.
10. Pay for Debt/Insurance Claims for which the payment of debts and then marry or sold for incorporation into prostitution by the lender, then transported and transferred somewhere else. In addition, the child trafficking for insurance claims incurred, which recruiters street children and homeless people who opted to be picked by a syndicate of insurance, they then killed so that the syndicate may submit a claim (Sahala, 2004).

c. Prevention and Management of Child Trafficking

According to (Minister of Women Empowerment and Child Protection of the Republic of Indonesia Number 10 Year 2012), the prevention of trafficking in persons is a precautionary measure for all forms and practices that indicated on the crime of trafficking in persons. While Management the crime of trafficking in persons, that is granted to witnesses or victims and correlated to health and psychosocial rehabilitation, provision of legal assistance, repatriation and reintegration guns and fulfillment of the rights of witnesses or victims of the crime of trafficking in persons.

Furthermore, according to the (Ministry of Social Affairs, 2008), prevention is an attempt to prevent the continued growth and development of children through empowerment issues, assistance,

and social services to families and communities. Prevention is the reduction that is beginning before the problem occurred. Prevention aimed at avoiding or recurrence of a problem. In the Management of child trafficking, prevention is done in the area of origin/shipper child trafficking occurred and where it happened can be clearly identified.

A precautionary approach is comprehensive, not only on children who have been victims of trafficking or vulnerable. Parents, family, community, key figures (traditional leaders, religious leaders, community leaders), teachers, managers of social organizations and social groups or local institutions, government officials, and members of trafficker network themselves are parties which can be target of a precautionary program.

The changes are expected to occur in this target group, adjusted for the effect on the occurrence of cases of child trafficking and their contribution to prevention efforts. Intended changes are changes in the values and norms that are directly or indirectly capable of encouraging child trafficking. The values of the good character of the strengthening of the values of existing and adopt the values that have been developed by other communities that are conducive to the fulfillment of child survival, growth and development, protection and participation. Prevention seeks a new system of values and norms that are appointed and social life of their own. The new values are reviewed, discussed, dissocialized, and applied in societal life.

The prevention of child trafficking victims has the following functions:

- 1) Prevention refers to the Management root of the problem at the mid-level and structural level. Level medium include habitual patterns, values, attitudes, and actions in various segments of society that cause or encourage the trafficking. Macro level includes change in social, political, and economic structures underlying the emergence of these problems. In the prevention of child trafficking, efforts directed at:
  - a. Preventing children at risk of trafficking victims
  - b. Making parents conscious and encourage the community to tackle trafficking
  - c. Eliminating discrimination against girls, green marriage, early divorce, and prevent promiscuity
  - d. Fixing responsiveness and student-teacher relationship
  - e. Encouraging immediately the enactment of anti-trafficking and the implementation of all legislation on trafficking by legal enforcement agencies, stakeholders, and the public.
- 2) Abolition, i.e., remove child trafficking as most nasty type of job for children. Abolition is made through termination of trafficking pathways, severe punishment for the perpetrators, and the release of children from prostitution and various other forms of exploitation for purpose of trafficking. This function is carried out by law enforcement, where the Ministry of Social Affairs plays a supporting role.
- 3) Empowerment. Empowerment leading to the award and growth capability on vulnerable groups and communities trafficking in order to increase confidence and have a productive activity that can help realize the potential it has. Empowerment of children, parents, the community through education, skills training, and awareness is expected to avoid the trafficking network.
- 4) Provide protection for vulnerable children or victims of violence by their employers in the case of trafficking, such as case management services using psychosocial approaches and social rehabilitation. Protection for child trafficking victims are given through the recall of children who have become victims of trafficking through a variety of environmental service mechanisms withdrawal of trafficking, repatriation to their place of origin, recovery, rehabilitation, and restoration.
- 5) Social rehabilitation is a function of restoring social and children mental disorders and returns them to their social functions children, thereby making them able to perform their role again naturally.



### 3. Research Methods

The approach used in this study is a qualitative research with the consideration that the position of the main problems concerning the cause of lack of effectiveness in the implementation of policies of prevention and Management of victims of child trafficking in West Java province is not yet clear, holistic, complex, dynamic, and full of meaning that is not possible the data path social situation of the Dragnet and collected with quantitative research methods, in addition to the researchers aim to understand the social situation in depth and find or develop a theory (Prastowo, 2011).

The method used is descriptive method by using case studies in consideration that the problem of child trafficking should be in anal is, in exploration, and explained to the public, which is expected to arouse the awareness of the parties concerned and responsible, to use any data and information in an effort to take appropriate measures. The public also needs to be excited realization that, in order to grow and thrive, children are given the opportunity to play, learn, interact naturally with their friends and express his potentials path. Thus adults, individuals or groups must provide optimal space for children. The descriptive approach is used on the ground that the conditions of child trafficking victims should be revealed as such to the surface, not to blame anyone even if there are responsible parties, but more importantly is generating awareness of the responsible and concerned parties (Suharsini Arikunto; 2003) in (Prastowo, 2011).

In addition to the above case, other considerations that the descriptive method by using case studies seek scientific truth by studying and exploring deeper into the facts related to the implementation of a policy on prevention and management of child trafficking victims in West Java Province (Noeng Muhadjir; 2000) in (Prastowo, 2011).

Exploration was conducted on policy program and implementation under Regional Regulations Number 3 of 2008, Article 6 of the Prevention and Management of Child Trafficking Victims in West Java Province, especially its activities, Force Task for the Prevention and Management of Victims of Trafficking in Persons in West Java Province, victims of child trafficking, or individuals related to the policy from 2008 to 2016.

In response to the above case, as a first step, the researchers conducted a stage of agency mapping having, either directly or indirectly, activities related to the management of trafficking and become a member of the Task Force for Prevention and Management of Victims of Trafficking in Persons and develop policy networks. This stage of mapping is designed to obtain a view of government and non-government agencies or institutions which still has active status as members of the Task Force for the Prevention and Management of Victims of Trafficking in Persons and has activities related to the management of trafficking and a collaborative policy to optimize the implementation of the program. This process is important because many government agencies and NGOs that are not necessarily concerned about the issue of trafficking or even the status of members of the Task Force Prevention and Management of Trafficking in persons inactive but ironically even if it has not as a member of West Java GT PPPO.

#### 3.1. Object of Research

In the stage of implementation, there are many actors engaged in. They can come from the government and society, and identified as bureaucracy, legislature, judiciary, pressure groups, and community organizations (Anderson, 1979) in (Kusumanegara, 2010).

Based on the above case, the main object of research on the implementation of policy on the prevention and management of child trafficking in Java Barat is what Grindle called "implementers" referring to officials at middle level having responsibilities for the implementation of the policy on the prevention and management of trafficking in persons in West Java Province. They are parties having basic tasks and functions related to the policy consisting of a Task Force group established by Governor. The Task Force group has cooperation and interaction with all relevant stakeholders, including agencies, victims, and perpetrators. Therefore, the data and information were enriched by in-depth interviews and focus group discussions with the Task Force group and related parties.

In this study, the informants are those who having closely relations to the implementation of policies on the prevention and management of trafficking in persons in West Java Province; i.e., those having authorities in the determination of policies; the implementation of policies; public services in the areas of prevention, investigation, prosecution, repatriation, and counseling; and those concerning with recruitment, transportation, and repatriation, including candidates, employment, the elderly, and

victims. Informants in the study consisted of the device, law enforcement agencies, universities, and NGOs, Religious Leaders, Victims.

The data collected in this study are two types: primary data and secondary data and, therefore, the data collection techniques used are observation of participants, in-depth interviews, documentary studies, and a combination of the three or triangulation, in which researchers themselves are keys and prominent instruments plunging into the field and try to collect information through observations and interviews (Prastowo, 2011).

Reliability and validity tests in this research were done by Triangulation, a technique of testing the reliability and validity of data by collecting complex sources to include interviews, observations, and relevant documents and to verify the truth of the data.

#### 4. Analysis

As mentioned in the previous explanation that the commitment of the Government of West Java Province to the prevention and management of trafficking in persons, especially women and children, was shaped into issue of various regulations including the Regional Regulation Number 3 of 2008 on the Prevention and Management of Trafficking in Persons, in which Article 6 mentioned that:

1. Everyone is prohibited from trafficking and or employing and involving children in worst jobs
2. The worst jobs include:
  - a. All types of slavery or, practically, a sort of slavery such as sale and trafficking in children, work for the donor, and slavery, as well as forced labor, including recruitment of children under compulsion
  - b. Exploitation, supplying or offering of a child, for purposes, for prostitution, production of pornography, or pornographic performance
  - c. Exploitation, supplying or offering of a child to be involved in illicit activities, particularly production and commerce of illicit drugs as stipulated in international treaties
  - d. Work or workplace endangering health, safety, or moral of children.
3. Local Government, District/Municipal Government, relevant agencies, and the public collaborate to cope with types of unfit works for children under the provisions of legislation.
4. Management includes a series of measures in the forms of preemptive, preventive, repressive, and rehabilitation in the forms of guidance, counseling, taking measures in places get rising to potential types of unreasonably works for children, as well as recovery.

Article 8, paragraph (1) stated that Regional Governments perform the management of victims of trafficking in persons through:

- a. Pickup, accommodation, and assistance to victims of trafficking in persons in conformity with the original domicile in West Java
- b. Coordination with District/Municipal Governments on domicile of victims of trafficking in persons for the repatriation of victims to their home areas
- c. Reporting on any criminal act of the trafficking in persons to the competent upholders of the law in accordance with the legislation
- d. The provision of legal aid and coordination for victims of trafficking in persons.

Article 9, paragraph (1) stated that the Regional Government have to make rehabilitation for victims of trafficking in persons through:

- a. Recovery of physical and psychological health for victims of trafficking in persons
- b. Reintegration of trafficking victims to their families or community
- c. Economic empowerment and or education for victims of trafficking in persons.

Article 10, paragraph (1) stated that Regional Governments are required to prepare local action plans for prevention, management, and rehabilitation of trafficking victims.

Accordingly, in order to implement Regional Regulations of West Java Province Number 3 of 2008, Article 6 of the Prevention and Management of Victims of Child Trafficking in West Java Province, the Government issued Governor Regulations of West Java Number 89 of 2009, Article 7 of the Prevention of Child Trafficking, and Article 20 of the Management of Child Trafficking Victims as Guidelines for the Implementation of Regional Regulations Number 3 of 2008, Article 6 of the Prevention of Child Trafficking Victims In West Java, a reference for Regional Governments, upholders of the law, the public, and interested parties. However, when after thoroughly investigation, the Regional Regulations Number 3 of 2008 has not defined explicitly child trafficking. It have impact on diverse interpretation of implementers and relevant parties regarding the criminal act of trafficking in persons, especially children, where the criminal act are more focused on problematic Indonesian blue-collar workers/female workers and sexual exploitation (In-Depth Interview).

It is making clear that trafficking in persons is the act of recruitment, transportation, accommodation, shipping, transfer or receipt of a person by threat of violence, coercion, abduction, confinement, fraud, deception, abuse of power, or vulnerability, debt trapping or offer a pay and benefit to get the consent of a person having control over another person, whether carried out within the country or between countries, for purpose, for exploitation or make people under exploitation.. Based on the definition, the authors held the definition of trafficking in persons between adults and children in Regional Regulation Number 3 of 2008 on the Prevention and Management of Trafficking in Persons in West Java is equal; namely, it have to meet three elements - process, method, and purpose of exploitation. In this case, the definition of children is someone under 18 (eighteen) years old, including children in the mother's womb.

To implement a policy on the prevention and management of child trafficking victims in regions, particularly West Java Province, a Regional Action Plan was established. The Regional Action Plan is a guideline for Local Governments and District/Municipal Governments and non-governmental organizations in the prevention and management of trafficking in persons, especially children. The Regional Action Plan is an effort to build alliances with various agencies or related sectors and functionaries to make synergistically mutual commitments to the prevention and management of trafficking in persons, especially children, Given the complexity of the trafficking issues, especially women and children as it was described earlier, the management of trafficking in person will be difficult if the model of management is just relying on one institution (government) under his own power. The era of regional autonomy providing flexibility for those areas to determine and decide priorities of policies fit the problems in the areas were encouraging local governments to establish cooperation with other stakeholders outside of them. This cooperation, either in the formulation of policies or the implementation of programs, is aimed at optimizing the prevention and management of trafficking in persons, especially women and children.

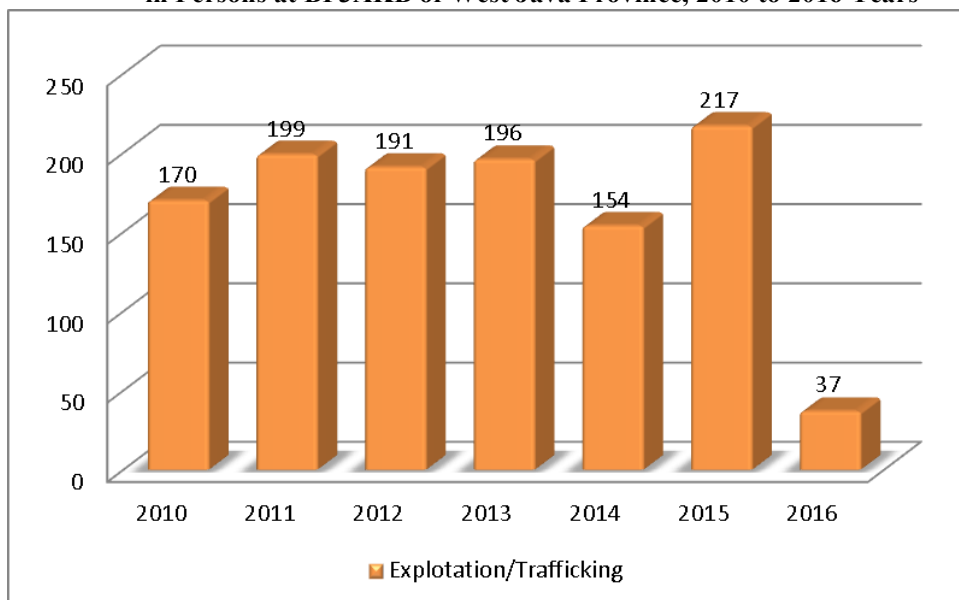
In response to the matters, the Regional Government of West Java Province established a Task Force having position under and direct responsibility to Governor/Regent/Mayor in conformity with their respective authorities through the Decree of West Java Governor Number 467.2/Kep.287-BP3 AKB/2015 on Task Force for The Prevention and Management of Victims of Trafficking in Persons and Violence Against Women and Children. The Task Force is a coordinative institution whose task is coordinating efforts to prevent and manage the victims of criminal act of trafficking in persons in West Java according to the provisions of legislation. Membership of Task Force for the Prevention and Management of Victims of Trafficking in Persons and Violence Against Women and Children is composing of Regional Apparatus Organizations, upholders of the law, professional organizations, agencies, researchers/academicians, and NGOs having commitments to the maintenance of human rights.

Regional Regulations of West Java Province Number 3 of 2008 on the Prevention and Management of Trafficking in Persons, particularly Article 6 of the Prevention and Management of Child Trafficking has mandated to Local Government, District/Municipal Governments, relevant agencies, and communities to collaborate in efforts to prevent and manage the victims of trafficking in persons, especially children. However, the Regional Regulations are still partial and not comprehensive and, therefore, not produced intended changes. Some obstacles and problems identified by the results of study are as follows:

- a. The cases of child trafficking victims managed by the governments and related networks are even low in quantity compared with actual number of cases (iceberg phenomenon). Based on

observations and in-depth interviews conducted by informants, the exploration of data on the management of victims of trafficking in persons, especially women and children might be made as follows:

#### 4.1 Recapitulation of Management of Victims of Criminal Act in Trafficking in Persons at BP3AKB of West Java Province, 2010 to 2016 Years



Source:

Adapted from Data of BP3AKB of West Java Province, 2016

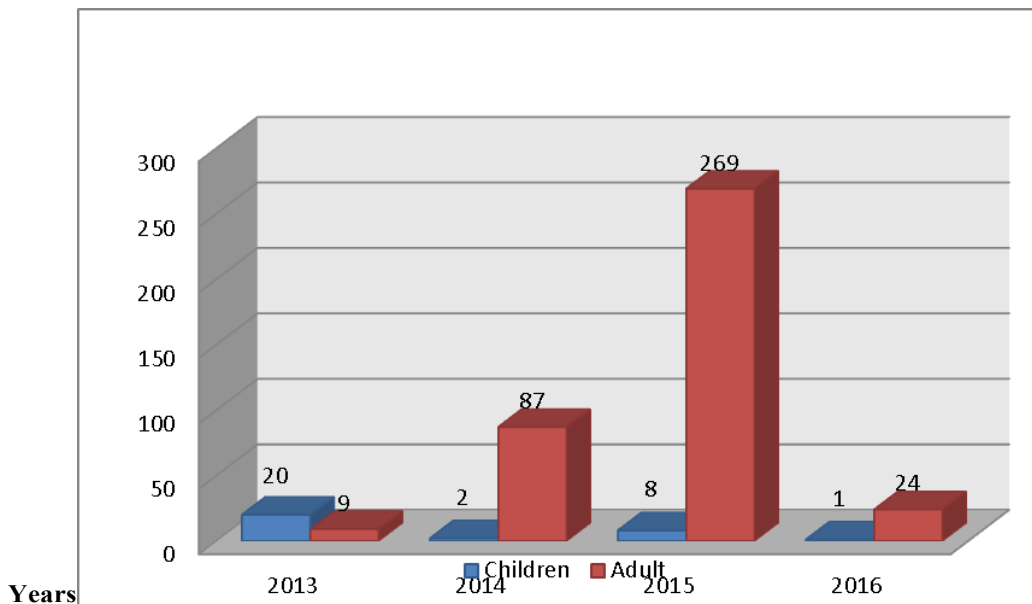
The results of interviews with daily executive Secretary of Task Force for the Prevention and Management of Trafficking in Persons in West Java Province which is regional apparatus in the Office of Women Empowerment and Child Protection and Family Planning of West Java Province showed that from 2010 to 2016, the management of victims of trafficking in persons highly fluctuate in quantity. From 2010 to 2011, the management of victims has increased from 170 (1.7%) to 199 (1.99%). However, in 2012 it has dropped to 191 (1.91%), and increased again in 2013 into 196 (1.96%). In 2014, there was significant decrease in the number of victims at the rate of 154 (1.54%), despite of it has particularly significant increase at 217 (2.17%) in 2015. In 2016, the successful management of victims from trafficking in persons by BP3AKB has drastic decline to 37 (0.37%).

Data collected are macro data or general, and the results of interviews with Head of PP BP3AKB Subsector of West Java Province indicated that 30 percent of total victims under successful management of BP3AKB are 18 years old and under and, thus, falling in a children category according to Regional Regulation Number 3 of 2008 on the Prevention and Management of Trafficking in Persons.

It is further asserted that the data could not describe actual representation of sum in the community due to case of trafficking in persons, especially children, is latent in nature and tend to disguise victims and across territorial borderline and even across countries. So, the existing data on trafficking are just cases informed. The results of interviews suggest that 150 victims of child trafficking from the West Java Province has not been managed and sent home due to the victims are still in Malaysia (Results of Interviews, 28 April 2016).

The following data are results of interviews with Head of Section for Protection of Victims of Violence at Social Department of West Java Province:

#### 4.2 Recapitulation of Management of Victims of Trafficking in Persons in West Java Province, 2013-2016

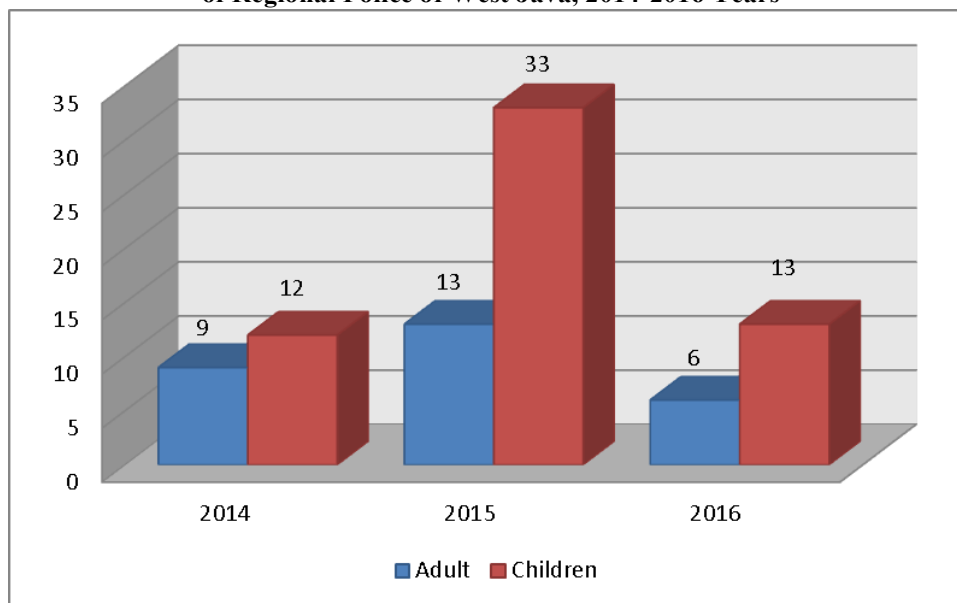


Source: Data were processed by Social Department of West Java Province, 2016

The results of interviews with Head of Section for Protection of Victims of Violence at Social Department of West Java Province suggest the number of trafficking victims in West Java Province under treatment have Random Chart for 4 (four) years. In 2013 through 2015, the management of victims of criminal act in the trafficking in persons has increased. In 2013, the number of victims under management is 29 (0.29). 20 (0.69%) of the victims are children and 9 (0.09%) are adults. In 2014, the management of victims has increased into 89 (0.89 0%); 87 (0.98%) of them are adults. However, the management of young victims has decreased into 2 (0.02%) than those of previous year. In 2015, the successful management of victims of trafficking in persons has significant increase, 277 (2.77%). 269 (0.97%) of them are in adult category and 8 (0.02%) in children category. In 2016, however, the victims of trafficking in persons under successful management has highly drastic decrease in quantity at the rate of 25 (0.25%); 24 (0.96%) of them are adults, and only 1 (0.04%) of TPPO young victims has been managed successfully. The following data are the results of interviews with Kanit Trafficking Dit Reskrim Um Polda of West Java:



### 4.3 Recapitulation of Management of Victims of Trafficking in Persons In Jurisdictional District of Regional Police of West Java, 2014-2016 Years



Source: Data were processed by Regional Police of West Java Province, 2016

The results of interviews with Kanit Trafficking Dit Reskrim Um Polda of West Java suggest case of victims of criminal act from the trafficking in persons under successful management has increase in quantity from 2014 to 2015. In 2014, the case of victims of trafficking in persons under successful management is 21 (0.21%); the largest number of TPPO victims are children, 12 (0.57%). And 9 (0.4%) are in adult category. By 2015, the case of TPPO victims under management has significant increase at the rate of 46; the largest number of victims under successful management are in children category, 33 (0.71%), and 13 (0.28%) are in adult category. In 2016, however, the rate has declined at 19 TPPO victims; the largest number of victims of trafficking in persons are children, 13 (0.68%), and 6 (0.32%) are adults.

The data under exploration were not got afford to describe actual representation of sum (Under Estimated) as they are veiled and hidden, tends to disguise the victims, cross the territorial borderline and even state border. The data are presented based on the cases reported by either witnesses or police. In addition, a lot of cases have not been reported due to various factors such as the victims of child trafficking in high quantities have not been touched by the law. It is caused by several such factors as the enforcement of law is not as expected compared with physical and psychological losses suffered by the victims, some upholders of the law are dependent on direct testimonies given by witnesses, many legal apparatus have not understanding of victims' needs for rights to restitutions in terms of hard validity of the rights to restitution for victims, some of judges are poorly trained in dealing with the criminal act of trafficking in persons, there are refusals of victims and their families on further processing of victims' cases, making them tend to choose silent or processes on diversion scale (settling cases outside of the criminal justice). In addition, the Regional Regulation Number 3 of 2008 on the Prevention and Management of Victims of Trafficking in Persons has not set out maximum sanctions for offenders, particularly in the process of litigation (Results of Interviews and Observations, 2016).

- b. Other problems with the management of victims of criminal act of trafficking in persons, especially children, are implementers and related parties have varied interpretations of the criminal act of trafficking in persons, especially children, where the Criminal Act of Trafficking in Persons is focused more on problematic Indonesian Blue-Collar Workers/Female Workers and sexual exploitation.

- c. The next problems are strategies used by actors involved in Task Force for the Prevention and Management of Trafficking in Persons of West Java Province as implementers of the prevention and management of trafficking in persons, especially children, are still not optimal and effective; it is indicated by less comprehensive data collection on problems and the management of victims of trafficking in persons, especially women and children reported by each institution in large quantities, the existing data are macro data and highly varied among members of West Java Task Force for the Prevention and Management of Criminal Act of Trafficking in Persons or, in other words, there is not standardized data collection system for victims of trafficking in persons, particularly children, in West Java (Data Terminal has not been found) (Results of Observations, 2016). Another indication is disorientation in fighting for the rights of victims of trafficking in persons, especially children as reflected in sectoral and individual management of trafficking in persons, especially children and, therefore, no explicit harmony and continuity of work (*tufokSIONAL*) shown by each of the actors, either at Provincial or District/Municipal Level. This is consistent with the explanation of one informant who states that:

"Meeting of Task Force for the Prevention and Management of Trafficking in Persons is always held, and each party knows and understands their authority and responsibility. However, after cases of trafficking in persons, especially children, have been identified, some agencies do not understand what to do, leading to barriers for smooth prevention and management of victims of trafficking in persons, especially children. In addition, Chief Executives of Agencies themselves are, occasionally, indifferent and did not want to know what is happening and did by their subordinates, so it could said that the Chief Executives themselves sometimes just can say "Able"; however, in reality, some of them are not doing what are mandated Regional Regulations" (Results of In-Depth Interviews, 2016).

Furthermore, it is reaffirmed by expression of the informant that:

"We think just few of them are responding/obedient and compliant and intense to implement policies on the prevention and management of victims of trafficking in persons, especially children, due to there are ego-sectoral between agencies and sometimes apathetic and don't to know when one of the members of the Task Force for the Prevention and Management of Trafficking in Persons, especially children, find cases of trafficking in persons. And when asked for his help sometimes often confused and do not know what to do; whereas in the meeting, each of the parties already know what are powers and responsibilities of the agencies integrated into the Task Force for the Prevention and Management of Victims of Trafficking in Persons, especially children "(In-depth Interviews, 2016).

- d. Support of resources is low in the prevention and management of victims of trafficking in persons, especially children in West Java Province. This is reflected in Standard Minimum Service given to victims of trafficking in persons, especially children,, is fragmentary or just focus on one or two aspects, so that the victims are failing to recover and even the problems can be reoccurring. In addition, Standard Minimum Service provided for victims of trafficking in children, is established in general service system/mechanism and it is usually adjusted to standard requirements or treatments over adults, where the specific conditions related to the characteristics of future developments and the special needs of children are not considered, so in many cases, this situation even result in a bad experience continued for victims of child trafficking. The lack of budgetary support from the regional government allocated to the members of the Task Force on the Prevention and Management of Trafficking in Persons, especially children, in West Java in the prevention and management of victims of trafficking in persons, especially children, making the program hindered and even among members of Task Force for the Prevention and Management of Trafficking in Persons in West Java Province, chose to seek other donors in taking the action and, felt concerned about, that among some of the Task Force groups for the

Prevention and Management of Victims of Trafficking in Persons choose draw from the membership of the West Java Task Force for Prevention and Management of Victims of Trafficking in Persons (Observations and In-depth Interviews, 2016).

This is consistent with the results of interviews with expression of an informant involved in this study that:

"In carrying out the task of investigation of the Criminal Act of Trafficking in Persons (TPPO), the POLDA usually coordinate with BP3AKB in the activities of the Management of victims that pick victims who are outside the region or abroad. Although the Police and are part of Task Force members Prevention and Management of Victims of Trafficking people of West Java province in charge of monitoring and enforcement, but coordination woke up in the context of the Task Force on the Prevention and Management of victims of Trafficking in Persons, especially children, is only incidental in the sense that when the Police and apply for pick-sacrifice, then POLDA do duty investigation in accordance with the main task and is directly responsible to the Director as the head. After the victim picked up, BP3AKB and P2TP2A play duties and roles of each in accordance with their budget. The existence of Task Force is felt only a committee assignment that is just moving at certain moments and depending on the activities programmed by the Local Government and Regional Police as OPD (In-depth Interviews, 2016).

## 5. Conclusion and Suggestion

### 5.1. Conclusion

Indonesia has had a wide range of policies, programs and activities and allocates budgets to implement prevention and tackling trafficking in persons, especially children, among others, with the implementation of Law No. 21 Year 2007 on Combating Trafficking in Persons (PTPPO). The indication is reflected dart position and existence of the State of Indonesia as contained in the Report of the Ministry of Foreign Affairs of the United States published a Trafficking in Persons Report, July 2015, which states that the status of Indonesia is still in the path status Tier 2. This means that Indonesia has not fully meet the minimum standards prevention and response to trafficking in persons, especially children, but the government of the Republic of Indonesia is trying to meet it in a significant way.

West Java Province as a miniature of the Republic of Indonesia indicated as one of provinces in Indonesia which became one of the pockets of trafficking, especially children and even become one of the largest areas Sending saw victims of child trafficking in Indonesia. Multiple regulations among others Regional Regulation No. 3 of 2008 on the Prevention and Management of Trafficking in persons in West Java Province, programs, activities, and budgets has been distributed, but the policy has not been implemented effectively, the indication is reflected in the number of victims of trafficking in persons, especially children handled by the Cluster Prevention and Response task trafficking (GTPPPO) West Java Province, is still a low-dart number of victims of trafficking, especially of real children (Under Estimated).

Although the data and information that the author collected only in the form of data and information of reported child trafficking based on complaints of victims and witnesses as well as referral and case has been handled by the authorities, the exact number of victims of child trafficking does not exist. It is attributable to several factors, among others:

1. Each scat data will change depending dart number of complaints and Management of cases being handled by the Task Force on the Prevention and Management of Trafficking in Persons (GTPPPO) West Java Province. Other causes are induced by the data revealed like an iceberg phenomenon, due to the fact of trafficking in children is much greater than that recorded in various data (Observations and interviews the author with the Secretary of the Daily Executive Task Force on the Prevention and Management of Child Trafficking and LPA West Java, April 2016).
2. Other obstacles for disclosure of child trafficking issue are the difficulties of recording and identification of the presence of the victims. Under these conditions, the later is the impression that the phenomenon of trafficking in children as if it did not become a significant problem to be discussed. Cases of child trafficking as if covered from discourse and public attention, especially the fact that the phenomenon remains alienated from more extensive policies due to strong syndicate of child trafficking. It is making the

exact number of victims of child trafficking difficult to find and statistics used to describe the number of victims of child trafficking are often data as a result of estimates (Ahmad Sofian, Misran Lubis, Rustam, 2004). Difficulties in quantifying the scope of issues of trafficking in persons, especially children, are the causes of the scarcity of definite information on the number of cases of child trafficking. It is caused by several factors as follows:

- a. There is no systematic research
  - b. There are a number of different definitions for issues under investigation
  - c. The nature of trafficking in persons especially children as illegal activities and were done in secret.
  - d. The indifference of officials pare for trafficking for purposes of prostitution is often seen as illegal or immoral thing, while the issue of marriage and domestic work is seen as issues of concern that are personal.
  - e. No statistical documents, especially in the informal sector, such as work as domestic servants and sex workers (Wijers and Lap-Chew, 1999) in (Nuh, 2005).
3. Another obstacle according to the results of research conducted by various NGOs, stated that the judicial process since the process of investigation, prosecution and judicial occur various actions that could impede efforts to combat trafficking in women and children, such measures are police impose costs of investigating criminal charges, manipulating the minutes (BAP), prosecutor and judge convert the nature of crimes with relatively heavy sanctions into those with relatively mild sanctions. For example, in the case of trafficking in women for sexual exploitation by means of fraud and violence, become fraud with threat of relatively low sanctions; in addition, there is, allegedly, bribery against Judge (Rosenberg, 2003) in (Harsono, 2004).

## 5.2 Suggestion

According to the authors, the government of West Java Province and Task Force for the Prevention of Criminal Act of Trafficking in Persons (GTPPPPO) of West Java Province and relevant parties should further improve their performance in liabilities related to the prevention and management of the criminal act of trafficking in persons, especially children, and more increase coordination with the government and Task Force for the prevention and management of victims of trafficking at District/Municipal Level in the prevention and management of victims of trafficking in persons, especially children.

Task Force for the Prevention and Management of the Criminal Act of Trafficking in Persons in West Java Province should further improve synergism and cooperation among the members of the task force, and more active involvement of community participation, women's NGOs, community organizations, and victims/families in various activities and programs, as mandated in Law Number 21 of 2007 and Regulation Number 3 of 2008 on the Prevention and Management of the Criminal Act of Trafficking in Persons, especially children, in West Java Province.

Local Governments, both Provincial and District/Municipal, should budgeted more funding and provided integrated services for women and children, witnesses, and or victims of trafficking and violence, based on indicators of performance and time limits set out in Regulations of the State Minister of Women Empowerment and Child Protection of the Republic of Indonesia Number 1 Year 2009 on Integrated Minimum Service Standards for Women and Children Subjected to Violence.

Government of West Java Province should create database and standardization of database system on trafficking and violence against women and children in order to have uniformity of data to understand the magnitude of the problem and to determine intervention strategies to use.

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## *Curriculum Vitae*

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