

# CHAPTER I

## INTRODUCTION

### A. Background

India is a country in South Asia which is the seventh largest country by geographical area size. India is also the second most populous country in the world, with a population of over one billion. As the second most populous country in the world, human trafficking cases often occur in this country. Human trafficking is a new form of transnational crime which often happen but it difficult to detect. Crime in this form is common in developing countries that have a large number of population with the differences in gender, females and males were not balanced. In addition, the main reason is the economic gap in the society. The reason why almost every country involved in human trafficking is because a state become a country of origin, a country of destination, and a transit country. This issue becomes more complex due to politically transnational (John Winterdyk, 2010). Transnational crime is a borderless crime or a crime with no national boundaries (Shelley & Lee, 2007).

The United Nations Palermo Protocol defines trafficking in persons as the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation (Protocol to Prevent, Suppress, and Punish Trafficking Ni Persons, Especially Woman and Children, Suplementing The UN Convention Against Transnational Organized Crime, 2000). The main points of the definition associated with the issue of slavery are human exploitation efforts for a particular purpose. Although most of the cases of human trafficking are crimes that cross borders between

countries, but also did not rule out the possibility of this crime occurs within a country.

According to the above definition, an activity can be categorized as trafficking case if it fulfills three important elements. The first, beginning of the process of alienation of a person from one party to the other party that includes activities (recruitment, transportation, appointment, transfer, harboring, receipt). Second, is the way it is used as the use of threats, coercion, abduction, deception, and abuse of power. The third is the terms of its goal as to the purpose of prostitution (sexual exploitation), pornography, pedophilia, forced labor which provides decent wages, illegal drug dealings, beggars, brides in transnational marriage and other slavery practices. Although in practice it sometimes gets approval from victims of human trafficking, but if one of the elements above is used, the condition remains categorized as trafficking.

There are so many root causes that have been identified for the existence of human trafficking. They include lack of employment opportunities, poverty, economic imbalances, corruption, decline of border controls, gender and ethnic discrimination, and also political instability and conflict. These push factors are contrasted with the pull factors of demand for workers, the possibilities of higher standards of living, and the perceptions of many in poor communities that better opportunities exist in larger cities or abroad (Aronowitz, 2009). These factors tend to exert pressures on victims that “push” them into migration and hence into the control of traffickers, but other factors that tend to “pull” potential victims can also be significant. As we know that the issue of human trafficking is the implication of the phenomenon of poverty.

Poverty and wealth are relative concepts which lead to both migration and trafficking patterns in which victims move from conditions of extreme poverty to conditions of less-extreme poverty (Toolkit to Combat Trafficking in

Persons, 2006). While, links between trafficking and migration are clearly evident in most accounts of trafficked persons. Human trafficking normally involves migration, migration does not always involve trafficking. Given that trafficking may occur either in a person's original home base (often a rural community) or in a subsequent work site (often an urban area). In these instances, it is the desire of potential victims to migrate to escape the poverty that is exploited by traffickers. Control and threatening measures tend to increase once migration occurs for the victims. Human trafficking often occurs within the context of migration whether it is internal migration from rural to metropolitan areas within a country, or external migration from developing and countries in transition to more industrial nations (Aronowitz, 2009).

In South Asia, India is the country of origin, destination, and transit for labour and sex trafficking (U.S Dept. of State, 2009). India also known as one of the most popular trafficking destinations in South Asia. However, the overall number of cases of human trafficking in India 90% is internal cases where the victims of human trafficking have been exploited in their home country; which is India and the rest are the victims of exploitation that comes from most other countries of Nepal and Bangladesh (Hameed, 2010). Usually, people from the poorer countries are at risk of exploitation and are trafficked to the neighboring country like India. India serves as a destination for persons trafficked from neighboring countries such as Nepal and Bangladesh, and as a transit country for individuals being trafficked to the Middle East and other parts of the world. In addition, India is a source country for individuals trafficked to Europe, the Middle East and North America.

The majority of trafficked persons in India, including men, women, boys and girls, are trafficked for purposes of forced labour. Labour trafficking is the trafficking of a person by means of fraud, coercion or duress for the

purpose of exploiting him or her for forced labour or services or slavery or practices similar to slavery, including involuntary servitude, peonage and debt bondage. Sex trafficking is also prevalent in India and predominantly affects women and girls. Sex trafficking is the trafficking of a person by means of fraud, coercion or duress for the purpose of exploiting him or her for involuntary commercial sex acts, prostitution of that person or other forms of sexual exploitation.

The number of persons trafficked for either labour or sex is difficult to estimate, given the inherently clandestine nature of this criminal enterprise. The United States Department of State's 2013 Trafficking in Persons Report estimates the number of persons trafficked for forced labour in India within the range of 20 to 65 million (Supra note 22). However, the actual number of labour trafficking victims is often difficult, if not impossible, to calculate. The primary difficulty lies in distinguishing between migrant labourers who move into or around India voluntarily in search of employment and labourers who have been lured into exploitative labour through the means of trafficking outlined in the UN Trafficking Protocol. Furthermore, many migrant workers may begin their journey voluntarily but then become vulnerable to trafficking when they are unable to secure adequate employment or the work for which they originally migrated terminates.

More than one million children, the majority of whom are female, are forced into prostitution every year. An assessment study on sexually exploited children and youth by the Economic and Social Commission for Asia and Pacific (ESCAP) shows that in South Asia young girls from certain rural areas of India are trafficked for marriage and then sold into prostitution (Shamin, 2010). Hundreds of thousands of young women and girl children are believed to end up in brothels or as cheap commodities in the hands of their exploiters. It is estimated that around 150,000

women and children are trafficked annually from South Asia, mostly to India. The combined estimates for Nepal and Bangladesh ranges from 500 to 10,000 girls are trafficked to India every year, other estimates put the figure of more than 200,000. The human trafficking conditions in South Asia, especially in India are very worrying. The situation of law enforcement and the role of government is indispensable in solving the problem of trafficking in human beings that flourish in India.

## **B. Research Question**

Based on the background that has been described above, the research question is as follow:

*“How does the India’s government policy in addressing the human trafficking issues?”*

## **C. Theoretical Framework**

### **Political System**

David Easton's attempt to build an empirically-oriented political concept is done through several stages as can be seen in his books. First, his book *The Political System* (1953) presents a problem of general concepts in political science. Second, his book *A Framework for Political Analysis* (1965) provides important concepts for the development of such a common concept. Third, his book on a systems analysis of political life (1965) seeks to explain these concepts in the hope that they can be empirically applied. (Varma, 1992)

David Easton's Political System Theory is based on several assumptions, which according to Easton attributes of the political system include: (1) identification behavior in the form of units and borders, (2) input and output, (3) differentiation in the system, and (4) integration within the system (Chilcote, 1994).

There are two types of inputs in the political system, namely inputs in the form of demands and inputs in the form of support. These two types of inputs will provide material for processing within the political system, and are also the energy needed for the survival of the political system. Without these two types of inputs, the political system will not be able to perform its functions. Both types of inputs in the form of demands and support comes from the environment of the political system, namely the internal environment and the external environment (Mas'ood & MacAndrews, 1987).

Input in the form of these demands can come from the environment surrounding the political system, as well as deriving from within the political system itself. Input coming from the environment around the political system can be referred to by external demands, and inputs from within the political system itself can be called internal demands (Mas'ood & MacAndrews, 1987).

. To provide an explanation of the demands arising from the environment of the political system or external demands, we view the environment as systems that we can easily distinguish one from the other. In this environment, we do not see as a mixture of mixed events. In the environment there are various systems that we can find, such as ecological systems, economic systems, cultural systems, demographic systems, religious systems and others.

The systems contained in these environments can be distinguished from the political system. The systems contained within the environment will in turn produce a set of variables that influence the formation of demands that enter into the political system (Mas'ood & MacAndrews, 1987). While to run inputs from within the political system or internal demands, we must know that in the process of the political system there can be demands that can lead to a change of political relations among members of the political system itself as a result of the

sense dissatisfaction over those relationships. So in this case we must be fully aware that the demands that enter into the political system as inputs are divided into two types, namely external demands and internal demands.

These demands (whether those from the political system or from within the political system itself) will not simply turn into a political issue. This is because the demands only get support from a small group of people who have little influence, and as a result the demands can never enter the decision-making level. To better understand whether a demand can turn into a political issue, it is necessary note a few more things. For example, we need to know the relationships between the demands with the originators or supporters, we need to know the location where the demand is triggered, so we need to know about the time it was filed or sparked the demand, knowing whether the demands it needs confidentiality or publicity in its work, and it is also important that we also need to know about the mastery of communication channels, knowledge or political skills, attitudes and moods of society when the demand is triggered.

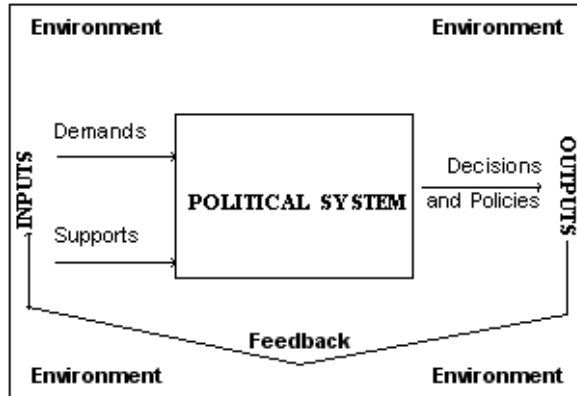
In addition to inputs in the form of demands, for the sake of the survival of a political system required the existence of other input types. This other input we are familiar with support. In order to maintain the ongoing activity or activity of the political system, the political system requires energy or fuel. The energy or fuel may take the form of actions or views which may advance or otherwise may impede the activity or activity of a political system. This kind of input or input is called support. In the absence of support, the proposed demands will not be met or the emerging conflicts of objectives will not be resolved. If a demand is desired to be worked out and can enter into the decision-making level, members of the political system that sparked the demand should seek it to be a binding decision and its members seeking to influence those processes must, however, be capable of gain support from

others in the political system (Mas'ood & MacAndrews, 1987).

In discussing the inputs of this support, we need to know what is meant by the support itself. Support or supportive attitude is when a person acts for or accepts the actions, interests or purposes of the other party or person. Therefore supportive actions or behavior can be divided into two kinds. First, that is the form of action or behavior that supports the real and open; and the second, the form of action or behavior that supports the intangible real from the outside (from outside actions or behavior support is not real) so-called with a view or atmosphere of thought.

Form of real and open support may be able to take the form of actions or behavior that can encourage the achievement of the goals or interests of the parties or others. In concrete form this form of support may be a vote that provides support for the nomination of a political leader in an election; or it may be an act that defends or maintains a decision or policy established by the competent authority, such as a decision or discretion established by the court. While the form of support that intangible actions or behavior that appears from the outside is a supportive atmosphere of thought that can form a collection of attitudes, trends, or interests of parties or others. For example, one's loyalty to a particular political party, an attachment to democracy and human rights enforcement, or a patriotic spirit. Such circumstances do not constitute a real or open act or behavior; the situation is more indicative of an atmosphere of feelings of the person concerned. Although it is not an act or behavior that is real and open, but the implication is clear that the person concerned will perform an activity or activities that are aligned and in accordance with the attitude it has.





**Picture 1.1** Model of Political System (Chilcote, 1994)

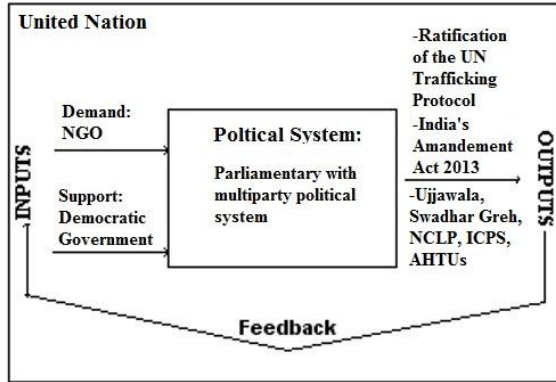
The above chart is a chart of decision-making process according to David Easton. Overall decision-making process is a unified system where within the unity of the decision-making system consists of so many parts. In the chart described that in the decision-making process there are several elements that affect the course of the decision-making process. The elements in the decision-making process consist of inputs where these inputs are divided into two types: internal support and external demands which are the energy of the decision-making process. The existence of inputs consisting of support and demands causes political actors in a country to make and adopt a policy of both domestic and foreign policy.

In addition to inputs in the form of internal support and external demand, there is also a political system in which this political system is the place where inputs are processed into a policy. Within the political system, there is a very important function of converting demands and endorsements until they become alternatives of general policy before these demands and endorsements become a policy, this function is called the aggregate function of interest. In any International or State organization, the

procedure for processing input into a policy depends on the bureaucracy prevailing within the International Organization or the country. The next element of the system is output in the form of policy. Based on the above chart, the output generated from a political system can be a feedback or feedback for the next decision-making process.

In addition there are also environments that influence the decision-making process. The environment makes an important contribution in this process because the environmental situation at the time illustrates what is happening and what is needed by society. With this environment then the decision will be expected later appropriate and in accordance with what is needed by the environment. Decision-making process to be observed, given from this point can be seen whether the decision-making process concerns regional interests, national, or even subnational interests only.

Thus, the urgency of the birth of specific policies related to trafficking as a result of the widespread of organized criminal networks, both inter-state and domestic, is a threat to society, nation and state, and respect for human rights. Therefore, the government intends to prevent and cope with criminal trafficking based on national and international commitments to make early prevention efforts, prosecution of perpetrators, victims protection, and cooperation enhancement.



**Picture 1.2** Application of the political system theory

As input, the demands of victims of trafficking of women and children to the government are expended in various forms. The most is through complaints to legal parties or to NGO who fighting for the rights of women and children, and anti-trafficking campaigns. The victims, mostly represented by activists who fought for the rights of women and children, demanded that the government issue safeguard policies relating to trafficking.

Before the demands can be met by the government, these demands have also received support from various parties, both from the government itself and from outside the government. The support that comes from the government is a democratic system of government. Input in the form of support and demands after the government received and entered into the political system that eventually resulted in the output of the birth of a new policy of the government to ratify the UN Trafficking Protocol and issued a policy in the form of Criminal Law (Amendment) Act 2013 with the provisions of a special article namely Article 370 and article 370 A. With this new policy, the Indian government can enforce in accordance with applicable law.

#### **D. Hypothesis**

From the formulation of the problem and the theoretical framework used, the authors have hypothesized that the India's Government policy in responding the issue of human trafficking are:

1. The ratification of India's government on the UN Trafficking Protocol and also made amendments to the policy on human trafficking.
2. The government of India make several programmes in addressing human trafficking.

#### **E. Purpose of Research**

This research will be conducted through library study and discussion with students at the Faculty of Social and Political Science, especially students of Department International Relations. Specifically, this thesis will discuss the Indian goverment's policy in tackling the issue of human trafficking. This study is expected to be an information and study related to the importance of the government's active role in national security issue, and also intended to provide academic recommendation for the government to resolve securitization issues that may occur in the future.

#### **F. Scope of Research**

The scope of this research only discussion on the India's government policy on human trafficking issues.

#### **G. Research Methodology**

To conduct this research, the author use content analysis research methods as the following details:

##### **1. Type of Research**

This research uses descriptive analysis. Whitney argues that descriptive research is a research on facts with appropriate intrepetasi aims to make descriptive, picture or painting in a systematic, factual and accurate

about the facts, traits and relationships between the phenomena being investigated (Natsir, 1998).

## **2. Data and Data Sources**

The data used in this research is secondary data. Secondary data is data citing from other sources so it is not authentic. This data has been obtained from the second, third, and so on. Sources of data in this research are obtained from documents, books, scientific journals, archives or news in newspapers and the internet.

## **3. Data Collecting Technique**

Since this research using secondary data, this research using a content analysis techniques. In accordance with the usage of secondary data, the data collection method was conducted through books, magazines, websites, or journals related the topic of the research.

## **4. Data Analysis Technique**

Data processing techniques that used in this research is narrative, where this technique write down the results of research from data used directly in the form of narration. The nature of the results of his research is qualitative. Data obtained from this research will be arranged in a systematic and logical, then analyzed descriptively qualitative. According to Bodgan and Taylor (Bodgan & Taylor, 1989), qualitative research as a research procedure that produces descriptive data in the form of written words or can be of the people and behaviors observed.

## **H. Thesis Outline**

Generally, this thesis consists of five chapters. The systematic of the research is as follows:

- Chapter I : This chapter discuss about introduction such as background, research question, theoretical framework, hypothesis, purposes of the research, research methodology, scope of research, and thesis outline.
- Chapter II : This chapter will describe about the demographic structure in India.
- Chapter III : This chapter will elaborate and explain about the levels of human trafficking and also factors that cause the human trafficking in India.
- Chapter IV : This chapter will explain about the India's government policy on human trafficking.
- Chapter V : is the concluding chapter.