

Implementation of the 2000 Palermo Protocol in Overcoming the Case of Ordered Brides in Indonesia



Salsabila Husna SALWA¹, Yulianto ACHMAD²

^{1,2} Universitas Muhammadiyah Yogyakarta, Indonesia

ABSTRACT: Human trafficking has been an unsolved crime from ancient times until now. Human trafficking is a transnational and organized crime that is very detrimental to the international community because it takes away the human rights of its victims. With the development of the times and technology, the forms, modes and purposes of human trafficking also develop. Order brides are a form of development of human trafficking using marriage. In an effort to eradicate human trafficking, Indonesia has ratified the Palermo Protocol in 2000. The purpose of this study was to determine the implementation of the 2000 Palermo Protocol in dealing with wedding orders for 2019 in Indonesia. The type of research used is normative juridical with data collection techniques using library research techniques. While the analytical method used is descriptive. The results of the study indicate that the Government of Indonesia, in this case the Indonesian Ministry of Foreign Affairs and the Indonesian Embassy in Beijing, has implemented the 2000 Palermo Protocol in Law no. 21 of 2007 concerning PTPPO by conducting bilateral cooperation with the Ministry of Foreign Affairs of the People's Republic of China and the Chinese Embassy to the Republic of Indonesia in protecting Indonesian women who are victims of ordered brides, taking action against agents in China and taking preventive measures. Another effort made by the Ministry of Foreign Affairs is collaborating with the Ministries, the Criminal Investigation Unit of the Indonesian National Police and the Attorney General's Office in protecting, preventing and taking action against perpetrators in Indonesia.

KEYWORDS: Order Bride, Human Trafficking, Palermo Protocol

INTRODUCTION

The crime of human trafficking has existed from ancient times and has grown to the present day. According to history, human trafficking in the form of slavery has developed since the days of feudalism (Kamal Muhammad: 2019). Humans who have been purchased are treated arbitrarily like goods and made slaves in the household, laborers on plantations and mining, and are seconded in war (Arief Eva: 2016). Human trafficking in ancient times made women and men adults as objects. However, nowadays, human trafficking has developed in terms of form, mechanism, purpose and object. The objects of modern human trafficking are not only limited to women and men, but also children and even babies. The purpose of human trafficking has also developed into exploitation, both sexual and non-sexual such as prostitution, narcotic smuggling, illegal sale and purchase of organs (Arief Eva: 2016). The forms of human trafficking are divided into three, as follows (Syamsudin: 2020):

- a. Based on the delivery destination both within the country and across country borders.
- b. Based on the victims, namely women, men and children
- c. Based on the goal, namely exploitation, both sexual and non-sexual.

Human Trafficking as a transnational and organized crime is still difficult to eradicate and handle because this crime is very complex and dynamic and occurs in several aspects making it difficult to detect (Silvia, Evi Masrifatin: 2020). This crime is very detrimental to the international community because it violates human rights (Syahputro, Wido Bayu & Setiawan, M. Faiz: 2019). The 2000 Palermo Convention stipulates the following requirements for transnational and organized crime: (Kuncoro, Hestutomo Restu, et al: 2021)

- a. The crime was committed in more than one country
- b. The crime was committed in one country but the preparation, planning, direction was carried out in another country
- c. Crimes are committed by criminal organizations that have a track record of crimes in other countries
- d. The impact is not only felt by one country but also other countries.

Indonesia is a transit, sending and destination country for human trafficking. The number of cases of human trafficking in Indonesia is increasing every year. Based on Komnas Perempuan's Annual Records, the number of human trafficking in Indonesia from 2018 to 2020 has increased. In 2018 there were 191 cases of human trafficking. In 2019 it rose to 212 cases and in 2020 to 255 cases (Komnas Perempuan Annual Report: 2018).

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As an effort to prevent and eradicate human trafficking, Indonesia has ratified the Protocol to Prevent, React and Punish Trafficking in Persons, Especially Women and Children in Law Number 14 of 2019. The protocol regulates the forms of human trafficking crimes, elements -elements, procedures, advice and objectives of trafficking in persons.

In Article 3 paragraph (a) "Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children in 2000" as a complement to the 2000 Palermo Convention, stipulates as follows:

"Trafficking in persons means the recruitment, transportation, delivery, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of deception, of the abuse of power or of vulnerability or of the giving or receiving of payments or benefits to obtain consent of someone who has power over another person, for the purpose of exploitation. Exploitation includes, at a minimum, exploitation in the prostitution of persons or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the harvesting of organs."

In paragraph (b) it is regulated that the victim's consent becomes irrelevant if the perpetrator has made the efforts described in paragraph (a). Meanwhile, paragraph

(c) stipulates that the exploitation of children includes human trafficking, although not in the manner stipulated in paragraph (a).

The form of human trafficking develops with the times. Bride orders or Mail Bride Order is a form of human trafficking under the guise of marriage. Ordered brides who target women and children to be trafficked in the name of marriage which leads to other forms of crime such as slavery, rape, and harassment among the purchased brides (Mujahidina, An Nisaa.: 2020). This order bride aims to make a profit from the agency that provides it (Pamungkas, Hidayatika Gilang: 2018).

The number of cases of ordered brides in Indonesia was highest in 2019. Most of the women ordered by Chinese men to be their brides came from West Kalimantan. From data reported by CNN Indonesia, in 2019 there were 42 cases of ordered brides. Until the end of October 2019, the Indonesian government succeeded in repatriating 36 victims of the ordered bride to Indonesia (CNN Indonesia: 2019). This study will discuss how the implementation of the 2000 Palermo Protocol in overcoming human trafficking in the form of wedding orders in 2019 in Indonesia. This study aims to determine the form of the implementation of the 2000 Palermo Protocol in dealing with ordered brides in Indonesia. From this research, it is hoped that it can provide information and solutions to the Indonesian people regarding the ratification of the 2000 Palermo Protocol in dealing with the 2019 wedding order case in Indonesia.

One of the victims of the ordered bride case is Merry, who is a woman from West Kalimantan. Previously, Merry had married a friend of his age at the age of 16 and had two children. They finally divorced because Merry was abused by her husband which threatened her life and her two children. To support her life and her two children, Merry works in a coffee shop. The beginning of this case happened when Merry met Lela who was her own cousin who was a 'matchmaker' who offered to marry a man from China. Lela gave the lure of a better life to Merry by marrying a man from China and an offer of Rp 20 million. Merry, who is experiencing economic difficulties, is tempted by Lela's offer and accepts it with the hope that her life and that of her children will be better. But in reality, after marrying a man from China, she was abused not only by her husband but also by her two in-laws (BBC News Indonesia: 2020).

Besides Merry, Monika is also a woman from Kalimantan who became a victim of an ordered bride. Monika is lured to marry a Chinese man who works as a construction worker with a large salary. He was also lured by a decent and affluent life, ease of returning to Indonesia and good treatment by his in-laws in China later. But in reality, when he arrived in China he was sexually assaulted and forced to work without pay (Tuasikal, Rio: 2019).

The women trapped in human trafficking with this mode of marriage admitted that they agreed to marry because of the promise of a better life in China and were tempted by the amount of money that had been promised. Reporting from BBC News Indonesia, those who have been trapped in China find it difficult to return to Indonesia for various reasons. One of the reasons they cannot return to Indonesia is because their husbands do not give permission to go home (Utama, Abraham: 2020).

This study will discuss how the implementation of the Palermo Protocol in 2000 in dealing with bride orders that occurred in Indonesia. This research is expected to provide information and solutions to the public regarding the ratification of the 2000 Palermo Protocol in overcoming cross-border human trafficking in the form of bespoken brides.

RESEARCH METHODS

This research uses normative juridical research. According to Mukti Fajar ND and Yulianto Achmad, normative juridical research is: "Legal research that places law as a system of norms. The norm system here is about principles, rules, norms, laws and regulations, court decisions, agreements and doctrines (Fajar, Mukti & Achmad, Yulianto: 2010). The legal materials used are:

A. Primary legal materials, including:

1. The 1945 Constitution of the Republic of Indonesia
2. Law Number 39 of 1999 concerning Human Rights
3. Law Number 21 of 2007 concerning Eradication of the Crime of Trafficking in Persons (TPPO)
4. Law Number 5 of 2009 concerning Ratification of the United Nations Convention Against Transnational Organized Crime
5. Law Number 14 of 2009 concerning Ratification of Protocols to Prevent, React and Punish Trafficking in Persons, Especially

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Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime.

6. Palermo Convention 2000
 7. The Protocol to Prevent, React and Punish Trafficking in Persons, Especially Women and Children Supplements the 2000 United Nations Convention Against Transnational Organized Crime
- B. Secondary legal material

Secondary legal materials are legal materials that provide an explanation of primary legal materials. So that will be studied such as draft laws, books, scientific journals, previous research, newspapers, and news on the internet (Ali, Zainudin: 2009).

The technique of taking research materials uses library research techniques, namely the study of written information about law that comes from various sources and is widely published and is needed in normative legal research (Muhaimin: 2020). The places where the research materials were taken were at the UMY Library and the internet. The analytical method used is descriptive, namely providing an objective description of the state or symptoms of the object being investigated. (Ishaq: 2016)

RESULTS AND DISCUSSION

The case of a bespoke bride in Indonesia

The rise of brides ordered from China is the impact of the One Child Policy or one child policy implemented by the Chinese government starting in 1979. This policy aims to suppress the increase in the population from 540 million people to 940 million people in 1949 to 1976. The one-child policy is considered successful in suppressing the increase in the Chinese population. However, this policy also has a negative impact, namely that the male population is more than the female population (Husnah, Wabilia: 2016).

There are differences in values between men and women in Chinese society, causing parents to prefer to give birth to sons than daughters. Boys are considered to have a higher bargaining value than girls, so many Chinese parents do not expect the birth of a girl. As a result, in the 1980s with the rise of ultrasound technology, there were many fetal murders and abortions of female fetuses (Husnah, Wabilia: 2016).

With the disparity in the population of men and women, it is difficult for Chinese men to find a life partner. It is especially difficult for men from rural areas to get married because many women from rural areas move to cities in search of a better life. As a result, many village men seek partners through human trafficking routes. Marrying a trafficked woman is considered cheaper than marrying a Chinese woman. Moreover, Chinese women at this time are more selective and realistic in choosing a life partner (Husnah, Wabilia: 2016).

Order brides are a new mode of trafficking in persons with the following characteristics (Report of the Task Force for the Prevention and Handling of Trafficking in Persons 2015-2019).

- a. Forgery of certificate from Dukcapil
- b. Recruitment via social media
- c. Malaysia and Singapore are transit points
- d. The victim did not meet directly with the perpetrator or the perpetrator's network
- e. The rise of ordered brides involving Indonesian citizens from various regions in Indonesia, not only of Chinese descent, especially to be sent to the PRC area is the result of the aging population of China.

The Order Bride has the following victim recruitment flow (SBMI: 2020).

- a. Chinese men place orders or orders from agencies in China to find a partner
- b. The agent in China then contacted the agent in Indonesia to get a bride-to-be
- c. Matchmaking agents in Indonesia then look for and recruit women
- d. After getting a prospective bride, the Chinese man who made the order came to Indonesia to make the selection. They come to Indonesia facilitated by agents
- e. After finding a suitable woman, they enter into a marriage in which all marriage documents are prepared by a 'matchmaker' or matchmaking agency
- f. The bride is then brought by the groom to live together in China

As a new mode of TIP, the bride order network is growing rapidly. This is due to a shift in network patterns that make the victim the perpetrator. Indonesian women who have become victims of ordered brides are then recruited by the perpetrators to hook new victims in their areas of origin. Perpetrators use social media in the TIP process. Victims who have been recruited are used as matchmaking agents or 'matchmakers' who then form new networks and communicate directly with potential victims. So, the perpetrators of TIP for ordered brides do not take action directly. Human trafficking in the form of bespoke brides can occur due to several factors, namely economics or poverty, broken homes, apathy, education, views of women as commodities and sexual exploitation, limited employment opportunities, natural disasters, and transnational marriages (Joseph, Victory: 2019). The victims were seduced by the agents' lure of a better life if they married a Chinese man so they wanted to get married.

The case of an ordered bride from China was first reported to the Directorate of Protection of Indonesian Citizens and Indonesian Legal Entities (PWNI-BHI) of the Indonesian Ministry of Foreign Affairs in 2015 with 2 cases of ordered brides. Of these

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2 cases, Indonesia managed to resolve 1 case of ordered brides. In 2016, there were 33 cases reported and 31 cases were successfully resolved. In 2017, Indonesia managed to resolve 9 cases out of 12 existing cases. In 2018, the number of ordered brides increased to 26 cases and 13 of them were successfully resolved. 2019 was the year with the highest number of cases of ordered brides, namely 42 cases with 36 cases of which were successfully resolved by repatriating the victims to Indonesia. From 115 cases of ordered brides from 2015 to 2019, Indonesia managed to resolve 90 cases and managed to bring the victims back to Indonesia (Ariella, A. Yoteni: 2021).

Based on data from the Indonesian Migrant Workers Union (SBMI), the provinces that contributed the most to the victims of ordered brides in 2019 came from the Provinces of West Kalimantan and DKI Jakarta as much as 32%. Then West Java 18%, Banten 9%, and Central Java 4%. The data shows that the victims of ordered brides do not only come from remote areas, even many victims come from big cities like Jakarta. As many as 59% of women who are victims are of productive age in the range of 18 to 25 years. Most perpetrators falsify documents, namely marriage certificates as much as 33%. In addition, the perpetrators also falsified ID cards, falsified religion, and falsified Family Cards (SBMI, 2020 Annual Report)

Merry is a woman from the Landak Regency, West Kalimantan. She is a widow with two children. At the age of 16, he was married to a friend of his age. They then live in the forest because of her husband's job as a rubber gardener. Merry's husband is a drunkard. So that during the marriage, Merry often gets violence that threatens her life and her children as well as economic difficulties. At the age of 27, Merry then decided to divorce and work in a coffee shop to make ends meet (Utama, Abraham: 2020).

While working at a coffee shop, Merry meets Lela, who is her cousin. Lela offered Merry to marry a man from China. Lela gives the lure of a better life to Merry by marrying a man from China. Merry was offered by Lela to get engaged first to a man from China who would later be able to get Rp 20 million. Merry, who is experiencing economic difficulties, is tempted by Lela's offer. Merry increasingly believes in Lela after seeing Lela's Facebook posts, which often shows off money and gives dreams about marriage with Chinese men. In addition, Lela is also Merry's cousin who had been an order bride (Utama, Abraham: 2020).

After accepting Lela's offer, Merry is introduced to several people who Merry calls a human trafficking syndicate. Then Merry was brought by a male agent from the Landak Regency to Pontianak to be met with two agents in Pontianak and one prospective husband. In 2018, the marriage process between Merry and a Chinese man was carried out using the Dayak tradition. At the end of 2018, Merry flew to China accompanied by his father at the expense of the agent. While in China, Merry's husband's family was still kind. However, things changed after Merry's father returned to Indonesia (Utama, Abraham: 2020).

Merry's activities after marriage every day are only cleaning the house both morning and evening. When his work was finished, he was told to go to his room and his father-in-law was not allowed to leave the house. Merry also received sexual harassment by her father-in-law and physical abuse by her husband. Her husband's uncles and aunts also abused Merry. Merry's cell phone was taken so that Merry couldn't talk to his family in Hedgehog, West Kalimantan. Her mother-in-law told Merry to make handicrafts without giving any wages. Merry experienced violence and economic difficulties. In 2019, Merry received an offer to work in a glass factory. From here, Merry managed to escape from her husband's family and seek help (Utama, Abraham: 2020).

Besides Merry, Monika Normiati is also a woman from Pontianak, West Kalimantan who became a victim of an ordered bride. In September 2018, Monika was introduced to one of the bespoke bridal agents in Pontianak. After that, she was met with two prospective husbands from China. Feeling unsuitable, Monika refuses to marry. The agent persuades Monika by finding a new candidate. Monika was then taken to Singkawang to meet another future husband. Shortly after meeting her future husband, Monika got engaged. She is engaged to a 28-year-old Chinese man named Hao Teng Fei. During the engagement, Monika was given a ring and cash amounting to Rp. 19 million. After returning to Pontianak, Monika was urged by agents who asked for confirmation of Monika's intention to marry. Monika, who agreed to marry, was asked by the agent to sign a letter (Putra, Muhammad Andika: 2019).

Monika was hesitant to marry a man from China because the agent forbade Monika to share her wedding photos later on social media. They are afraid that the police will find out about the practice of bespoke brides. The agents also assured Monika that she would be safe after marriage and promised Monika if she wanted to go home she could immediately contact the agents (Saputra, Muhammad Genantan: 2019).

The wedding ceremony was attended by three agents operating in Pontianak, Singkawang and Jakarta. From Monika's confession, the wedding ceremony is not proper for a married couple. He also immediately received a marriage book and a civil registration letter from the Population and Civil Registration Office of Mempawah Regency after the marriage took place. In addition to being given a ring and cash, Monika was also given the lure of money, gold, fulfilled her needs, treated well and also given convenience if she wanted to return to Indonesia. Monika is also allowed to ask her husband for money to give to his family (BBC News Indonesia: 2019).

In mid-September 2018, Monika was brought to China by her husband's family. Arriving there, he had stopped by one of the apartments. There he met three other Indonesian women who were also married to Chinese men. According to Monika's testimony, the apartment belonged to the boss of the agent who carried out the marriage order (BBC News Indonesia: 2019).

While in China, Monika lived with her husband and in-laws. Monika was not told the name of the area where she lived. There, Monika is exploited by her in-laws. He was asked to work flower arrangements for 12 hours non-stop and was not paid. If he

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resists he will be punished by his father-in-law. Her husband and in-laws often tortured Monika. Monika was once told to sleep outside without being given a mat in cold air conditions. He was also never given food for up to three days because of fighting his mother-in-law. Seeing his wife being tortured, Monika's husband just kept quiet and did not act to help Monika. Her husband also physically abused Monika several times until finally Monika decided to run away from home. Finally, Monika tried to run away from home to go to the Indonesian Embassy in Beijing to seek protection (BBC News Indonesia: 2019).

According to Bobby Anwar, the agents have prepared a mature trap to trap the victims. Like fake marriage guardians, receptions and hotel facilities are prepared, as well as giving a sum of 16 to 20 million to bind the bride and groom to want to be married. According to him, this network of bespoke brides has grown rapidly to villages due to recruitment. The agents themselves are in China and some are in Indonesia (BBC News Indonesia: 2019).

Mahadir, chairman of the Mempawah SBMI, explained that there were jockeys in the Monika marriage process. This jockey replaces Monika in making a marriage certificate from the Population and Civil Registration Service (Dukcapil). In addition to a marriage certificate, Monika also received a recommendation letter from a Buddhist foundation. Mahadir has also investigated and asked Dukcapil to cancel the issuance of marriage certificates (BBC News Indonesia: 2019). He also regrets that Dukcapil as a state institution can process certificates based on false data because many of the identities of the victims of ordered brides are falsified by agents to facilitate the marriage process (SBMI: 2019).

Efforts made by the Indonesian government in overcoming the case of ordered brides

Legal protection is all efforts to fulfill rights and provide assistance to provide a sense of security to witnesses and/or victims, legal protection of crime victims as part of community protection, can be realized in various forms, such as through the provision of restitution, compensation, medical services and legal assistance. Soerjono, Soekanto: 1984).

According to M. Hadjon in his book entitled "Protection for the People in Indonesia", the legal protection that can be given to victims of human trafficking is as follows: (Philipus, M. Hadjon: 1987).

1. Preventive Legal Protection (prevention), namely protection to prevent problems from arising.
2. Repressive legal protection, which is a form of legal protection that focuses on resolving disputes that arise.

To provide protection for Indonesian citizens who are abroad, it is the obligation of the Ministry of Foreign Affairs and Indonesian Diplomats as regulated in Article 19 letter b of Law Number 37 of 1999 concerning Foreign Relations, namely: "...provide protection, assistance law and protection for both Indonesian citizens and legal entities in accordance with national law and international practice". Representatives of the Republic of Indonesia are obliged to provide protection, assist and return them to Indonesia if the Indonesian citizen is in real danger. This is explained in Article 21 of Law Number 37 of 1999 concerning Foreign Relations, which regulates as follows:

"In the event that Indonesian citizens are in real danger, the Representative of the Republic of Indonesia is obliged to provide protection, assist, and collect them in a safe area, as well as endeavor to return them to Indonesia at the expense of the state."

In solving cross-country problems, Indonesia requires cooperation with other countries. In solving this problem, the principles held by the Republic of Indonesia include: (Ministry of Foreign Affairs of the Republic of Indonesia: 2019).

- a. Burden Sharing, that is, countries cannot throw burdens on other countries
- b. Shared Responsibility, that is, there is a shared responsibility between the countries of origin, transit and destination
- c. Comprehensive and balanced approach between law enforcement, humanity, based on the pillars of prevention, early detection, protection of victims and prosecution of criminals.

The process of resolving the case for the bride and groom was carried out by holding a bilateral meeting between the Minister of Foreign Affairs of Indonesia, Retno

L.P. Marsudi with the Minister of Foreign Affairs of the People's Republic of China (PRC), Wang Yi on August 30, 2019 on the sidelines of preparations for attending the 52 ASEAN ministerial meeting in Bangkok, Thailand. Prior to the meeting with the Chinese Minister of Foreign Affairs, the Indonesian Minister of Foreign Affairs had summoned the Chinese Ambassador in Jakarta and the Indonesian Ambassador had met with the Consulate of the Ministry of Foreign Affairs in China to discuss the completion of the order bride. Bilateral meeting between the Minister of Foreign Affairs of the Republic of Indonesia and the Minister of Foreign Affairs of the People's Republic of China to emphasize that the issue of ordered brides is important to be addressed immediately and preventive measures are taken so as not to cause new victims (Ministry of Foreign Affairs of the Republic of Indonesia: 2019).

The Minister of Foreign Affairs of Indonesia proposed 3 solutions to resolve the case of ordered brides in his bilateral meeting with the Minister of Foreign Affairs of the People's Republic of China. The first thing that was proposed was the existence of a repatriation facility to Indonesia for 18 victims who were already at the Indonesian Embassy in Beijing. Second, in processing mixed marriage legalization documents, the Indonesian Minister of Foreign Affairs asked the Chinese and Chinese Embassies to carry out more thorough inspections to avoid human trafficking under the guise of ordered brides. Third, the Minister of Foreign Affairs requested China's cooperation in eradicating the Crime of Trafficking in Persons (TPPO). This collaboration is carried out in order to carry out law enforcement for bespoke bridal agents operating in China. Indonesia has also mapped the destination of the ordered brides in China, namely the provinces of Heinan, Hebei and Xiangdong (Ministry of Foreign Affairs of the Republic of Indonesia: 2019).

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From the results of bilateral meetings, the Ministry of Foreign Affairs succeeded in repatriating 18 Indonesian women who were victims of the ordered brides who had been at the Indonesian Embassy in Beijing. Until October 2019 the Indonesian government managed to repatriate 36 Indonesian women who were victims of ordered brides from a total of 42 cases of brides ordered from China recorded by the Indonesian Ministry of Foreign Affairs.

In the effort to repatriate female Indonesian citizens who are victims of ordered brides, the Indonesian government has encountered several difficulties. There is a difference of opinion between the Government of Indonesia and the Government of China in viewing this case as a human trafficking crime under the guise of an ordered bride. This makes the Indonesian government continue to seek to urge China to take action against the parties involved in the bride order. In addition to the disagreement regarding the ordered bride as a crime of trafficking in persons, another obstacle that must be faced in the repatriation of the victims is the need for permission from the husbands of the victims. This is because their marriage documents and requirements are legal under Chinese law. The Chinese government views that their marriage is legal under Chinese law because there is a legal process and the marriage legalization process is already underway.

To prevent new victims and reduce the demand for Indonesian women both from West Kalimantan and from other regions, the Indonesian Ministry of Foreign Affairs has made various prevention efforts. As the area with the most victims of ordered brides, the Ministry of Foreign Affairs cooperates with the West Kalimantan Provincial Government and BP3TKI Pontianak to educate and increase public awareness of the dangers of ordered brides by conducting campaigns and meetings with regional officials, interactive talk shows in local media and socializing in several high school education units in Singkawang. Another preventive effort is the collaboration between the Directorate of Indonesian Citizens and the Directorate of Consular Affairs to tighten verification of applications for the legalization of single marriage certificates used for marriages in China. The Indonesian representative also asked the Chinese Embassy in Indonesia to tighten the process of ratifying marriage certificates with Chinese citizens and the procedures for issuing visas. The Chinese Embassy in Indonesia requires Indonesian citizens and Chinese citizens who are married to provide marriage documentation in the process of legalizing mixed marriages (Ariella, A. Yoteni: 2021).

The Ministry of Foreign Affairs cooperates with the Ministry of Law and Human Rights through the Directorate General of Immigration to reject and postpone non-procedural migrant workers. This effort is made to prevent the occurrence of criminal acts of trafficking in persons for non-procedural migrant workers (Toule, Elsa Rina Maya: 2020). In addition, the Indonesian Ministry of Foreign Affairs also cooperates with the Ministry of Religion and the Directorate General of Population and Civil Registry of the Ministry of Home Affairs to minimize the occurrence of ordered brides. The public awareness campaign initiated by the Ministry of Foreign Affairs is carried out to provide education to the surrounding community about the dangers and modes of bespoke brides. The Ministry of Religion also emphasizes the sub-district KUA apparatus to be more selective and vigilant in processing and issuing documents for overseas purposes, especially to the People's Republic of China. This is to prevent criminals from falsifying biodata, marriage certificates, and single certificates that they do at the KUA and dukcapil which sometimes do not match their domicile (Kemenag:2019).

The Ministry of Women's Empowerment and Child Protection has participated in various efforts to eradicate TIP, including providing training for 114 agents of change from the Community for the Prevention and Handling of Trafficking in Persons (K-PPTPPO) or Community Watch which was formed in 2017; cooperate with the Office of Women's Empowerment and Child Protection and local NGOs in 14 provinces to establish K-PPTPPO in 320 villages spread over 31 districts or cities; conduct socialization and training for community leaders, religious leaders, and village officials; signing the MoU between the source, transit and destination areas of trafficking in persons and preparing a skilled female workforce through the Great Indonesian Women (WIH) training; The PPPA Ministry has also expanded the Integrated Service Center for the Empowerment of Women and Children (P2TP2A) to increase the scope of its services spread across 34 provinces in dealing with women victims of violence (Toule, Elsa Rina Maya: 2020).

The Ministry of Foreign Affairs also cooperates with the Police and the Prosecutor's Office, to assist victims in handling cases of ordered brides and arresting agents for bride orders. In addition to socializing TPPPO to the community, especially the border areas of West Kalimantan and the Riau Islands, the Criminal Investigation Unit of the Police also established a TPPPO Task Force at the Regional Police which has the most victims of TPP. The police also conduct training to identify TPPPO cases that occurred in West Kalimantan as well as carry out protection and repatriation efforts for victims. Efforts made by the public prosecutor's office are conducting socialization to the community in the form of seminars, training and legal counseling directly to the community; training or socialization of TIP to law enforcement officers; cooperation with LPSK in providing restitution for victims of TIP and completion of prosecution for TIP case handlers. One of the bespoke bride agents from China has been tried at the Bale Bandung District Court with a 5-year prison sentence and a fine of 500 million subsidiary three months in prison (Directorate of Immigration: 2020).

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The results of the analysis of the implementation of the Palermo protocol in 2000 by the Indonesian government in dealing with brides ordered from China

In Article 3 paragraph (a) "Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children in 2000" as a complement to the 2000 Palermo Convention, it is explained that:

"Trafficking in persons means the recruitment, transportation, delivery, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of deception, of the abuse of power or of vulnerability or of the giving or receiving of payments or benefits to obtain consent of someone who has power over another person, for the purpose of exploitation. Exploitation includes, at a minimum, exploitation in the prostitution of persons or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the harvesting of organs."

Based on the substance of Article 3 letter a of the 2000 Palermo Protocol, "trafficking in persons" has a fairly broad meaning. With a broad understanding of human trafficking, it is easier for countries that have ratified this protocol to make national policies that prohibit human trafficking, protect victims and take steps to prevent the emergence of new victims, prosecute perpetrators of human trafficking and encourage international cooperation to tackle and eradicate human trafficking. Thus, human trafficking has three elements, namely the action, method and purpose of exploitation. Exploitation in this article is explained that at least there is sexual exploitation in the form of prostitution or other forms, slavery or organ harvesting. This understanding provides convenience for the state with the development of crime and the emergence of modern human trafficking such as substitute orders.

Order brides are not explicitly mentioned as a form of human trafficking. However, the practice of bespoke brides has fulfilled the elements of human trafficking in accordance with Article 3 paragraph a of the 2000 Palermo Protocol. The first element is the act of recruiting, transporting, sending, harboring or receiving people. The agents recruited victims to marry Chinese men. The victims who had been successfully married were then sent to China. The second element is the way. The methods used by agents to lure their victims are by using fraud, abuse of the victim's circumstances, giving or receiving payments or benefits to get the consent of the victims. In addition to being given some money, the victim was also given the lure of a better life. Chinese men who order Indonesian women as wives also pay the agents. The third element is the existence of both sexual and non-sexual exploitation.

Law Number 21 of 2007 concerning Eradication of the Criminal Act of Trafficking in Persons is a form of implementation of the State of Indonesia which has signed the Palermo Convention in 2000 and the Protocol to Prevent, React and Punish Trafficking in Persons, Especially Women and Children as a complement to the Palermo Convention in 2000. The existence of this law is a manifestation of the seriousness of the State of Indonesia in efforts to prevent and eradicate human trafficking as an organized transnational crime. Considering Indonesia as a sending, receiving, and transit country for human trafficking, the majority of the victims are women and children. Law Number 21 of 2007 concerning PTPPO is the basis of the Indonesian state in dealing with human trafficking whose substance is in accordance with the 2000 Palermo Protocol.

It has become an obligation for the Representatives of the Republic of Indonesia to provide protection for Indonesian citizens who are abroad. This has been regulated in Article 54 paragraph 1 of Law Number 21 of 2007, which regulates the following:

"In the event that the victim is abroad requiring legal protection due to the criminal act of trafficking in persons, then the Government of the Republic of Indonesia through its representatives abroad is obliged to protect the personal and interests of the victim, and endeavor to return the victim to Indonesia at the expense of the state."

It is also regulated in article 5 of the 2000 Palermo Protocol, each state party is obliged to take legislative and other actions to establish an action as a criminal offense in accordance with article 3 of the 2000 Palermo Protocol, namely human trafficking. Article 5 paragraph 2 of the 2000 Palermo Protocol stipulates that the actions referred to are (a) attempting to commit acts of human trafficking; (b) as an accomplice to human traffickers and; (c) organize or direct others to commit human trafficking.

Protection for victims of human trafficking is regulated in Article 6, Article 7 and Article 8 of the 2000 Palermo Protocol. Article 6 regulates assistance and protection for victims provided by the state in accordance with its national law. The State party is obliged to consider taking measures that can help restore the victims psychologically, physically and socially in cooperation with the organizations concerned. The state party is also obliged to provide physical security for victims who are in its territory as regulated in article 6 number 5 of the Palermo Protocol 2000: "Each State Party shall endeavor to provide for the physical safety of victims of trafficking in persons while they are within its territory." The state must also ensure that under its national law contains measures that offer compensation for victims of trafficking in persons, as regulated in article 6 number 6 of the Palermo 2000 Protocol: "Each State Party shall ensure that its domestic legal system contains measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered".

Article 7 regulates the ratification of legislative actions as well as other actions by states parties that allow victims of human trafficking to remain in their territory, either temporarily or permanently in appropriate cases, taking into account humanity and compassion. Meanwhile, Article 8 of the Palermo Protocol in 2000 stipulates that the protection of victims of human trafficking is carried out by repatriating victims to their countries of origin or repatriation for their safety. In article 8 number 4 the Palermo 2000 Protocol is regulated as follows:

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“In order to facilitate the return of a victim of trafficking in persons who is without proper documentation, the State Party of which that person is a national or in which he or she had the right of permanent residence at the time of entry into the territory of the receiving State Party shall agree to issue, at the request of the receiving State Party, such travel documents or other authorization as may be necessary to enable the person to travel to and re-enter its territory.”

For victims who do not have proper documents, the State party whose citizens are victims is obliged to assist in issuing travel documents to help the victims go and enter their territory. This is done in order to facilitate the repatriation of victims whose travel documents are not suitable. The repatriation and rehabilitation carried out by the state for Indonesian citizens who are victims of human trafficking are also regulated in Article 51 paragraph 1 of Law no. 21 of 2007 concerning PTPPO, namely: "Victims have the right to obtain health rehabilitation, social rehabilitation, repatriation and social reintegration from the government if the person concerned experiences physical or psychological suffering due to the crime of trafficking in persons."

Article 9 of the 2000 Palermo Protocol states that the state is obliged to take preventive measures by taking comprehensive actions and making policies. The actions and policies made by the state aim to prevent and eradicate human trafficking and protect victims, especially women and children, so that there are no more victims. It is necessary to conduct research, outreach to the public, campaigns, and cooperation between government and non-government organizations. In addition to strengthening legislative action, Article 9 paragraphs 4 and 5 stipulates that it is necessary to strengthen preventive measures through education and to carry out bilateral and multilateral cooperation in order to reduce the demand that leads to human trafficking. In an effort to provide protection for Indonesian citizens who are victims of ordered brides, the Indonesian Embassy in Beijing, which has received reports from the victims, then provides a safe place. The bride and groom victims were accommodated at the Indonesian Embassy in Beijing before being sent back to Indonesia. The Indonesian Embassy in Beijing also cooperates with the Chinese police to provide protection for the victims. The existence of differences in regulations and views regarding the phenomenon of ordered brides makes it difficult for the Indonesian Embassy in helping to protect and return victims to Indonesia. In order to carry out repatriation actions for victims who have been detained at the Indonesian Embassy in Beijing, the Indonesian Foreign Minister held a bilateral meeting with the Chinese Foreign Minister. The victim who had been accommodated at the Indonesian Embassy in Beijing was finally successfully repatriated back to Indonesia.

Bilateral cooperation efforts between the Indonesian Ministry of Foreign Affairs and the Chinese Ministry of Foreign Affairs went well and yielded results in providing protection for victims of ordered brides. The efforts made by the Indonesian Ministry of Foreign Affairs are quite effective in handling cases of ordered brides. In 2019, the Indonesian Ministry of Foreign Affairs succeeded in repatriating 36 victims from 42 existing cases. When viewed from 2015 to 2019 with a total of 115 cases, the Indonesian Ministry of Foreign Affairs managed to resolve 90 of them. The bilateral meeting between the Indonesian Ministry of Foreign Affairs and the Ministry of Foreign Affairs of the Republic of China also aims to arrest the bride-order agent who is in China. To minimize the appearance of victims of ordered brides, Minister Retno asked the Chinese and Chinese Embassies to re-examine the legalization process for mixed marriage documents.

The Indonesian Embassy in Beijing experienced obstacles in efforts to protect and repatriate Indonesian citizens who were victims of ordered brides. The obstacle experienced is the difficulty in intervening the victim who feels cheated in the marriage because in practice it involves the Chinese police. This difficulty is because the marriage documents owned by the victims are complete, so according to China, their marriage is legal and the violence experienced by Indonesian women in their households is a form of domestic violence, not human trafficking. The existence of different opinions in responding to this issue makes it difficult to protect the victims. The victim also had to wait a long time at the Indonesian Embassy because her husband's travel documents and other documents were withheld. Even so, the Indonesian Minister of Foreign Affairs continues to strive to cooperate with China in bilateral meetings with the Minister of Foreign Affairs of the People's Republic of China that the ordered brides have fulfilled the elements of human trafficking so that there is a need for protection for their victims and eradication.

CONCLUSION

Implementation of the 2000 Palermo Protocol, as an effort to protect victims of human trafficking in the form of ordered brides, carried out by the Government of Indonesia through the Ministry of Foreign Affairs and the Indonesian Embassy, namely holding a bilateral meeting with the Minister of Foreign Affairs of the People's Republic of China in order to repatriate victims who have been secured at the Indonesian Embassy in Beijing, cooperation with China to arrest and take action against agents in China, and the Chinese Embassy in Indonesia to tighten the marriage legalization process. Prevention efforts carried out are the Ministry of Foreign Affairs in collaboration with the Provincial Government of West Kalimantan to prevent the increase in the number of victims of ordered brides, as well as cooperation with the Directorate of PWNI and the Consular Directorate, the Ministry of PPPA, the Ministry of Religion, the Directorate General of Population and Civil Registry of the Ministry of Home Affairs, the Police and the Attorney General's Office in dealing with brides. orders that occur in Indonesia.

Efforts made by the Ministry of Foreign Affairs are quite effective in resolving cases of ordered brides. In 2019, of the 42 existing cases, the Indonesian Ministry of Foreign Affairs managed to repatriate 36 victims of them. From 2015 to 2019, with a total of 115 cases, the Indonesian Ministry of Foreign Affairs managed to resolve 90 of them.

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