

Human Trafficking and Pandemic Covid-19: A Study of Power Relation among Parents and Child in Islamic Perspective

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Abstract: Pandemic Covid-19 effect on economic side as many crime cases reported. One of these crimes is human trafficking. However, in many cases of human trafficking, parents are often the main actors selling their daughters. Therefore, the children do have not the bravery to refuse their parents' orders. It is because rejecting parent's orders is disobedient and results in sins. This paper seeks to analyze how the relationship between parents and daughters influences the practice of human trafficking. To illustrate human trafficking by parents, we used the theoretical framework of Shulamith Firestone on Radical Feminism which states that the bond between children and parents is a form of oppression. This research used a qualitative approach with case study and literature methods. As the result of the study, the authors concluded that there is a wrong interpretation of the command to do good to parents taught in Islam. Children can refuse parents' orders that do not follow Islam's core teachings, which teach goodness, justice, and benefit. In the economic factor, the desire to improve the family's economic welfare also makes the daughter decide to work as a migrant worker. They have no power to refuse their parent wishes to help the family financially.

1 INTRODUCTION

The Corona Virus Disease 2019 (Covid -19) pandemic since early 2020 has affected the lives of many countries in the world, including Indonesia. Not only the health sector is affected, but the socio-economic sector is also affected. The pandemic caused the unemployment rate to increase significantly. It was recorded that until May 2020, the total number of workers affected by the Covid-19 pandemic reached 3.06 million workers (Ministry of Manpower, 2021). Meanwhile, data from the Indonesian Central Statistics Agency stated that the number of people affected by Covid-19 until February 2021 reached 19.10 million people (9.30 per cent of the working-age population). This figure includes unemployment due to Covid-19 (1.62 million people), Non-Work Force (BAK) due to Covid-19 (0.65 million people), not working due to Covid-19 (1.11 million people), and residents working who experienced a reduction in working hours due to Covid-19 (15.72 million people) (Indonesian Central Statistics Agency, 2021). In addition, Indonesia's poverty rate has also increased.

The poverty rate of the Indonesian people in 2020 jumped to 12.4%, which means that 8.5 million people became poor (The SMERU Research Institute, 2020).

Amid problems in the socio-economic sector due to the Covid-19 pandemic, girls were one of the most vulnerable groups. The gender-based division of labour in most patriarchal Indonesian families caused girls to be closer to domestic tasks. They were marginalized from public work, while men dominated the labor market. As a result, many girls depended on their male family members, their older brothers and their fathers. When the Covid-19 pandemic affected the labor sector, the male family members were forced to face being laid off from their place of work or having difficulty finding work. As a result, girls became deprived of economic support.

Meanwhile, girls who have had the opportunity to work in public work are not necessarily safe. Because they were considered as marginal and secondary workers in the industry, women would be more easily dismissed from their jobs. Moreover, it was also difficult for women to get access to education, so their level of education was often lower than that of men.

This background made it difficult for women to compete in the world of work during this pandemic.

The economic exposure due to the Covid-19 pandemic has finally made girls more vulnerable to becoming victims of human trafficking. *As a result, Komnas Perempuan* recorded an increase in human trafficking cases in 2020 compared to the previous year, from 212 to 255 cases (Komnas Perempuan, 2021). A similar phenomenon could also be seen from data released by the Ministry of Women's Empowerment and Child Protection (KPPPA), which mentioned that cases of trafficking in persons during the pandemic increased from 213 cases in 2019 to 400 cases in 2020 (Republika.co.id, 2021). Unfortunately, many actors were involved in the increasing number of cases of human trafficking during the Covid-19 pandemic, including parents. Pressured by economic needs during the pandemic, many parents have been forced to sell their daughters. Meanwhile, girls also felt responsible for providing for their families, especially when the family's economy was currently tricky. Therefore, girls were willing to be traded to ease the burden on their parents and get a great reward.

Human trafficking is a problem currently faced by many countries in the world. In the context of Indonesia, cases of human trafficking have increased from year to year. Although data from various sources showed varying numbers, the 2020 Annual Report on Human Trafficking revealed that every province in Indonesia was both an origin and a destination for trafficking in persons. In addition, the government estimated that at least two million of the 6-8 million Indonesian citizens working abroad—most of whom were women—did not have documents or have exceeded the length of stay stated on their visas. This situation added to their vulnerability to human trafficking.

Human trafficking is now a global problem included as a form of transnational crime, which is well organized (organized crime) and occurs worldwide. Therefore, the international community is also paying attention to the formation of international organizations, such as IOM (International Organization of Migration). In addition, through the Human Rights office, the UN (United Nations) issued Letter No. 14 of 2016 with the title contemporary forms of slavery. This act was closely related to trafficking in persons. Furthermore, the United Nations Office on Drugs and Crime has developed a protocol to prevent trafficking victims that placed more emphasis on women and child victims (Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention

against Transnational Organized Crimes). This protocol, which was contained in Chapter 3 paragraph (a) detailed the definition of legal actions that could be categorized as trafficking in persons, as follows:

"Recruitment, transportation, transfer, harboring or receipt of persons, using the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or a position of vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for exploitation".

Indonesia has responded to the UN protocol with the issuance of Law no. 21 of 2007 article 1 paragraph 1 concerning the Crime of Trafficking in Persons (TPPO), which defines trafficking in persons not much different from the definition of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, as follows:

"The act of recruiting, transporting, harboring, sending, transferring, or receiving a person by means of the threat of force, use of force, of abduction, of deception, of fraud, of deception, of the abuse of power or of a position of vulnerability, of debt bondage or of giving payments or benefits, so as to obtain the consent of the person who controls over another person, whether that is carried out within a country or between countries, for the purpose of exploitation or causing people to be exploited".

There are three main elements contained in the definition of trafficking. The first is the act, namely the whole way and process of human trafficking, including recruiting, transporting, transferring, hiding, or receiving. Second, the methods used to control the victim include threats, use of coercion, various forms of violence, kidnapping, fraud, fraud, abuse of power, or the giving/receiving or benefit of obtaining the consent of the person who has control over the victim. Third, the purposes of human trafficking include exploitation, forced labor, slavery, servitude, and organ harvesting (Harkristuti Harkrisnowo quoted in www.menkokesra.go.id).

In Indonesia, the UN protocol on trafficking was adopted in the National Action Plan (RAN) for the Elimination of Trafficking in Women and Children, as outlined in the Presidential Decree No. 88 of 2002.

The Presidential Decree states that trafficking in women and children is all acts of traffickers committed contains one or the act of recruitment between regions and between countries, transfer, departure, reception, and temporary shelter or at the destination, women, and children. In addition, utilizing threats, use of verbal and physical force, kidnapping, fraud, deception, exploiting a position of vulnerability (e.g. when a person has no other choice), isolation, drug dependence, debt traps, giving or receiving payments or benefits, where women and children are used for prostitution and sexual exploitation (including paedophilia), legal and illegal migrant workers, child adoption, formal work, bridesmaids, housemaids, begging, the pornography industry, drug trafficking, sale of organs, and other forms of exploitation.

The United Nations (UN) in one of the 3 Palermo Protocols defines "human trafficking" as the recruitment, transfer, transfer, harboring, or receipt of persons, utilizing the threat or use of force or other forms of coercion, of abduction, of deception, of deceit, or the abuse of power or a position of vulnerability or the giving or receiving of payments or benefits to obtain the consent of a person having power over another person, for exploitation. Exploitation includes, at a minimum, exploitation for the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or organ harvesting.

In the Human Rights Workshop held by GAATW in June 1996, several aspects of trafficking were identified, namely:

- a. Relating to "consent". The critical question in this regard is whether or not the presence or absence of consent—for example, fraud, coercion, threats, lack of information, and lack of legal capacity to give consent—should be considered for trafficking.
- b. Concerning the purpose of migration, the question is whether only migration for prostitution can be classified as trafficking or whether it includes other types of exploitative work.
- c. Regarding the necessity of crossing the borderline, the definition of trafficking only applies specifically to cases of border crossings or not.

Concerning these three problems, it was agreed that "consent" needed to be a key element that must be taken into account for the occurrence of trafficking. Trafficking is not always for prostitution and does not have to cross international borders. The consequence

was that various "trafficking" situations agreed to by the "victim" must be excluded. The implication was that not all migrant workers could be qualified as victims of trafficking, especially those who were not victims of fraud, coercion, threats, or lack of information about the work situation they wanted to live in. Likewise, sex workers who consciously chose prostitution as a profession could not be qualified into the trafficking category.

This was based on the 1979 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Although CEDAW did not define "trafficking", the committee that was formed wanted the government to explain prostitution and the "rights" of women in that context. The element of "rights" relates to "consent", which is a voluntary agreement. However, concerning the children issue, the element of "consent", which can be an exception in the definition of trafficking in persons, is not used, as regulated in ILO Convention No. 182.

In the legal system around the world, children are considered unable to give conscious consent to various things that require physical, mental, social, and moral maturity for a person to make his choice. For this reason, so that it is known that the concept of the legal age limit for the ability to be responsible for criminal acts, the legal age limit for voting or being elected (in elections), the legal age limit for sexual consent, the legal age limit for signing contracts, and so on. Besides the consent factor, trafficking also does not have to cross borderlines because human trafficking is considered to have occurred if there is a trip to exploit labor (or services). This is the main difference between human trafficking and people smuggling.

In Indonesia, the trade-in women have recently increased, both in terms of quantity and quality. Several forms of exploitation related to trafficking in women include women being employed as sex workers, wives in contract marriages, housemaids, and others. In the recruitment process, the modus operandi is to ask people to understand or be familiar with the area of origin of the potential victim. This person could be part of a network of human trafficking syndicates, as has happened in various regions, including West Java, showing that the person recruiting to the field was the wife or an employee trusted with the trafficker. Trust employees were chosen because they knew the victim's origins very well. However, some people were asked to recruit people who did not have a working relationship with the perpetrator but were limited to acquaintances. However, they controlled the area of the potential victim or even had family ties with the potential

victim. For example, in the case that occurred in Batam, the person recruited was once the victim's uncle. If the person who was asked to recruit did not have a work bond with the perpetrator, they get a working wage, but it is usually part of the job assignment if there is still a work bond.

In the recruitment process to acceptance, the leading actor bears all costs, from transportation to the place of origin, accommodation, and clothing from origin to the destination. In practice, these costs were born by the victim when the victim left work. Thus, the victims' costs in practice are born as a guarantee if they do not feel comfortable working. This debt bondage was a form of threat as a mode of trafficking in women.

This mode was seen in the placement of women in the workforce in cafes and prostitution. This debt bondage was a trap for the previously unknown victim; the victim was never given a written agreement. Expenditure costs in the recruitment of women workers are not a business risk for business actors. Therefore, business actors generally enforced work rules not to be booked outside to minimize business risks due to employees leaving because they did not feel comfortable at work. Work rules like this could not be categorized as confinement and a form of exploitation as well.

This paper attempted to analyze the relationship between parents and daughters from an Islamic perspective because the victims' parents had not fully understood how Islam views human trafficking. This paper will use Shulamit Firestone's theory which sees discrimination against children, especially girls, caused by the unequal relationship between parents and daughters. This theory is used to analyze how the unequal relationship between parents and daughters can affect trafficking in women. The results of the research conducted by the author showed that in cases of trafficking in women with the mode of marriage with foreigners, the victim's parents tended to give up their children to be married to foreigners. There was no concern that there would be differences in beliefs; the economic motives of the victim's parents are often more prominent, allowing their children to be matched with a foreign man.

2 WOMEN, HUMAN TRAFFICKING AND BIRRUL WALIDAIN

2.1 Women as Victims in Human Trafficking: The Case of West Java

West Java Province is one of the largest suppliers of Indonesian migrant workers abroad who can become victims of trafficking in women. Victims of human trafficking were generally women. This mode of trafficking in women began with recruiting, sending, transferring, sheltering, and receiving. As was well known, there were around 16 victims of trafficking in persons from West Java. Some of the victims of trafficking in women are still in Henan, a province in the People's Republic of China.

The victim's parents allowed them to go to China. The reasons parents allowed various reasons, ranging from reasons to work to become a Chinese wife. Parents allowed their daughters to marry a man because the application process went through official procedures and the prospective groom was already a Muslim. Even so, parents did not allow their children to be married to Chinese people. At first, people were allowed to go to China for work reasons, but on the way, they were caught in the marriage by a Chinese man. The victim's parents learned that they would marry a Chinese man after arriving in China. Of course, they were surprised because the network syndicate had prepared the marriage book. The victim of forced marriage could not do much because he would be threatened with a fine to repay the debt if he did not want to marry a Chinese man in the number of hundreds of millions.

In general, women victims of human trafficking admitted that they had experienced physical violence for wanting to return to Indonesia and not wanting to have sex. This case of violence could be resolved after a meeting with the Indonesian Embassy. However, the Indonesian Embassy was only limited to preventing physical violence. The Indonesian Embassy has not repatriated them because of the legality of marriage and diplomatic relations that regulate the mixed marriage. In addition, divorce was considered a "despicable" act for the Chinese community, and it became one of the obstacles to repatriating to Indonesia. Divorce was always avoided. Several cases of trafficking victims escaped

and succeeded because they happened to be over-stayed to be sent home by the Chinese government.¹

In addition to the physical violence they experienced, the victims of human trafficking also experienced psychological violence, and their rights as wives were not fulfilled. When the male partner worked, they could not leave the house, the house was locked, and food and drink were rationed. Some were employed in the handicraft industry owned by their parents with a salary of 100 yuan or the equivalent of Rp. 200 thousand for two weeks. They worked from 8 am to 10 pm. Communication between them used the results of the translation using the google translate application on the cellphone. The use of this cellphone was limited to translation only. Their husbands forbade communication with the outside world. They could communicate with the outside world when their husband or in-laws were not at home.

Faced with this kind of threat, the victim was forced to accept and live with a Chinese man. The victim considered the Chinese husband a "contract husband". Victims felt bought at a high cost. According to informants who were victims of human trafficking, there was a strong urge to marry Indonesian women because there were fewer women in China than men. The small number of women in China was due to the culture in China, which considered girls to be of no benefit. In addition, the PRC government's policies were unfavorable for families with many daughters. If a family had more than three daughters, it would be taxed for life, from birth to death. The impact of this policy was that couples who knew the fetus they were carrying were female tended to have an abortion.² Victims of human trafficking said they could not file for divorce to escape this torture. This is because divorce was an act that was prohibited by the Chinese government.³

2.2 Islamic Law and Social Problem of Human Trafficking

In the order of Islamic criminal law, there are no provisions that regulate human trafficking. Therefore, there is a need for an in-depth and careful study of the methodological formulation to explain the crime of trafficking and its sanctions from Islamic criminal

¹ Interview with Maryati, Women victims of trafficking in persons from Pemanukan Sub-district, Subang who managed to return to Indonesia because she fled. Goddess of TIP victims in Hunan, China. Dewi is appointed as a contact person by her friends when dealing with the outside world.

law. In classical Islamic discourse, trafficking is known as *bai` al-bigha`*, which textually means buying and selling prostitutes. Fiqh experts often use this term to express exploiting prostitutes or women's commodities which has recently become a global issue at the world level with the term trafficking in women. (R. Eriska Ginalita Dwi Putri, 2017). In Islamic legal literature, trafficking can be defined as slavery. However, in practice, it is more complex, so that it can be said that trafficking is a modern era slavery model that significantly damages a person's dignity as a human being; by itself trafficking in persons is a violation of human rights. The issues of slavery since the time of the Prophet Muhammad and efforts to abolish it have begun to be proclaimed and implemented. This is actualized in one of the punishment choices for violators of Islamic teachings, namely, freeing slaves. The result is now slavery in the sense of the *jahiliyyah* era has been agreed upon by scholars to be forbidden.

In the study of *jinayah fiqh*, trafficking can be analogous to acts of rape and confiscation (*hirabah*). In essence, people who are forced to prostitute themselves have been deprived of their human rights. In addition, trafficking also threatens and destroys the value system that has been built by religious teachings such as justice, equality, benefit, and mercy. It is this group that must receive a defense. Islam calls them weakened (*al-mustadl'afin*), namely people who are weak because they are oppressed due to the system and unequal structure in society. As a result, in principle, Islam prohibits all forms of exploitation, regardless of the perpetrator and for whatever reason, including exploitation in the trafficking of women. The law of trafficking in fiqh is prohibited, forbidden and the perpetrators become enemies of *Allah SWT*. The prohibition of human trafficking is not without solid reasons but is strengthened by logical and reasonable reasons. One of the main reasons for the prohibition of trafficking is that it robs and desecrates fundamental human rights and threatens and destroys the value system built by Islam, such as justice, equality, and benefit. (Ahmad Fatah, 2016).

Regarding trafficking in persons, which threatens human existence, such as exploitation, abuse, rape, and even murder, it shows that it is contrary to the provisions of Islamic law and universal religious goals that want to realize the goodness and benefit of

² Interview via WA (WhatsApp) with Dewi, a victim of Trafficking in Persons from Hanan, China

³ Interview with Dewi, a victim of human trafficking in Hunan, China. Dewi is appointed as a contact person by her friends when dealing with the outside world.

human life. Trafficking in persons is a crime against humanity which is against human rights and Islamic law. The government has made great efforts to prevent and eradicate this practice by drafting, ratifying, and establishing many laws and regulations along with the tools needed to limit, prevent and eradicate it. Nevertheless, in reality, this practice is still common, especially in Indonesia. Therefore, the cooperation of all components of society is needed to be involved in efforts to prevent and eradicate this practice of trafficking in persons (Farhana, 2010).

2.3 *Birru Walidain* as Legitimacy of Human Trafficking

Human trafficking is a crime that is difficult to solve because there are so many parties involved in it, from perpetrators to buyers. Moreover, many of the main perpetrators of trafficking in persons came from the deepest circle of the victim's family. Parents, as parties who were supposed to protect their children from such harmful practices, were the ones who plunged their children into the crime pit by actively looking for brokers, falsifying documents, ordering, and even forcing their children.

The power relationship between daughters and parents has influenced the occurrence of this trafficking case. In this power relation, the child is the party who must submit to the superiority of the parents. Firestone (1970: 87-88) mentions that children become the weak side in the family hierarchy. According to Sagala and Rosana (2007: 85), children and women are objects and positions as subordinates in a patriarchal society. Meanwhile, Thamrin A. Tomagola (2000) said that the relationship pattern between men and women is a vertical-dominant relationship pattern. The relationship between men and women is not equal because one party dominates the other. In this case, men dominate, while women in a subordinate position will always be dominated in all respects. This relationship pattern is also adopted in the relationship between father and daughter. Fathers, as men, will always dominate their daughters.

This pattern of father-daughter relations is also reflected in religious teachings. Islam, for example, has teachings about the relationship between father and son. Furthermore, Islam teaches every child to respect and obey their parents. *Therefore, Birru Walidain*, or doing good to parents, is considered a noble character. According to the language, *birru walidain* comes from two words: *birru*, which means being generous in doing good, and *walidain* which means both parents. So, *birru validation* can be

interpreted to do good to parents, or it can be called filial piety.

Parents have a very high position in the eyes of Islam. The primacy of parents in the eyes of Islam, for example, can be seen from the placement of recommendations to do good to parents, which are attached to the command to worship Allah. This shows how obedience to Allah is related to obedience to one's parents. Allah says in the Quran:

"And worship Allah and do not associate anything with Him. And do good to your parents, close relatives, orphans, poor people, close neighbors, distant neighbors, colleagues, *ibn sabil*, and the slaves you have. Verily, Allah does not like those who are arrogant and boastful." (An-Nisaa': 36).

The virtue of doing good to parents is also seen in the letter Luqman verse 14:

"And We have commanded man to do good to his parents, his mother conceived him in a weak condition that grew weaker and weaned him in two years, be grateful to Me and your parents. Only to me will you return." (Luqman: 14).

Devotion to parents is described as the most important charity, as illustrated in a hadith:

'Abdullah bin Mas'ud RA said: "I asked the Prophet *sallallaahu 'alaihi wa sallam*, 'What is the best deed?'. The Prophet *sallallaahu 'alaihi wa sallam* replied, 'Pray at its time'. I asked again, 'Then what?'. The Prophet replied: 'Be filial to both parents'. I asked again: 'Then what?'. The Prophet replied, 'Jihad in the way of Allah.'" (Muttafaq 'alaih).

The virtue of parents is also seen in how God exalts parents. It is stated that the pleasure of Allah depends on the pleasure of the parents.

"From 'Abdullah bin 'Amr bin 'Ash RA, that the Messenger of Allah said: "The pleasure of Allah depends on the pleasure of the parents and the wrath of Allah depends on the displeasure of the parents." (HR Bukhari).

The relationship between children and parents is overshadowed by a magic word called disobedience or called *uquuq walidain*. Disobedience to parents is to do bad things to parents. Therefore, every child should not do bad things and hurt their parents. This is, for example, contained in the word of God:

"And your Lord has commanded that you worship not but Him and do good to your parents. If one of them or both of them reach old age in your care, then never say to them the word 'ah' and do not shout at them both, and say to them good words. And humble yourself towards both of them with love and say, 'My Lord, have mercy on them as they both taught me when I was little.'" (Al-Israa': 23-24).

A hadith also supports the word of Allah:

Ibn 'Umar said: "The cry of both parents is a great disobedience." (HR Bukhari).

In Islam, it is stated that it is forbidden to disobey one's parents. Disobedience to parents can be considered as a form of great sin. The prohibition against disobeying parents is contained in a hadith narrated by Imam Al-Bukhari:

From Abdullah bin 'Amr, he said: An Arab Bedouin came to the Prophet SAW and said, "O Messenger of Allah, what are the major sins?". He replied, 'Ishrak (associating anything) with Allah. He asked again, 'Then what?'. He replied, 'Then disobey two parents'. He asked again, 'Then what?'. He replied, 'The oath that plunges'. I asked, 'What is that oath that plunged me?'. He replied, 'A lying oath that made him take the property of a Muslim'." (HR Al-Bukhari).

Children who are disobedient to their parents will get punishment from Allah SWT; it can even cause someone to die in bad conditions, or what is called *su'ul khatimah* (Kodir et al., 2006: 98). In a hadith, for example, it is stated:

"And the one who says to his parents, 'Cis (ah)' for both of you, did you both warn me that I would be resurrected, even though several people had passed before me? Then the two parents asked Allah for help saying, 'Woe to you, believe! Verily Allah's promise is true'. Then he said, 'This is nothing but a tale of the ancients. They are the ones whose judgment (punishment) has been confirmed for them, along with the peoples who have passed before them from the jinn and humans. Verily, they are the losers.'" (Al-Ahqaaf: 17-18).

Another hadith also mentions how serious the sin of disobeying one's parents is. The response that can be received by a child who disobeys his parents is that his body is forbidden to enter heaven. As mentioned in a hadith:

"There are three types of people whom Allah has forbidden to enter heaven, namely heavy drunkards, disobedient to both parents, and a dayyuts (allowing evil to occur in his family)." (H.R. Nasa'i and Ahmad).

No kidding, disobedience to parents is even equated with shirk to Allah, a tremendous sin that will not be forgiven by Allah. As a hadith narrated by Tabrani:

"There are three things that cause all deeds to be erased, namely shirk in Allah, disobedience to parents, a pious person who is played by ignorant and ignorant people." (H.R. Tabrani).

According to Firestone (1970: 87-88), children occupy the lowest position in the economy class. Children are considered different from adults, especially in terms of economic dependence. This economic dependence is the source of children's oppression (Firestone, 1970: 95). Children are economically dependent on their parents because they do not have their income and cannot hold their own money (Firestone, 1970: 77). In the case of trafficking in persons, the subordinate position of girls in the family makes them marginalized from access to education, employment, and health. Many families prefer to send their boys to school rather than girls. With a low level of education, this girl certainly has no bargaining value in the world of work. They cannot compete in the world of work because they do not have any skills to work. They are considered unable to contribute to the welfare of the family. This economic dependence makes girls only considered as a burden on their parents.

Based on the understanding of the obligation to be filial to their parents, girls feel they have an obligation to contribute to the family's welfare as evidence of their filial piety (Chung, 2009: 87). Devotion to parents also becomes the spirit in the child himself to be willing to throw himself in human trafficking. Realizing that his family's condition is not good, the child agrees to be traded in the hope that he will serve his parents. They think that, by being sold, they will be able to help ease the burden on their parents and will get a great reward. This is what causes girls to finally be forced to accept being sold by their parents.

For Firestone (1970: 77), in a patriarchal family, a child, especially girls, are only considered as strangers, not members of the nuclear family, who

sooner or later will leave the house for another house. Thus, parents can decide to take the girl out of her house whenever she wants. Meanwhile, in Islamic teachings, parents should care for and love their children. Children are a mandate given by God to parents, so parents must take care of and care for their children as well as possible. This is, for example in a hadith:

"From Anas bin Malik narrated, that the Messenger of Allah said: 'Not among my ummah, those who (old) do not love the young, and those who (young) do not respect the old'."
(Narrated by Imam At-Turmudzi).

Through this hadith, Islam teaches parents to love and care for their children before getting the glory as parents to be respected by their children. However, in reality, many parents demand that their children respect them and forget the primary obligation to love their children.

To reduce the burden on the family, parents, especially fathers, turn a blind eye and sell their daughters for the sake of improving the family's economy. So, the offer of a broker who comes under the guise of giving her a job or marrying a wealthy man will usually be warmly welcomed. Moreover, parents will assume that if their child works or marries a rich person, it will bring prosperity to the family. Not only because of the down payment that will be obtained by the family but also because parents think that later their child will be able to provide much material to the family.

Parents leave their daughters in the hands of brokers, either by persuasion or coercion. For example, the father of a daughter in Sumba was persuaded by a broker to sell his child. The bargaining was tough; from the beginning the broker would only give the father 1.5 million to a peak of 10 million. Finally, in the last figure, the father also agreed to sell his daughter. There is also a woman from Tangerang who was sold to work in Malaysia, Dubai, Sudan, Syria, to Iraq. He was forced to be willing to be sold to help his family, who were in debt and his younger siblings, who went to school.

Many parents are also forced to sell their children to brokers to marry people they do not know. It is undeniable; parents make dowry money as their source of income. In the case of trafficking, women become wives of men in other countries, for example. Parents can earn money from trading their children. Men who are looking for women to marry will give a total of around 30 million to 400 million rupiahs to the broker, 3 million to 10 million rupiahs of which is given to the woman's parents as a dowry. This does

not include the money their child will send each month after marrying a foreign man.

Firestone (1970: 98) said that children are considered to have no sexual needs in a patriarchal society. Parents feel that it is not a problem if their children are sold for marriage, or made into commercial sex workers, because children are considered not to understand sexuality issues. Children are considered imperfect creatures. His mind is considered immature, so parents must make decisions on behalf of their children. According to Firestone (1970: 103), children do not have freedom; children are repressed at every waking minute. All decisions are in the hands of the parents, who feel they know best what is best for the child. So, children's voices are considered unnecessary to be heard. The decision is purely from the parents. With a low bargaining position, girls do not have the right to refuse their parents' wishes. Daughters are considered property of their fathers. As in a hadith, the Prophet Muhammad SAW said:

"You and your wealth belong to your father" (HR. Abu Dawud).

As property, the father has the right to do anything to the daughter, including making it an object that can be sold to other parties. With a strong power relationship between parents and children, children do not have the power to make decisions. When parents decide to sell their child, the child cannot refuse because there is an assumption that the child should not refuse the parents' orders.

Islamic teachings that prohibit acts of disobedience to parents are also used to legitimize all parental decisions. Daughters must carry out the parents' decisions as evidence of devotion and respect for parents. Girls are prohibited from disobeying their parents' orders because it will be considered unfilial. A great sin will overshadow the daughter who dares to disobey her parents' orders. They are willing to be sold by their parents for the sake of the family. Even though they do not like it, they are afraid to disappoint their parents if they do not follow their orders. Daughters will not dare to refuse parents' requests because refusing parents' requests is the same as unfilial. There are frightening consequences when a child disobeys his parents, which is very much avoided by girls.

2.4 Misperceptions of Obedience: Parent-Child Power Relations in Human Trafficking Cases

The culture that exists in society often contributes significantly to the preservation of certain community

traditions. For example, during the Arab ignorance, someone would be very ashamed to have a daughter and not even hesitate to kill her. The ignorant society at that time was very proud of sons and very ashamed to have daughters. The culture was very closely attached until the religion of Islam came to appreciate human life without discriminating against gender. However, views on girls are also different in areas that are the basis for sending TKW abroad, such as Indramayu.

The culture that is identical to the people in Indramayu is being proud of girls. The culture that develops like this affects the way parents view their children, especially women. Most parents consider daughters as a source of their parents' economic investment. Therefore, there is a tendency for socio-economic reasons; parents deliberately justify themselves to sell children to brokers or sponsors for employment. The perception that "beautiful children are parents' land" is a formidable challenge to change this misguided culture and perception (Sulhan, 2012: 168). Parents feel proud when they have daughters who work as TKW because they are expected to lift the family economy and legitimize parents' power over the future and destiny of their daughters. Economic factors and the low level of education in the family environment are thorny issues that lead to rampant trafficking in persons, especially women. The low level of education makes the understanding of the meaning of obedience to parents narrow, and as a result, trafficking in persons occurs.

In a patriarchal society, parents' position has a high position and has power over their children. Firestone argues that there is a class structure within a patriarchal family. Children are considered physically and mentally immature, which prevents them from becoming financially independent and achieving political agency. Without financial and political power, children were dependent on their parents. Parents have power over their children so that they can control their children's lives. Children are considered the property of their parents. This condition makes children become fundamentally oppressed creatures. Parents feel entitled to determine their children's future in the hope of improving the family's economy. As a result, children must obey their parents and obey their orders without thinking about the consequences and bad risks that may befall them. The command to do good to parents is misinterpreted into total obedience (Rahman, 108). This then creates a false feeling in the parents that he is the sole owner of his child and has the right to do anything to his daughter. As a result, parents become dictators who impose their will in front of their

daughters. Parents expect their daughters to be filial to them, demanding that they do what they want. This condition which Firestone calls "unequal power distribution within families", causes misperceptions of obedience. Parents often see obedience only from one point of view, without looking at other things.

Parents forget that submitting to the Shari'a and God's laws cannot be interpreted partially. Man must realize that the essence of God's law is peace. If it does not cause peace and will be miserable, it is not God's law. In the case of trafficking in persons based on obedience to parents, this is also the case. Allah never ordered complete obedience to parents. Other things need to be considered. For example, it should be remembered that all the deeds done in this world are aimed at gaining the pleasure of Allah. So, human obedience to other humans must be based on obedience to God. Allah SAW only orders children to obey their parents, as long as the orders given are aimed at getting closer to Allah and not violating Allah's provisions. Allah SAW said:

"And We have made it obligatory for humans to do good to their parents. And if both force you to associate partners with Me with something you do not know of, then do not obey them. Only to Me is your return, and I will tell you what you have done." (Al-'Ankabut: 8).

The Word of God shows that a child is indeed commanded to do good to his parents. However, if parents order to do harmful actions and violate Allah's commands, then the child is obliged to disobey his parents. This is also in line with the words of the Prophet:

From Abi Abdurrahman as-Sulami, from Ali RA, Rasulullah SAW said: "There is no obedience for things that are disobedient to Allah, obedience is only for good things." (H.R. Imam Abu Dawud).

Islam forbids the practice of human trafficking. So, children should not need to obey the orders of parents who plunge children into human trafficking because this is against the teachings of Islam. The prohibition of trafficking in persons can be seen from the hadith of the Prophet Muhammad SAW:

"From Abu Hurairah RA from the Prophet SAW said: "Allah SWT said: "There are three groups (of people) whom I (Allah) will be hostile to (fighting) on the Day of Resurrection, one who swears (pays wages) in My name and then disobeys it, someone

who sells a free person and then eats the price (the proceeds of the sale) and someone who employs workers then the worker finishes his work but is not paid his wages." (Bukhari)

Specifically, Allah SWT forbids parents to sell their children for any reason.

"Do not kill your children because of poverty (which befell you). We are the ones who will provide sustenance for you and your children." (Q.S. Al-An'am:151).

The prohibition of 'killing' children on the grounds of poverty does mean taking the child's life and 'killing' the child's future. Selling children, for whatever reason, can pawn the child's welfare in the future and can be said to 'kill' the child's future. Thus, the law of selling a child is also unlawful, just like killing a child. Parental orders may also be disobeyed if the order is indicated to cause harm to the child (Kodir, et al., 99). Parents are supposed to create safety and well-being for their children. If the child feels miserable if he obeys the parent's orders, then the child has the right to refuse it. Regarding this, Allah SWT said:

"All of you should be worried (fearful) if you leave a weak lineage that you worry about for the future. So fear Allah and speak the truth." (Q.S. An-Nisa: 9).

Because the teachings of Islam are aimed at goodness and giving mercy to the whole world, Islamic teachings cannot hurt people. If a parent sells a child to someone else for forced labor, becomes a prostitute, or is forced into marriage, the child has the right to refuse it. In this case, the child will not sin if he does not obey his parents' orders. He is not a disobedient child if he decides to refuse the orders of his parents that he knows are orders that bring badness to him. Children may report the actions of their parents to the authorities if they plunge them into the practice of trafficking in persons. Firestone argues that children will not deserve a life free from oppression as long as they are considered the property of their parents. Therefore, when using the Firestone theory, to overcome the problem of human trafficking by their parents, it is necessary to overhaul the unequal power distribution within families. Children should be taught that they have the right to control their lives. They also have the right to understand more deeply about obedience to parents in Islam so that there are no misperceptions of obedience. On the other hand, parents must also understand that children are not their property.

2.5 Islamic Ethics in Handling the Crime of Women Trafficking

The crime of trafficking in persons, especially girls, requires comprehensive treatment from upstream to downstream. Various approaches in terms of government regulations and legal handling need to be strengthened as a firm step in tackling trafficking in persons. Meanwhile, on the prevention side, the central role of religious leaders, such as kyai and clerics, is needed to educate the public about the dangers of human trafficking to children, especially girls. Kyai or religious leaders should be able to provide an understanding that children's obedience to parents should not be interpreted narrowly so that the negative impact of forcing children to become TKW (for economic reasons) can be avoided.

Islam, as a religion that highly upholds humanity, strongly condemns the practices of trafficking in persons. Human trafficking in practice does not respect humanity because it places a person at the lowest level and has no rights to him. Therefore, Islam does not justify for any reason one human being deceives another human being (Sulhan, 2012: 172). Islam teaches its people about ethics in treating others. This Islamic ethics is essential to convey as educational material that can provide a broader view of humanity so that the crime of human trafficking can be prevented from the upstream (supplying community)

- a. Islam is the religion that respects and glorifies humanity. In Islam, there is no difference between humans with each other, except based on their faith. Islam does not distinguish between men and women; all have their respective duties and obligations. In the verse of the Qur'an, Allah says: "And indeed, We have honored the children and grandchildren of Adam, and We carried them on land and in the sea, and We gave them sustenance from good things and We favored them above many creatures that We created with perfect advantages" (al-Isra: 70).
- b. Islam respects the dignity of fellow human beings and abolishes slavery. Therefore, Allah forbids all forms of slavery and orders to free humans from all kinds of slavery (Putri, 2017: 51). In the verse of the Qur'an, Allah says: "Then should not (with his wealth) he take a path that climbs and is difficult? Do you know what the road that climbs again is difficult? (i.e.) free slaves from slavery." (Al-Balad [90]: 11-13).
- c. Islam forbids the practice of exploiting women. Strictly speaking, Islam highly glorifies women and prohibits the practice of exploiting women,

including sexual exploitation (Putri, 2017: 53). For example, in the verse of the Qur'an, Allah says: "...And do not force women into prostitution when they want chastity, just because you want worldly wealth." (an-Nur: 33).

- d. Islam commands respect for parents as long as they are obedient to Allah. In the verse of the Qur'an, Allah says: "And if both of them force you to associate partners with Me with something you do not know of, then do not obey them, and associate them well in the world, and follow the path of the one who returns to Me. Then only to Me is your return, and I will tell you what you have done." (Luqman: 15).

3 CONCLUSIONS

Human trafficking is a type of crime and a violation of the rights of human life. The process is very systematic by exploiting the weaknesses, ignorance, and powerlessness of the victims. Its purpose is exploitation, whether in prostitution, pornography, sexual violence/exploitation, forced labor with inadequate wages, and slavery or other similar practices. The number of human trafficking cases in Indonesia continues to increase. The victims were primarily children and women. The impact of this case on individual victims is physical disorders, psychological problems, and social problems.

In some cases of trafficking in persons, the next of kin or the parents are the main perpetrators. Many girls are involved in human trafficking because of their parents. This cannot be separated from the parent-child relationship, one of which is based on the teachings of Islam. Islam teaches about the obedience of children to their parents. This teaching makes children not dare refuse their parents' orders, including their parents' orders to be traded. Whether we realize it or not, the relationship between children and parents plays a vital role in trafficking in persons.

There is a wrong meaning to the command to do good to parents taught in Islam when examined further. Parents make orders to do good to parents, as a legitimacy so that children obey whatever their parents command, including forcing children to be traded. Parents demand obedience from children and frighten children about the enormous sin they must face when children act disobediently to their parents. Even though Islam commands children to do good and be devoted to their parents, it does not mean that children must blindly obey their parents' orders. As long as the parent's orders are contrary to Islamic law, the child should not obey them. However, as a social

problem regarding economic needs in society, parents abuse their power where unequal power distribution in the family causes misconception of obedience among parent and their children.

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