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## EXAMINING THE “COPY & PASTE” REGULATION OF BATAM CITY TO COMBAT HUMAN TRAFFICKING IN THE TRANSIT AREA

DR. RINA SHAHRULLAH<sup>1</sup> DR. ELZA SYARIEF, MS. YAYAK DAHLIA

### ABSTRACT

Batam City of Riau Island Province is a destination and transit area for the embarkation and debarkation of human trafficking victims in Indonesia. The Batam City Government issued Municipal Regulation No.5 of 2013 on the Prevention and Handling of Human Trafficking Victims (‘Batam Human Trafficking Regulation’). This regulation raises controversy among the stakeholders related to its effectiveness in combating human trafficking. This research evaluates the Batam Human Trafficking Regulation by utilising the approaches of Soerjono Soekanto’s Effectiveness of Law Theory. It adopts a socio-legal research method by using in-depth interviews as the means of data collection. It finds that the Batam Human Trafficking Regulation is merely a ‘copy and paste’ legislation from the West Java Province Regional Regulation on Human Trafficking. It is suggested that the Batam Human Trafficking Regulation should be revised and preceded by in-depth research and surveying public opinion to involve all relevant stakeholders in Batam City.

**Key Words:** human trafficking, Batam Regulation, transit area

### INTRODUCTION

Batam City is located in the Riau Islands Province of Indonesia with a population of 1,200,000 in 2014. Geographically, Batam City is adjacent to Singapore and Malaysia as shown by Figure 1.

**Figure 1: Map showing the location of Batam City**



*Source: Google Maps*

Batam City has become a destination and transit area for the embarkation and debarkation of Indonesian migrant workers to and from Malaysia and Singapore (Nababan, 2007; Pramodharwardani, 2007; Saad, 2005). A number of Indonesian migrant workers who have been deported via Batam City are human trafficking victims (Shahrullah, 2010). *Yayasan Embun*

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*Pelangi*, a local NGO in Batam City reports that the number of human trafficking victims has fluctuated as shown by Table 1.

**Table 1: Human trafficking victims in Batam City**

Year	Number of victims
2005	41
2006	143
2007	61
2008	44
2009	11
2010	11
2011	24
2012	111
2013	69
2014	86
2015	57

*Source: Yayasan Embun Pelangi*

The actual number of human trafficking victims in Batam City remains unknown because many victims are ashamed to report to relevant authorities. Many of them are reluctant to take legal action against their traffickers because of the lengthy legal process (Shahrullah, 2010).

To provide protection to human trafficking victims, the Batam City Government implemented Municipal Regulation of Batam City No.5 of 2013 on the Prevention and Handling of Human Trafficking Victims ('Batam Human Trafficking Regulation'). The issuance of this Regulation was mandated by a law at provincial level, namely Regional Regulation of Riau Islands Province No.12 of 2007 on the Abolition of Trafficking in Women and Children. At national level, the mandate is derived from Law No.21 of 2007 on the Elimination of Human Trafficking Crimes. Although Batam Human Trafficking Regulation was enacted to counter the problems of human trafficking, stakeholders in Batam City claim that it cannot be effectively implemented. The main reason is that the substance of the Regulation does not reflect the conditions and situation of Batam City as a destination and transit area. It is then questioned why the Batam City House of Representatives enacted an unsuitable regulation. This research posits two main questions, as follows:

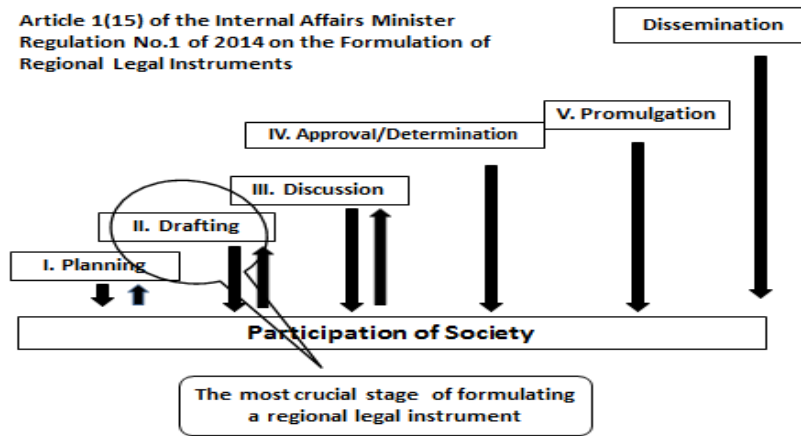
1. Why is the Batam Human Trafficking Regulation ineffective?
2. What is the solution for the effective implementation of the Batam Human Trafficking Regulation?

## LEGISLATIVE AND THEORETICAL FRAMEWORK

The Batam Human Trafficking Regulation is a municipal legal instrument; therefore, the process of formulating it should be referred to Internal Affairs Minister Regulation No.1 of 2014 on the Formulation of Regional Legal Instruments ('Regional Legal Instrument Regulation'). Article 1(15) of the Regional Legal Instrument Regulation stipulates that the formulation procedure of a regional legal instrument (Provincial, Regency or Municipal Regulation) shall consist of 'planning, drafting, discussion, approval or determination, promulgation and dissemination'. The most crucial stage is the drafting process as described by Figure 2.



**Figure 2: Formulation of a regional legal instrument**



Source: *Badan Pembinaan Hukum Nasional (BPHN)*

The drafting process of a regional legal instrument shall be supplemented by an elucidation and/or an academic manuscript as required by Article 18 of the Regional Legal Instrument Regulation. The academic manuscript components are comprised of ‘introduction, theoretical reviews and empirical studies, evaluation and analysis of relevant legislation, philosophical, sociological and legal analysis, scope of substances, closing’ (Article 20(1)). The Regional Legal Instrument Regulation does not explain their meanings, but the Appendix of Law No.12 of 2011 on the Formulation Procedure for Legislation elaborates them as presented by Table 2.

**Table 2: Brief description of an academic manuscript**

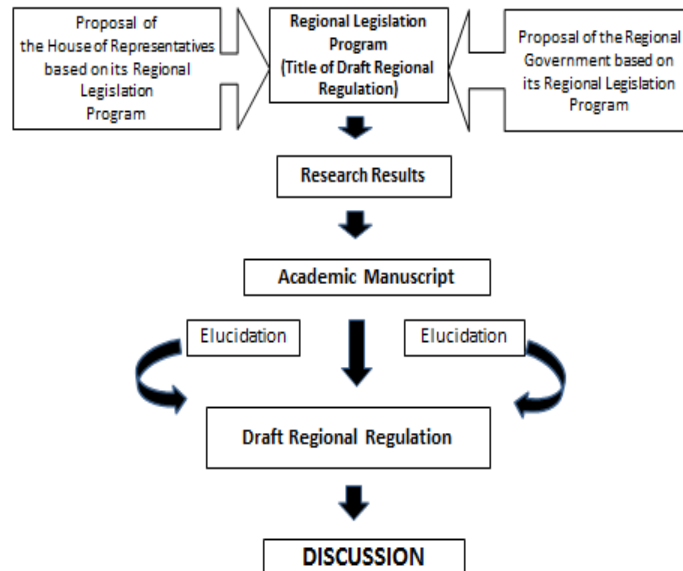
<b>Introduction</b>	<b>Theoretical reviews and empirical studies</b>	<b>Evaluation and analysis of relevant legislation</b>	<b>Philosophical, sociological and legal analysis</b>	<b>Scope of substance</b>	<b>Closing</b>
Containing background, targets, problem identification, objectives and research methods.	Containing reviews of theoretical principles, studies of social, political, economic, and state financial implications.	Containing studies of the relevant legislation. Vertical and horizontal harmonisation of legislation.	Philosophical analysis relates the Indonesian philosophy ( <i>Pancasila</i> ) and Preamble of the 1945 Indonesian Constitution. Sociological analysis relates	Containing general, substantive, sanction and transitional provisions.	Containing conclusion and suggestions.

			to community needs. Legal analysis relates to legal issues to form the new regulation.		
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Source: Appendix of Law No.12 of 2011 on the Formulation Procedure for Legislation

The process of drafting a regional regulation may be initiated by the House of Representatives (the legislative body) or the Regional Government (the executive body). Figure No.3 shows the flowchart of planning and drafting a proposed regional regulation, initiated either by the legislative or executive body.

**Figure 3: Flowchart of drafting a proposed regional regulation**



Source: Badan Pembinaan Hukum Nasional (BPHN)

Soekanto (2008) argues that the fulfilment of law-making procedures is not the sole factor to ensure the effective implementation of law. In this regard, he establishes five factors in his Effectiveness of Law Theory, which has been adopted to examine whether the Batam Human Trafficking Regulation is effective in its implementation. According to this theory, the five factors in the effective implementation of law are:

1. The legal substance must contain justice, certainty and utility.
2. Law enforcers must be professional and ethical.
3. Legal facilities and means must be supported by good organisation, equipment and adequate finance.
4. Society must act to achieve harmony among its members.

5. The legal culture must contain the common values of society (e.g. the values of morality, sustainability, security and order).

## RESEARCH AIMS AND METHODS

Stakeholders in charge of eliminating human trafficking in Batam City argue that the Batam Human Trafficking Regulation does not reflect the conditions and situation of Batam City as a destination and transit area for human trafficking victims. As a result, this research particularly aims to:

1. Find out the causes of the ineffectiveness of the Regulation
2. Examine the ineffective provisions of the Regulation
3. Provide a solution for the effective implementation of the Regulation.

To meet these aims, this research adopted a socio-legal/empirical research method that considers law as a social phenomenon with a structural approach (Saptoomo, 2009). According to Soekanto (1984), socio-legal research covers research on the identification of unwritten law and the implementation of law, i.e. the effectiveness and impacts of law. This research specifically focuses on the effectiveness of law. At this junction the substance of the Batam Human Trafficking Regulation is evaluated to determine whether it has met the legal, sociological and philosophical requirements. The data used by this research was primary data, collected through in-depth interviews (Amiruddin, 2004; Wignjosoebroto, 2002). The key stakeholders interviewed for this research are shown by Table 3.

**Table 3: The key stakeholders dealing with human trafficking problems in Batam City**

Institutions	Roles
Head of Commission IV of the Batam City House of Representatives Period 2009-2014	Initiator of the Batam Human Trafficking Regulation
Head of the Women's Empowerment, Child Protection and Family Planning Agency of Batam City	Leading sector to eliminate human trafficking in Batam City
Head of the Legal Department of Batam City Regional Secretariat	In charge of the Regional Legislation Program of Batam City
Members of the Anti Human Trafficking Task Force	Task Force to combat human trafficking in Batam City
Director of Women and Children's Protection of <i>Yayasan Embun Pelangi</i>	NGO and activist against human trafficking in Batam City

*Source: Data compiled by the authors*

In addition to primary data, secondary data was also used by this research. The secondary data comprised:

1. Primary legal materials (authorised materials) consisting of legislation, official records or minutes in the making of legislation (Marzuki, 2005). The primary legal materials used by this research are:
  - a. Law No.21 of 2007 the Elimination of Human Trafficking Crimes
  - b. Law No.12 of 2011 on the Formulation Procedure for Legislation
  - c. Internal Affairs Minister Regulation No.1 of 2014 on the Formulation of Regional Legal Instruments

- d. Regional Regulation of Riau Islands Province No.12 of 2007 on the Abolition of Trafficking in Women and Children.
  - e. Regional Regulation of Batam City No.5 of 2013 on the Prevention and Handling of Human Trafficking Victims
  - f. Academic manuscript of Regional Regulation of Batam City No.5 of 2013 on the Prevention and Handling of Human Trafficking Victims
2. Secondary legal materials, which were collected from articles, books and other relevant materials on human trafficking (Marzuki, 2005)

All data was analysed based on its content (content analysis) using a qualitative approach. Qualitative research is a type of scientific research that aims to seek answers to the questions ‘what’, ‘how’ or ‘why’ of a phenomenon (Coutin, accessed November, 2015). The qualitative approach was suitable for this research because it aims to find answers and provide solutions pertaining to the ineffectiveness of the Batam Human Trafficking Regulation.

## RESEARCH FINDINGS AND DISCUSSION

### Causes of the ineffectiveness of the Batam Human Trafficking Regulation

Article 236 of Law No.23 of 2014 on Regional Government (‘Regional Government Law’), which revised the previous Law No.32 of 2004, stipulates that in order to maintain regional autonomy a regional regulation may be enacted. Article 240 of the Regional Government Law further states that a ‘Draft Regency/Municipal Regulation (*Rancangan Perda*) can be initiated by the Regency/Municipal House of Representatives or Head of Regency/Municipality’. This provision gives authority to the Batam City House of Representatives to initiate the issuance of the Batam Human Trafficking Regulation.

The process of formulating the Batam Human Trafficking Regulation referred to the statutory formulation requirements established by Article 1(15) of the Regional Legal Instrument Regulation. The process of issuance of the Regulation has complied with the requirements of planning, drafting, discussion, approval or determination, promulgation and dissemination. The fulfillment of the formal process of making the Regulation was also emphasised by the Head of Batam City House of Representatives and the Head of the Legal Department of Batam City Regional Secretariat in the interviews for this research. No flaw was found in the process of making the Regulation as presented below.

1. Planning stage: The Head of Commission IV of Batam City House of Representatives 2009-2014 initiated the Regulation, which was endorsed by 7 factions of Commission IV and subsequently it was included in the Regional Legislation Program.
2. Drafting stage: The Batam City House of Representatives requested that a higher education institution (academicians) draft an academic manuscript including a draft for the Municipal Regulation (Draft Regulation).
3. Discussion stage: The academic manuscript and the Draft Regulation (*Rancangan Perda*) were discussed in plenary meetings among the legislative members and subsequently the executive body was asked to give input regarding the Draft Regulation.
4. Approval or determination stage: The Draft Regulation was approved jointly by the Batam City House of Representatives and the Batam City Mayor. It was subsequently submitted by the Head of the Batam City House of Representatives to the Batam City Mayor, to be determined as the Municipal Regulation of Batam City No.5 of 2013 on the Prevention and Handling of Human Trafficking Victims.

5. Promulgation stage: The Regulation was promulgated in the *Batam City Gazette* Year 2013 Number 5.
6. Dissemination stage: The Draft Regulation was disseminated from the planning stage until the promulgation stage to the Batam City public and relevant stakeholders to provide information and/or obtain their input (public opinion).

Although the issuance of the Regulation fulfilled the formality of statutory procedures formulation, it should be noted that this does not guarantee its effectiveness. The crucial factor to determine the effectiveness of the Regulation is its substance. The Effectiveness of Law Theory prioritises this factor, among others, to influence the effectiveness of law. This Theory submits that the legal substance must contain 'justice, certainty and utility'. From the interviews with the Head of the Women's Empowerment, Child Protection and Family Planning Agency of Batam City, members of the Anti Human Trafficking Task Force and the Director of Women and Children's Protection for *Yayasan Embun Pelangi*, it was found that the substance of the Regulation does not reflect the conditions and situation of Batam City.

Accordingly, it is imperative to examine the Regulation's academic manuscript because it was used as a reference to draft the Regulation. Based on the examination, it was revealed that the manuscript contains many flaws. They are, among others:

1. Introduction:
  - a. The background does not specifically elaborate the trafficking situation and conditions of Batam City. It lacks statistical information and authoritative references. Instead, the background merely details the conditions and situation of human trafficking at the national level.
  - b. Targets and problem identification are not clear, nor are they supported by adequate data and references.
  - c. The objectives do not focus on the human trafficking conditions and situation in Batam City.
  - d. The research method states that it combined library and field research. However, it is not clear 'who the respondents were, how the data was collected, what instruments were used for data collection'.
  - e. More importantly, the academic manuscript drafted in September 2012 does not use the Appendix of Law No.12 of 2011 in the Formulation Procedure for Legislation as a reference. As a result, the writing structure of the academic manuscript is outdated.
2. Theoretical reviews and empirical studies:
  - a. The academic manuscript contains no theoretical reviews and there is a lack of analysis of the conceptual reviews.
  - b. There are no empirical studies on the human trafficking conditions and situation of Batam City.
3. Evaluation and analysis of relevant legislation:
  - a. The academic manuscript simply lists 32 pieces of legislation relevant to human trafficking without making any analyses or examinations of them.
  - b. Regional Regulation of Riau Islands Province No.12 of 2007 on the Abolition of the Trafficking of Women and Children is not listed in the academic manuscript. In fact, it mandates that the regencies and municipalities of Riau Islands Province issue a Human Trafficking Regulation.
4. Philosophical, sociological and legal analysis:
  - a. Philosophical analyses are not included.

- b. The sociological analyses do not focus and provide data on human trafficking in Batam City.
  - c. Legal analyses are not provided.
5. Scope of substance:
- a. The methods of submitting propositions are unstructured.
  - b. No results of empirical studies are provided.
  - c. It is difficult to connect the academic manuscript and the Draft Regulation.
6. Closing:
- a. Conclusions are not clearly stated.
  - b. There is no connection between the conclusions and suggestions.
  - c. There is a lack of authoritative sources in the references.
  - d. The structure of listing the references is incorrect because the regional regulation is listed before the laws at national level.

The academic manuscript of the Regulation had to be very specific because, unlike other regions in Indonesia, Batam City is both a destination and a transit area for human trafficking victims. It is unfortunate that the manuscript fails to discuss this very significant matter. It is obvious that it is inadequate to be the primary material to draft the Regulation. It was further found that 98 percent of the 24 articles of the Regulation are identical with those of the Regional Regulation of West Java Province No.3 of 2008 on the Prevention and Handling of Human Trafficking Victims. Table 4 lists the provisions, which were copied and pasted from the Regional Regulation of West Java Province.

**Table 4: The identical provisions of the Batam Human Trafficking Regulation**

and the Regional Regulation of West Java Province

Municipal Regulation of Batam City No.5 of 2013 on the Prevention and Handling of Human Trafficking Victims	Regional Regulation of West Java Province No.3 of 2008 on the Prevention and Handling of Human Trafficking Victims
Article 1(1),(2),(3),(4) Article 1(16) Article 1(17) Article 1(18) Article 1(19) Article 1(20)	Article 1(1),(2),(3),(5) Article 1(14) Article 1(15) Article 1(16) Article 1(18) Article 1(19)
Article 2(a),(b),(c),(d),(e)	Article 2(a),(b),(c),(d),(e)
Article 3(a),(b),(c)	Article 3(a),(b),(c)
Article 4(1)(a),(b),(c),(d) Article 4(4)	Article 4(1)(a),(b),(c),(d) Article 4(4)
Article 5(1)(a),(b),(c),(d),(e),(f),(g) Article 5(2)(a),(b)	Article 5(1)(a),(b),(c),(d),(e),(f),(g) Article 5(2)(a),(b)
Article 6(1) Article 6(2)(a),(b),(c),(d) Article 6(3) Article 6(4)	Article 6(2) Article 6(3)(a),(b),(c),(d) Article 6(4) Article 6(5)
Article 7(1) Article 7(2)(a),(b),(c),(d),(e),(f),(g)	Article 7(1) Article 7(2)(a),(b),(c),(d),(e),(f),(g)

Article 11(2)(a),(b),(c),(d),(e),(f),(g)	Article 12(2)(a),(b),(c),(d),(e),(f),(g)
Article 12(1)(a),(b),(c),(d),(e),(f)	Article 13(1)(a),(b),(c),(d),(e),(f)
Article 13(1) Article 13(2)(a),(b),(c) Article 13(3)(a),(b),(c)	Article 15(1) Article 15(2)(a),(b),(c) Article 15(3)(a),(b),(c)
Article 14(1) Article 14(2)(a),(b),(c) Article 14(3)	Article 16(1) Article 16(2)(a),(b),(c) Article 16(3)
Article 15(2),(3)	Article 17(2),(3)
Article 16(1),(2),(3),(4)	Article 18(1),(2),(3),(4)
Article 17	Article 19
Article 18	Article 20
Article 19(1),(2),(3)	Article 21(1),(2),(3)
Article 20	Article 22
Article 23	Article 24

*Source: Data compiled by the authors*

It should be noted that the issuance of the Batam Human Trafficking Regulation is mandated by a higher law, namely Law No.21 of 2007 on the Elimination of Human Trafficking Crimes (Human Trafficking Law). This Law also mandates that West Java Province issue a regional regulation on human trafficking. Hence, some general provisions from the Human Trafficking Law must be adopted by these regional regulations. However, there is specific content deemed appropriate for each area. The specific content for the Human Trafficking Regulation for Batam City has to be very different from that of the West Java Provincial Regulation. This is because Batam City is not only a destination but also a transit area, whereas West Java Province is a sending area of human trafficking victims. The failure of the academic manuscript to detail the conditions and situation of Batam City as a transit area generates faulty approaches to the Draft Regulation. This was made worse because members of the Batam City House of Representatives visited West Java Province for their comparative study and benchmarked that province's Regulation. It is true that West Java Province is considered to be a best practice in preventing and handling human trafficking victims. However, as has been mentioned previously the human trafficking conditions and situation in Batam City and in West Java Province are completely different.

The inconsistency between the academic manuscript and the Draft Regulation becomes more obvious because the Draft Regulation clearly states in the Consideration Section that Batam City is a destination and transit area. Yet, this matter is not discussed in the academic manuscript. The 'copy and paste' human trafficking regulation paralyses the efforts of Batam City stakeholders to combat human trafficking because many provisions of the Regulation cannot be put into practice. The most criticised provisions are as follows:

1. Provisions, which require recommendation letters to work outside of Batam City, are contradicted by Consideration Point C of the Regulation, which states that Batam City is a transit and destination area for human trafficking. Logically, the requirements of recommendation letters are not necessary because only sending areas require their citizens to get recommendation letters to work outside their areas.
2. Provisions relating to the support for families of human trafficking victims are inapplicable because human trafficking victims will be returned to their hometowns and their families do not live in Batam City.

3. Provisions on data collection and the monitoring of citizens of Batam City who are willing to work outside the city contradict Consideration Point C of the Regulation which emphasises that Batam city is merely a transit and destination area.
4. Provisions pertaining to social integration for human trafficking victims are not needed because they will not live in Batam City.

The contradictory substance of the Batam Human Trafficking Regulation not only shows its ineffectiveness but it may lead to misinterpretation. This can happen if, for instance, the social integration provisions are interpreted to mean that human trafficking victims can be socially integrated in Batam City. This may allow human trafficking victims to stay in Batam City instead of returning to their hometowns. Nevertheless, the rules of the Women's Empowerment, Child Protection and Family Planning Agency of Batam City determine that human trafficking victims are entitled to stay in the government shelter for a maximum of seven (7) days. They may stay longer if they need medical and/or psychological care. Human trafficking victims may stay much longer in the NGO shelters if they wish to take legal action against their traffickers (Shahrullah, 2010).

It is clear that the 'copy and paste' regulation is not effective at all, even if such a regulation has been processed according to the formal statutory procedures. The Effectiveness of Law Theory points out that the formality of enacting a regulation is not a mere factor to determine its effectiveness. The legal substance plays a more significant role for the effective implementation of the regulation. It is unfortunate that this was not realised when drafting Batam Human Trafficking Regulation. The flaws in the Regulation's substance were only apparent when it was about to be implemented. This circumstance occurred because some key stakeholders, such as the Head of Women's Empowerment, Child Protection and Family Planning Agency of Batam City, were not involved or consulted during the drafting process of the academic manuscript. The Director of Women and Children's Protection of *Yayasan Embun Pelangi* revealed that, 'he was not given access to get involved during the dissemination stage of the Draft Regulation Bill even though he was willing to do so'.

### **Solutions for the effective implementation of the Batam Human Trafficking Regulation**

This research has found that the problems of the ineffective implementation of Batam Human Trafficking Regulation are primarily caused by the flaws in the academic manuscript and the Draft Regulation. It is then questioned whether the protection and handling of human trafficking victims in Batam City has to cease because of the ineffectiveness of the Regulation. In relation to this condition, the Head of the Women's Empowerment, Child Protection and Family Planning Agency of Batam City said, 'The Decision of the Batam City Mayor No. Kpts. 29/HK/I/2010 on the Establishment of a Task Force for the Elimination of Human Trafficking, Child Sexual Exploitation and the Batam City Action Plans were still being used until 2015 to handle human trafficking victims, due to the ineffectiveness of the Batam Human Trafficking Regulation. A similar approach has been taken by Members of the Anti Human Trafficking Task Force and the Director of Women and Children's Protection of *Yayasan Embun Pelangi*. They are of the opinion that, 'Since the Batam Human Trafficking Regulation cannot be effectively implemented, task forces and NGOs are left to handle human trafficking victims without reference to the Regulation'.

In the absence of a suitable Regulation, relevant stakeholders still continue to combat human trafficking by using the other legal instrument, namely the Decision of the Batam City Mayor. This approach is not entirely correct from a legal perspective because the Decision was only intended



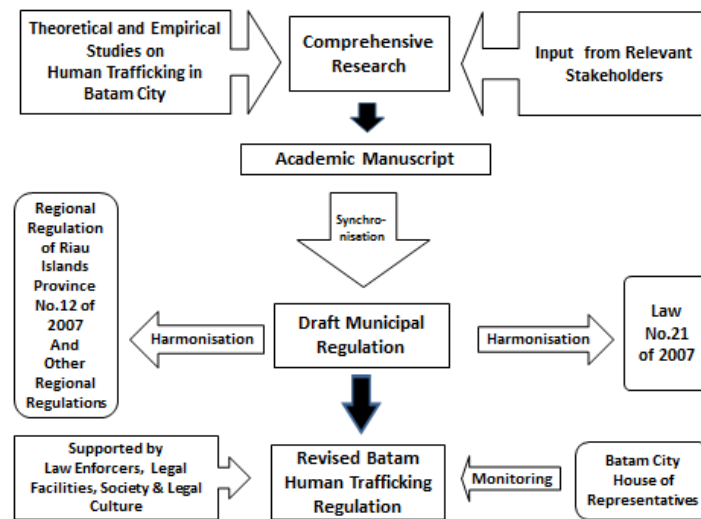
for the period of 2010-2014. It can also be argued that only some provisions of the Regulation cannot be implemented effectively. Consequently, provisions regarding budgeting, trafficking task forces and regional action plans can still be effective for Batam City; therefore, they should remain intact in the Regulation.

To fill the lacunas in the Batam Human Trafficking Regulation, it is proposed that stakeholders from the legislative and executive bodies should evaluate the Regulation and list all aspects relevant to the conditions and situation of Batam City as a transit and destination area. The aspects should cover the facilities for human trafficking victims, such as medical care, psychosocial treatment, safe houses and the process of returning the victims to their hometowns. The evaluation results could be used as a reference for the Batam City Mayor to issue a Batam City Mayoral Regulation on the Regional Action Plan 2015-2020. This Action Plan could be used by all stakeholders as a guideline and reference to deal with the human trafficking problems in Batam City.

Alternatively, it is proposed that the ineffective provisions of the Batam Human Trafficking Regulation, such as those relating to the requirements of recommendation letters to work outside of Batam City, the support for families of human trafficking victims, data collection and the monitoring of citizens who are willing to work outside the City, and social integration for human trafficking victims, should be revised. If this proposal is to be accepted, then several improvements should be made, namely:

1. Comprehensive research needs to be conducted to support the drafting of the academic manuscript and the Draft Regulation if the Batam Human Trafficking Regulation is to be revised.
2. The academic manuscript and the Draft Regulation should be synchronised and harmonised. In this respect, the Legal Department of the Batam City Regional Secretariat needs to establish Standard Operational Procedures (SOP) for this to happen.
3. The Draft Regulation needs to be harmonised with other laws and regulations relevant to human trafficking at both the national and regional level.
4. All relevant stakeholders and the public should become involved at the dissemination stage in order to gain actual data and input regarding the conditions and situation of human trafficking in Batam City.

It is important to note that a merely well-drafted regulation cannot guarantee its effective implementation. Other factors stated by the Effectiveness of Law Theory must support it. Hence, the Revised Batam Human Trafficking Regulation should be supported by professional law enforcers, good legal facilities, and a pro-active society whose legal culture aims to combat human trafficking. In addition, the Batam City House of Representatives should also be proactive in carrying out its monitoring function to examine the effective implementation of the revised Regulation. In brief, this proposed solution is described by Figure 4.

**Figure 4: The mechanisms of revising Batam Human Trafficking Regulation**

Source: Compiled by the authors

## CONCLUSIONS AND IMPLICATIONS

Batam City Government has implemented Municipal Regulation of Batam City No.5 of 2013 on the Prevention and Handling of Human Trafficking Victims. Yet, stakeholders claim that the Regulation cannot be effectively implemented because its substance does not reflect the conditions and situation of Batam City as a destination and transit area of human trafficking victims. After examining the documents used to draft the Regulation, it is concluded that:

1. The causes of the ineffective implementation of the Regulation are derived from the failure of the academic manuscript to detail the conditions and situation of Batam City as a transit area. This flaw has led to the drafting of inappropriate provisions for the Draft Regulation.
2. The Draft Regulation is not consistent with the academic manuscript because most of the provisions were copied and pasted from those of the West Java Regional Regulation on Human Trafficking.

Two solutions are proposed to fill the lacunas of the Regulation. In the short run, the Batam City Mayor should issue a regional action plan against human trafficking for 2015-2020 that can be used as a guideline by stakeholders. In the long run, the ineffective provisions of the Regulation need to be revised.

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