

Juridical Review of Human Trafficking as a Transnational Crime

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ABSTRACT

Human trafficking across national borders represents a critical challenge to Indonesia's national security and human rights protection. This study aims to evaluate the effectiveness of international cooperation mechanisms in counter-trafficking efforts and analyze the strategic approaches implemented by Lemhannas RI (Indonesia's National Resilience Institute) and BNPP (National Border Management Agency) in combating transnational crime at Indonesia's borders. This research employs a descriptive-qualitative methodology through document analysis, policy review, and examination of legal frameworks, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, ratified through Law No. 7/1984), Law No. 21/2007 on Human Trafficking Eradication, and the Palermo Protocol standards. The results reveal that while Indonesia has established a progressive legal framework, implementation faces challenges due to economic disparities, demographic pressures, and patriarchal norms. International cooperation mechanisms show limited effectiveness due to jurisdictional complexities and weak cross-border coordination. The strategic approaches by Lemhannas RI and BNPP require strengthened inter-agency collaboration and enhanced border control mechanisms, particularly in vulnerable maritime regions. The study concludes that effective human trafficking eradication demands an integrated approach combining robust law enforcement, enhanced international cooperation, and targeted socio-economic interventions. Recommendations include strengthening maritime border surveillance, developing comprehensive victim protection programs, and establishing more effective international cooperation mechanisms.

ABSTRAK

Perdagangan manusia lintas batas negara merupakan tantangan kritis bagi keamanan nasional dan perlindungan hak asasi manusia Indonesia. Penelitian ini bertujuan untuk mengevaluasi efektivitas mekanisme kerja sama internasional dalam upaya penanggulangan perdagangan manusia dan menganalisis pendekatan strategis yang diterapkan oleh Lemhannas RI (Lembaga Ketahanan Nasional Indonesia) dan BNPP (Badan Nasional Pengelolaan Perbatasan) dalam memerangi kejahatan transnasional di perbatasan Indonesia. Penelitian ini menggunakan metodologi deskriptif-kuantitatif melalui analisis dokumen, tinjauan kebijakan, dan pemeriksaan kerangka hukum, termasuk Konvensi Penghapusan Segala Bentuk Diskriminasi terhadap Perempuan (CEDAW, diratifikasi melalui UU No. 7/1984), UU No. 21/2007 tentang Pemberantasan Perdagangan Manusia, dan standar Protokol Palermo. Hasil penelitian mengungkapkan bahwa meskipun Indonesia telah menetapkan kerangka hukum yang progresif, implementasinya menghadapi tantangan karena kesenjangan ekonomi, tekanan demografi, dan norma patriarki. Mekanisme kerja sama internasional menunjukkan efektivitas yang terbatas karena kompleksitas yurisdiksi dan koordinasi lintas batas yang lemah. Pendekatan strategis yang dilakukan Lemhannas RI dan BNPP mensyaratkan adanya penguatan kolaborasi antar lembaga dan peningkatan mekanisme pengawasan perbatasan, khususnya di wilayah maritim yang rentan. Kajian ini menyimpulkan bahwa pemberantasan perdagangan manusia yang efektif menuntut pendekatan terpadu yang menggabungkan penegakan hukum yang kuat, peningkatan kerja sama internasional, dan intervensi sosial-ekonomi yang terarah. Rekomendasi yang diberikan meliputi penguatan pengawasan perbatasan maritim, pengembangan program perlindungan korban yang komprehensif, dan pembentukan mekanisme kerja sama internasional yang lebih efektif.

ARTICLE HISTORY

Received 21 April 2025

Accepted 25 May 2025

Published 31 May 2025

KEYWORDS

Human Trafficking; Transnational Crime; Border Security; International Cooperation; Victim Protection; Indonesia.

KATA KUNCI

Perdagangan Manusia; Kejahatan Transnasional; Keamanan Perbatasan; Kerjasama Internasional; Perlindungan Korban; Indonesia.

1. Introduction

Trafficking in persons is considered to be one of the worst violations of human dignity in the contemporary world. It is a transnational organized crime that seriously endangers global security, social stability and human rights. As per the recent figures released by the International Labor Organization (ILO) estimates that 40.3 million people are forced into modern slavery; this modern slavery includes forced labor and human trafficking and 12% are child slaves. According to the United Nations Office on Drugs and Crime (UNODC), human trafficking is the third most profitable form of organized crime, after drug and arms trafficking. This crisis has been intensified by the COVID-19 pandemic, which has both amplified economic disparities and eroded criminal justice, hitting especially hard on the most vulnerable segments of society, such as women and children.

Due to its distinctive geographical features, as the largest archipelagic country on earth, Indonesia represents a challenge point in the global trafficking network, functioning both as a sending, transit and receiving country. According to the latest news from the Ministry of Women's Empowerment and Child Protection (KPPPA), there has been a disturbingly high increase in the number of human trafficking, in which women and children are trafficked mostly to Malaysia and Middle Eastern countries. The nation's long coastline and limited border monitoring equipment make it extremely vulnerable, particularly in outlying islands which are way stations for traffickers. Social and economic factors are also significant including entrenched poverty and lack of education, especially in eastern Indonesia, where populations can be far more vulnerable to exploitation.

The legal regulation on human trafficking in Indonesia is based on two main instruments namely the international Palermo Protocol (2000) and the domestic Law No. 21 of 2007 on the Eradication of the Crime of Trafficking in Persons (TPIPO Law). While the Palermo Protocol focuses on victim protection and prevention by establishing the need for international cooperation, the TPIPO Law sets severe punishments for perpetrators that include up to 15 years in prison. Nonetheless, the robust implementation of these legal frameworks is stymied by a number of obstacles, not the least of which is the spotty enforcement of the law, by law enforcement authorities who understand little of it.

On the descriptive side, comparisons across regions show similar patterns of trafficking in Southeast Asia, Eastern Europe, and Africa, indicating the global nature of the problem. On one hand, in the case of ASEAN, economic inequality and political fragility exacerbate the flow of illegal migrants whereas in the case of Africa, conflict and gender-based inequality render the populace susceptible to tricking. The fact that Indonesia is in the top 10 countries with the most trafficking cases, of which 82% of sexual exploitation cases are women and children, highlights almost an emergency to deal with it.

Human trafficking in Indonesia The difficulty of addressing human trafficking in Indonesia is further increased because: 1) Indonesia is an archipelagic environment and the location creates many geographical challenges, 2) economic disparities across different areas in the country and iii) weak mechanisms for coordinating cross-border collaboration. Its archipelagic geography, with hundreds of sea lanes and far-flung islands, makes it hard to monitor and for trafficking syndicates to operate in. Extreme poverty in places like Papua and Maluku, and hazardous patriarchal cultural practices, make these areas conducive to the continued exploitation of vulnerable groups. This research fills a gap in the knowledge by using a multi-disciplinary approach exploring the possibilities of integrating the study of transnational law, geographical factors for Indonesia, and socio-economic aspects. The work focuses on assessing the adequacy of international and domestic legal processes in addressing human trafficking across

borders, identifying systemic and legal obstacles to law enforcement coordination in Indonesia, and developing recommendations for evidence-based policy intervention focused on regional cooperation and local community empowerment. By providing in-depth analysis, this study aims to contribute to enhancing the transnational legal framework, as well as victim protection system, and the overall solutions of the fight against human trafficking in Indonesia and beyond.

2. Methodology

This study uses a normative (doctrinal) legal research method that emphasizes law as a system of norms, referring to the opinion of Soerjono Soekanto and Sri Mamuji that this research is library research and relies on secondary data. The approach chosen refers to the perspective of Fadjat Muchti and Yulianto Achmad, where researchers determine the perspective and framework of thinking to systematically analyze the substance of the problem. The nature of this research is descriptive, aiming to explain legal phenomena objectively in accordance with the definition of the Great Dictionary of the Indonesian Language. Secondary data sources include primary legal materials (legislation, jurisprudence), secondary (books, journals, research results), and tertiary (dictionaries, encyclopedias). Data collection was carried out through a literature study based on Article 20 of Law Number 43 of 2007 concerning Libraries, including sources from national, public, school, college, and special libraries. Data analysis was carried out qualitatively using the legislative approach method to explore relevant legal theories in order to draw conclusions. The literature review focuses on two main themes: first, the crime of human trafficking which includes elements of recruitment, transportation, exploitation, and human rights violations, as well as its impacts such as physical-psychological trauma and social inequality. Second, transnational crime, which is defined as a violation of law, involving more than one country, often carried out by an organized network, with challenges to countermeasures such as jurisdictional complexity and international coordination. Both topics are analyzed through a normative legal perspective to understand the complexity of regulation and its implications in a global context.

3. Results

3.1 International Legal Framework and Implementation in Indonesia

The role of international legal instruments in the eradication of human trafficking in Indonesia is the main foundation in shaping national policies. The Palermo Protocol 2000, which Indonesia ratified in 2009, is an important milestone in strengthening the legal framework to prevent human trafficking, protect victims, and prosecute perpetrators. This protocol encourages Indonesia to adopt principles such as the criminalization of human trafficking, human rights-based victim protection, and transnational cooperation. Its implementation is reflected in Law No. 21/2007 on the Eradication of Trafficking in Persons (PTPPO), which regulates severe sanctions for perpetrators and victim protection mechanisms. In addition to the Palermo Protocol, organizations such as UNODC and IOM play an active role in supporting the harmonization of national law with international standards. For example, UNODC helps Indonesia revise policies related to the investigation and prosecution of trafficking cases, while IOM provides technical guidance in designing victim rehabilitation programs. This collaboration is also seen in the preparation of PTPPO's National Action Plan (RAN), which integrates recommendations from the U.S. Department of State's annual Trafficking in Persons (TIP) Report. At the regional level, Indonesia adopted the ASEAN Convention Against Trafficking in Persons (ACTIP) 2015 to strengthen

coordination with Southeast Asian countries. This convention facilitates the exchange of information, training of law enforcement officials, and harmonization of victim handling policies. A concrete example is bilateral cooperation with Malaysia and Thailand in handling cases of human trafficking in the plantation sector and the sex industry, which often involve victims from Indonesia.

3.2 The Role of International Organizations in Funding and Monitoring

Financial and technical support from international organizations is a catalyst for the effectiveness of the program to eradicate human trafficking in Indonesia. UNODC and IOM, for example, provide funding assistance for the training of law enforcement officials, such as police, prosecutors, and judges, in identifying trafficking modus operandi and collecting digital evidence. The program increases the capacity of investigators to handle complex cases, such as child trafficking for sexual exploitation or forced labor on fishing boats. In addition to funding, international organizations such as Human Rights Watch (HRW) and Amnesty International play a role in monitoring and evaluating Indonesia's policies. The annual TIP Report from the US is an important reference to measure Indonesia's progress, including in aspects of victim protection and law enforcement. For example, in 2021, this report criticized the slow trial process of human trafficking cases and recommended an increase in budget allocation for witness protection agencies. Monitoring is also carried out through data-driven projects, such as the mapping of human trafficking routes in the Indonesia-Malaysia border area by IOM. This data is used to optimize cross-border patrols and socialize the risks of illegal migration. UNICEF also contributes to child trafficking monitoring programs, especially in vulnerable areas such as East Nusa Tenggara and Kalimantan, through collaboration with local governments and NGOs.

3.3 Victim Protection and Handling of Illegal Migration

The protection of victims of trafficking requires a holistic approach that involves medical, psychological, and social reintegration services. IOM and UNICEF are working with the Ministry of Women's Empowerment and Child Protection (KPPPA) to provide temporary shelter, trauma counselling, and skills training for victims. For example, IOM's Counter-Trafficking Assistance program has helped more than 1,000 victims in Indonesia since 2015, including the repatriation of trafficked victims to the Middle East. The handling of illegal migration as the root of human trafficking has also received serious attention. Indonesia is working with migrant workers' home countries, such as the Philippines and Nepal, to strengthen a secure labor recruitment system. Initiatives such as the One-Roof Service System at international ports aim to verify migrant workers' documents and prevent falsification of permits. IOM also developed the Migrant Care app to provide legal information and track cases of exploitation. Public awareness campaigns are an important preventive strategy. UNODC and the Ministry of Social Affairs organized seminars in rural and coastal areas to educate the public about the fraudulent modes of human trafficking. Campaign materials are focused on vulnerable groups, such as poor women and school dropouts, using local media and religious leaders as partners in disseminating information.

3.4 Information Exchange and Multilateral Cooperation Forum

Cross-border coordination in the exchange of intelligence information is the key to handling transnational human trafficking. Interpol supports Indonesia through the I-24/7 system that allows access to global criminal data, such as the identity of perpetrators recorded on the wanted persons list (DPO). This collaboration succeeded in uncovering human trafficking networks from Indonesia to Malaysia in 2020, involving 15 suspects. At the regional level, Indonesia is active in the ASEAN Senior Officials Meeting on Transnational Crime (SOMTC) to develop a joint enforcement strategy. This forum resulted in initiatives such as joint training of police officers of ASEAN countries in the investigation of human trafficking cases and the establishment of crisis centers at the

border. Cooperation with Australia through the Bali Process also strengthens law enforcement capacity in the Eastern Indonesian archipelago. Participation in global forums such as the Global Forum on Migration and Development (GFMD) allows Indonesia to share best practices and advocate for migration policies from a human rights perspective. For example, Indonesia proposed a safe migration pathways scheme to reduce the risk of human trafficking, which was then adopted as a recommendation in the 2022 GFMD declaration.

3.5 Evaluation of Effectiveness and Future Challenges

Despite significant progress, structural challenges such as corruption, weak inter-agency coordination, and budget constraints still hinder the eradication of human trafficking. The 2023 HRW report highlights the lack of punishment for high-profile perpetrators involving public officials, as well as the slow rehabilitation process of victims. On the other hand, the low public understanding of the PTPPO Law makes many cases unreported. Future recommendations include strengthening Technical Implementation Units (UPT) in remote areas, increasing budgets for victim protection agencies, and integrating technology in investigations. Collaboration with local academics and NGOs is also needed to develop community-based monitoring systems. By strengthening the synergy between national policies and international commitments, Indonesia can achieve the 2030 SDGs target in eliminating human trafficking.

4. Discussion

Human trafficking as a transnational crime has undermined human rights, global security, and social well-being on an alarming scale. ILO data (2022) shows 40.3 million victims of modern slavery, of which 12% are children, while the UNODC ranks human trafficking as the third largest organized crime after drugs and weapons. Indonesia, as a country of origin, transit, and destination for human trafficking (Ministry of PPPA), faces complexity due to the geographical factors of the archipelago, economic vulnerability, and weak border controls. The study by Ramadhani *et al* (2023) confirms that small islands in Indonesia are often transit points of international networks, supported by IOM reports on a 23% increase in cases of trade via maritime routes since 2020. Despite having ratified the Palermo Protocol (2009) and adopted Law No. 21/2007, the implementation of the law is still hampered by inconsistencies in enforcement, as criticized by Daud & Sopoyono (2019) who found that only 32% of perpetrators in Indonesia received the maximum punishment.

International cooperation is the key to handling, but it faces significant juridical challenges. Differences in the legal system between countries—such as the conflict between Malaysia's common law and Indonesian civil law—make it difficult to extradite perpetrators, as seen in the case of the 2020 Indonesia-Malaysia human trafficking network involving 15 suspects, but only 5 were successfully extradited (Interpol, 2023). The ASEAN Convention Against Trafficking in Persons (ACTIP) 2015 is not yet fully effective as only 60% of member countries have allocated a dedicated budget for its implementation (Apriliani & Rahmat, 2023). On the other hand, international assistance programs such as IOM's Counter-Trafficking Assistance have helped 1,000+ victims in Indonesia since 2015, including the repatriation of 120 victims from the Middle East in 2022. However, the Trafficking in Persons Report (2023) criticized the slow process of victim rehabilitation in Indonesia, with only 18% of victims receiving full legal assistance. The complexity of the problem is compounded by structural root causes such as poverty and educational inequality. A study by Sa'diyah *et al* (2021) in Central Java found that 68% of trafficking victims came from families with incomes below the minimum wage, while Martin & Runturambi (2024) revealed that 41% of victims of children dropped out of elementary school. BPS data (2023) shows that 22.4 million

Indonesians are still living below the poverty line—a factor that syndicates exploit through fake job posting scams. Although the PTPPO National Action Plan 2020-2024 has allocated IDR 1.2 trillion for prevention, this budget only covers 8% of the total needs according to the calculations of the Ministry of PPPA (2023). At the global level, the COVID-19 pandemic increased vulnerability by 30% according to the ILO (2022), with cases of child trafficking for online sexual exploitation increasing by 65% in Southeast Asia.

National law enforcement efforts are still fragmented. Although the PTPPO Law threatens a sentence of 3-15 years in prison, the Hapsoro study (2023) found that the average sentence for perpetrators in Indonesia is only 4.2 years. Weak coordination can be seen from only 12% of cases involving cross-agency cooperation (Ministry of Law and Human Rights, 2023), while corruption in the migration sector was recorded in 18% of trafficking cases (HRW, 2023). Innovations such as the Migrant Care app by IOM have helped 15,000 migrant workers access legal information since 2021, but their coverage is still limited to 15% of provinces. Indonesia's geographical challenges as an archipelagic country are also reflected in the findings of UNODC (2022) that 40% of maritime patrols fail to detect fishing vessels carrying victims of forced labor.

Comprehensive solutions require multisectoral policy integration. Lessons learned from the Philippines' success in reducing 40% of human trafficking cases through the Anti-Trafficking Task Forces (2021) demonstrate the importance of government-NGO synergy. In Indonesia, strengthening the UPT in 186 border-prone points needs to be accompanied by an increase in the victim protection budget from IDR 214 billion (2023) to a minimum of IDR 500 billion according to the recommendations of Komnas HAM (2023). Public education through 2,400 community watch groups in disadvantaged areas—such as the successful model in NTT that reduced 35% of child trafficking cases (UNICEF, 2022)—must be expanded. Collaboration with academics to develop an AI-based early warning system, such as the University of Indonesia's prototype that is able to predict 72% of human trafficking risks in 15 districts, needs to be adopted nationally. Without a holistic approach that combines law enforcement, victim protection, and root cause eradication of poverty, human trafficking will remain a scourge to human dignity.

5. Conclusion

Efforts to eradicate human trafficking in Indonesia cannot be separated from the critical role of international cooperation, which includes technical, financial assistance, and law enforcement capacity building, as well as victim protection through rehabilitation and reintegration programs. Collaborations with organizations such as UNODC, IOM, and Interpol have strengthened the national legal framework, for example through the implementation of the Palermo Protocol and Law No. 21/2007, while facilitating the exchange of intelligence information to deal with transnational crime networks. The cross-border nature of human trafficking demands sustained coordination between countries, as seen in cases on the Indonesia-Malaysia border, where regional synergies have succeeded in uncovering syndicates and repatriating victims. Without global support, the effectiveness of national policies will be hampered by resource constraints and jurisdictional complexity.

On the other hand, the long-term success of eradicating trafficking depends on the integration between international commitments, government responses, and community participation. Technical assistance from agencies such as UNICEF in the recovery of child victims and IOM's programme for safe migration has shown significant impact, but needs to be strengthened with public education to prevent economic and social vulnerability. Multilateral forums such as ASEAN ACTIP and the Bali Process have become strategic forums to harmonize legal standards and accelerate the extradition of

perpetrators. By strengthening multi-sectoral collaboration—from law enforcement, victim rehabilitation, to economic empowerment—Indonesia can create an ecosystem that is resistant to exploitation, while contributing to the global agenda to eliminate human trafficking.

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