

LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

The Effectiveness of Legal Protection for Women and Children Victims of Human Trafficking from a Human Rights Perspective in Indonesia

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Abstract. *Human trafficking is a transnational crime that constitutes a serious violation of human rights, particularly affecting women and children as vulnerable groups. Although Indonesia has enacted various legal instruments, including Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking, the implementation of victim protection remains challenging. This study aims to analyze the effectiveness of legal protection for women and child victims of human trafficking from a human rights perspective in Indonesia. The study employs a qualitative method with a normative juridical approach through thematic analysis of laws and regulations, human rights instruments, and relevant literature. The findings reveal that the national legal framework has incorporated victim protection principles through prevention measures, victim identification and rescue, physical, psychological, and legal protection, rehabilitation, social reintegration, and the provision of restitution. However, the effectiveness of its implementation has not yet been optimal due to limited public awareness, inadequate resources and service facilities, weak inter-agency coordination, and increasingly complex trafficking patterns, including those facilitated through digital media. Therefore, strengthening regulations, enhancing the capacity of law enforcement officers and service providers, adopting a human rights-based and victim-centered approach, and reinforcing national and international cooperation are essential to ensure comprehensive legal protection for women and child victims of human trafficking in Indonesia.*

Keywords: *Human; Legal; Protection; Trafficking.*

1. Introduction

Human Trafficking is a form of transnational organized crime that remains a serious problem in various countries. This crime not only threatens human security but also constitutes a serious violation of human rights, depriving them of the rights to freedom, dignity, security, and a decent life. Victims of human trafficking generally experience various forms of exploitation, such as sexual exploitation, forced labor, modern slavery, organ harvesting, child exploitation, and forced marriage. The

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complexity of human trafficking modus operandi is increasing with the development of information technology, globalization, labor migration, and the use of digital media as a means of recruiting victims. These developments have made prevention and protection efforts increasingly complex, necessitating a comprehensive, human rights-based legal approach.¹

Human trafficking remains a serious global problem. In its Global Report on Trafficking in Persons 2024, the United Nations Office on Drugs and Crime (UNODC) reported that the number of identified trafficking victims increased by approximately 25% compared to 2019, with women and children remaining the largest victim group. In addition to sexual exploitation, there has been an increase in forced labor and the use of digital technology as a means of recruitment and exploitation of victims by transnational crime networks.² Perpetrators exploit these conditions through various methods, such as high-paying job offers, recruitment through social media, fake marriages, and online sexual exploitation. This phenomenon demonstrates that human trafficking is no longer carried out conventionally but has transformed to follow developments in digital technology, requiring a legal protection system that adapts to changing crime patterns.³

From a human rights perspective, the state has an obligation to respect, protect, and fulfill the rights of every citizen, including victims of human trafficking. This principle has been emphasized in the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), which places victim protection as an integral part of the anti-trafficking policy. A human rights-based approach requires that victims not only be positioned as evidence in the criminal justice process, but as rights holders entitled to physical and psychological protection, legal assistance, rehabilitation, restitution, social reintegration, and guarantees against re-victimization. Recent research shows that the success of handling human trafficking is greatly influenced by the extent to which the justice system is able to provide effective protection to victims, rather than solely oriented towards punishing the perpetrator.⁴

¹ Kezban Yagci Sokat, Melissa Chi, and Jonathan Hudlow, "Transit Monitoring Capacity Expansion: Analytics for Combating Human Trafficking," *Transportation Research Interdisciplinary Perspectives* 24 (March 1, 2024): 101032, <https://doi.org/10.1016/J.TRIP.2024.101032>.

² United Nations Office on Drugs and Crime, *Global Report on Trafficking in Persons 2024* (United Nations Office on Drugs and Crime, 2024).

³ Audi Aprilion and Andika Drajat Murdani, "The Role of the Indonesian Government in Mitigating Human Trafficking Cases through Social Media," *Global Local Interactions Journal of International Relations* 4, no. 1 (July 24, 2024): 31–41, <https://doi.org/10.22219/GLI.V4I1.31604>.

⁴ ALIF OKTAVIAN, "INTERNATIONAL LAW AND HUMAN TRAFFICKING: PREVENTION AND CONTROL IN INDONESIA," *Russian Law Journal* 12, no. 1 (February 16, 2024): 1, <https://www.russianlawjournal.org/index.php/journal/article/view/3736>.

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In Indonesia, the development of human trafficking cases also shows that the methods of crime are increasingly diverse and involve networks across regions and even countries. The use of social media, instant messaging applications, and digital platforms as a means of recruiting victims makes the process of identifying and rescuing victims increasingly difficult. Furthermore, women and children who become victims often experience prolonged trauma, social stigma, loss of access to education and employment, and difficulty achieving comprehensive recovery. These conditions indicate that legal protection is not sufficient only through law enforcement against perpetrators, but must also ensure the fulfillment of victims' rights from the stages of identification, rescue, assistance, rehabilitation, and social reintegration.⁵ As a country that has ratified various international instruments concerning human rights and the eradication of human trafficking, Indonesia has established a relatively comprehensive legal framework, including Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking, Law Number 39 of 1999 concerning Human Rights, Law Number 35 of 2014 concerning Child Protection, and various other implementing regulations. Normatively, these regulations have regulated mechanisms for prevention, investigation, prosecution, victim protection, rehabilitation, recovery, and the provision of restitution. However, the existence of regulations does not fully guarantee the effectiveness of legal protection in practice. Various studies indicate that the implementation of victim protection still faces obstacles in the form of weak inter-institutional coordination, limited human resources and budget, suboptimal provision of restitution, and low access for victims to sustainable recovery services.⁶

Several previous studies have examined various aspects of human trafficking. Research by Demeke (2024) emphasizes the importance of implementing a human rights-based approach in the criminal justice system to improve victim protection.⁷ Cooper et al. (2024) identified various factors that influence the effectiveness of the criminal justice system's response to human trafficking, particularly coordination between law enforcement actors and victim identification mechanisms.⁸ Meanwhile, Hidayat et al. (2024) focused their study on the collaborative

⁵ Yulia Kurniaty et al., "Tinjauan Yuridis Tindak Pidana Perdagangan Orang (TPPO) Di Magelang," *Borobudur Law and Society Journal* 3, no. 2 (March 27, 2024): 52–67, <https://doi.org/10.31603/11784>.

⁶ OKTAVIAN, "INTERNATIONAL LAW AND HUMAN TRAFFICKING: PREVENTION AND CONTROL IN INDONESIA."

⁷ Saba Demeke, "A Human Rights-Based Approach for Effective Criminal Justice Response to Human Trafficking," *Journal of International Humanitarian Action* 2024 9:1 9, no. 1 (January 27, 2024): 4-, <https://doi.org/10.1186/S41018-023-00143-4>.

⁸ Fallon Isabella Cooper et al., "Factors That Influence the Criminal Justice Response to Human Trafficking: A Systematic Review of North American and European Studies," *Crime, Law and Social Change* 2024 82:3 82, no. 3 (July 19, 2024): 623–58, <https://doi.org/10.1007/S10611-024-10161-X>.

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governance model for preventing human trafficking in Indonesia.⁹ Aprilion and Murdani's (2024) research outlines the role of social media in the development of human trafficking methods and mitigation strategies through government policy. These studies make important contributions to the development of anti-trafficking policies, but they still focus more on prevention, law enforcement, or institutional governance.¹⁰ This approach is crucial, given that victim protection is a key indicator of the success of anti-trafficking policies. This research offers novelty through an analysis that integrates a human rights perspective, the effectiveness of the implementation of Law Number 21 of 2007, and a victim-centered approach in assessing legal protection for women and children victims of trafficking in Indonesia. Unlike previous research, which focused more on the punishment of perpetrators (offender-oriented approach), this study positions victims as the primary subject whose rights must be fulfilled from the identification process through social reintegration. Furthermore, this study considers the development of digital technology-based human trafficking methods as a new challenge in the implementation of legal protection.

2. Research Methods

This study employed a qualitative research method with a normative juridical approach. This approach was used to analyze the effectiveness of legal protection for women and children victims of human trafficking from a human rights perspective, based on applicable legal provisions, human rights principles, and relevant scientific literature. The normative juridical approach was conducted through a statute approach and a conceptual approach.¹¹ A legislative approach was used to examine various regulations governing the eradication of human trafficking and victim protection, while a conceptual approach was used to analyze the concepts of legal protection, human rights and the protection of women and children as vulnerable groups.

Table Stages of Thematic Analysis

Analysis Stage	Analytical Process	Output
Stage 1. Identification of Legal Materials	Identifying and compiling primary legal materials (statutory regulations, the Palermo Protocol, and human rights instruments) as well as secondary legal materials (scientific journal articles, books, UNODC reports, Trafficking in Persons Report, and other official documents) related to the legal protection of women and children who are victims of trafficking in persons.	Units of analysis consisting of legal norms, concepts, and findings from the literature.

⁹ Rahmat Hidayat, Nico Irawan, and Lina Aryani, "A Scoping Analysis of Collaborative Governance in Preventing and Dealing with the Crime of Human Trafficking in Indonesia," *Journal of Infrastructure, Policy and Development* 8, no. 8 (August 20, 2024): 4614, <https://doi.org/10.24294/JIPD.V8I8.4614>.

¹⁰ Aprilion and Murdani, "The Role of the Indonesian Government in Mitigating Human Trafficking Cases through Social Media."

¹¹ P. M. Marzuki, *Penelitian Hukum (Edisi Revisi, Cetakan Ke-15)* (Jakarta: Kencana, 2021).

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Stage 2. Coding	Assigning codes to data with similar meanings, such as victims' rights, prevention, victim identification, rehabilitation, restitution, inter-agency coordination, implementation barriers, human rights principles, and policy strengthening.	Initial codes representing the main issues addressed in the study.
Stage 3. Categorization	Grouping related codes into broader categories based on conceptual similarities and analytical focus.	Analytical sub-themes, including legal framework, forms of legal protection, influencing factors, human rights perspective, and protection strengthening strategies.
Stage 4. Theme Development	Integrating sub-themes into overarching themes by examining relationships among categories to establish a systematic analytical framework.	Five major themes that constitute the basis for the results and discussion.
Stage 5. Interpretation and Synthesis	Interpreting each theme by integrating national legal provisions, international human rights instruments, and relevant scientific literature to evaluate the effectiveness of legal protection for women and children who are victims of trafficking in persons.	Conclusions regarding the effectiveness of legal protection and recommendations for strengthening human rights-based policies.

3. Results and Discussion

This research was conducted through thematic analysis of various legal sources, including legislation, international human rights instruments, reputable scholarly articles, books, and official documents related to the protection of women and children victims of human trafficking (TPPO). The analysis process began with the identification and categorization of legal materials, followed by systematic interpretation of emerging themes to gain an understanding of the effectiveness of legal protection from a human rights perspective.

Table Thematic Analysis Process

Data Source	Unit of Analysis	Code	Category	Theme
Law No. 21 of 2007 on the Eradication of the Crime of Trafficking in Persons	Provisions on prevention, victim protection, rehabilitation, and restitution	Victim protection	National legal framework	Legal Framework for the Protection of Victims of Trafficking in Persons (TIP)
Law No. 39 of 1999 on Human Rights	Recognition of the rights to protection, security, and human dignity	Victims' rights	Human rights principles	Legal Framework for the Protection of Victims of Trafficking in Persons (TIP)
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol)	State obligations to protect and assist victims	State obligations	International standards	Legal Framework for the Protection of Victims of Trafficking in Persons (TIP)

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Law No. 21 of 2007 on the Eradication of the Crime of Trafficking in Persons	Victims' rights to rehabilitation, repatriation, social reintegration, and restitution	Rehabilitation and restitution	Victim recovery	Forms of Legal Protection for Victims of Trafficking in Persons (TIP)
Law No. 31 of 2014 on the Protection of Witnesses and Victims	Legal assistance, protection during judicial proceedings, and compensation	Legal assistance	Legal protection	Forms of Legal Protection for Victims of Trafficking in Persons (TIP)
Demeke (2024), Journal of International Humanitarian Action	Victim protection should be based on the fulfillment of victims' rights (human rights-based approach)	Human rights-based approach	Protection approach	Protection of Victims from a Human Rights Perspective
Cooper et al. (2024), Crime, Law and Social Change	Effectiveness of protection is influenced by victim identification, inter-agency coordination, and institutional capacity	Inter-agency coordination	Protection implementation	Factors Influencing the Effectiveness of Legal Protection
Hidayat, Irawan, & Aryani (2024), Journal of Infrastructure, Policy and Development	Collaboration among government institutions and stakeholders remains constrained by institutional barriers	Collaborative governance	Protection governance	Factors Influencing the Effectiveness of Legal Protection
United Nations Office on Drugs and Crime (UNODC) (2024), Global Report on Trafficking in Persons	Human trafficking has evolved through digital platforms and transnational criminal networks	Digital trafficking methods	Protection challenges	Factors Influencing the Effectiveness of Legal Protection
Demeke (2024), Journal of International Humanitarian Action	States are obligated to respect, protect, and fulfill victims' rights	Respect, protect, and fulfill	State obligations	Protection of Victims from a Human Rights Perspective
Hidayat et al. (2024), Journal of Infrastructure, Policy and Development	Strengthening cross-sectoral coordination and institutional capacity is essential to improve victim protection	Institutional strengthening	Policy reform	Strategies for Strengthening Legal Protection
United Nations Office on Drugs and Crime (UNODC) (2024)	Strengthening international cooperation and adapting to technology-facilitated trafficking	International cooperation	Prevention and law enforcement	Strategies for Strengthening Legal Protection

Sumber: Diolah Peneliti (2026)

Based on the results of the thematic analysis, five main themes were obtained, namely (1) the legal framework for the protection of victims of human trafficking, (2) forms of legal protection for victims of human trafficking, (3) factors that influence the effectiveness of legal protection, (4) protection of victims from a human rights perspective, and (5) strategies for strengthening legal protection. These five themes are interrelated in explaining how the legal protection system for women and children victims of human trafficking in Indonesia has been normatively constructed, implemented in various policies, faced various challenges, and requires strengthening to align with human rights principles. The results of the analysis are then

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presented based on each theme to provide a comprehensive picture of the effectiveness of legal protection for women and children victims of human trafficking in Indonesia.

Theme 1: Legal Framework for the Protection of Victims of Human Trafficking in Indonesia

These provisions are reinforced by Law No. 39 of 1999 concerning Human Rights, Law No. 35 of 2014 concerning Child Protection, and Law No. 31 of 2014 concerning the Protection of Witnesses and Victims. Normatively, these various regulations demonstrate that victim protection is an integral part of a criminal justice system oriented toward fulfilling victims' rights. This instrument affirms the state's obligation to prevent human trafficking, protect victims, provide access to justice, and strengthen international cooperation in eradicating human trafficking. This approach has developed from a paradigm that was originally oriented towards punishing the perpetrator to a human rights-based approach that positions the victim as the rights holder and the state as the duty bearer.¹²

Theme 2: Forms of Legal Protection for Victims of Human Trafficking

The results of the thematic analysis indicate that legal protection for women and children victims of human trafficking in Indonesia is regulated in Law Number 21 of 2007, Law Number 31 of 2014, and the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol). These regulations position victims as subjects who must receive comprehensive protection through prevention efforts, victim identification and rescue, legal assistance, rehabilitation, social reintegration, and restitution. This arrangement demonstrates that the Indonesian legal system is not solely oriented toward punishing perpetrators, but also toward restoring victims' rights. Although a protection framework is in place, its effective implementation still faces various challenges. Several studies indicate that restitution has not been optimally provided, rehabilitation services are not evenly distributed across regions, and inter-agency coordination in handling victims still needs to be strengthened. Therefore, increasing the capacity of service providers, optimizing victim recovery mechanisms, and strengthening cross-sectoral coordination are crucial steps to achieving effective legal protection that is oriented toward fulfilling human rights.¹³

Theme 3: Factors of Legal Protection

Other factors affecting the effectiveness of legal protection are limited human resources, budget, and supporting facilities. The availability of safe houses (shelters), support staff,

¹² Heni Siswanto et al., "Humanistic Approach in Protecting Victims of Human Trafficking Crimes," *Journal of Infrastructure, Policy and Development* 8, no. 13 (2024), <https://doi.org/10.24294/JIPD9339>.

¹³ Maslihati Nur Hidayati, Claudya Bunga, and Jovita Prasetyo, "Gaps in the Implementation of Restitution for Victims of Human Trafficking in Indonesia: Normative-Empirical and Comparative Analysis," *Journal of Law, Politics and Humanities* 6, no. 3 (March 19, 2026): 1835–42, <https://doi.org/10.38035/JLP.H.V6I3.3132>.

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psychologists, and legal aid remains uneven across regions, so victims' access to protection services often varies from one region to another. Furthermore, low public awareness of human trafficking methods leads to suboptimal prevention and reporting efforts, resulting in many victims going unidentified or receiving protection late.¹⁴ Therefore, effective legal protection requires strengthened cross-sectoral coordination, increased capacity of law enforcement officers and service providers, and the use of technology in the prevention, early detection, and handling of human trafficking cases to ensure more effective and sustainable protection for women and children.¹⁵

Theme 4: Victim Protection from a Human Rights Perspective

The results of the thematic analysis indicate that the protection of women and children victims of human trafficking is part of the fulfillment of human rights that must be guaranteed by the state. From a human rights perspective, victims are viewed as rights holders entitled to protection of their rights to life, liberty, security, dignity, and freedom from all forms of exploitation. This principle aligns with the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), which emphasizes that victim protection must be an integral part of efforts to prevent and eradicate human trafficking. An analysis of existing laws and regulations shows that Indonesia has adopted human rights principles through Law Number 39 of 1999 concerning Human Rights, Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking, and Law Number 35 of 2014 concerning Child Protection. This regulation reflects the state's obligation to respect, protect, and fulfill victims' rights through the provision of legal aid, rehabilitation, restitution, and social reintegration. Thus, legal protection is not solely oriented toward punishing perpetrators but also toward the victim's comprehensive recovery.

Theme 5: Strategy for Strengthening Legal Protection

The results of the thematic analysis indicate that strengthening legal protection for women and children victims of human trafficking requires efforts that focus not only on improving regulations but also on increasing the effectiveness of their implementation. Regulatory strengthening needs to be directed at adapting to developments in digital technology-based human trafficking methods, increasing the certainty of restitution implementation, and harmonizing policies between agencies to ensure more integrated victim care. In addition to

¹⁴ Leslie Hill and M. Kristen Hefner, "Successes and Challenges in Implementing a Human Trafficking Screening Tool in a Local Detention Center," *Journal of Applied Social Science* 18, no. 1 (March 1, 2024): 241–58, <https://doi.org/10.1177/19367244231219940>.

¹⁵ Lindsay B. Gezinski and Kwynn M. Gonzalez-Pons, "Sex Trafficking and Technology: A Systematic Review of Recruitment and Exploitation," *Journal of Human Trafficking* 10, no. 3 (July 2, 2024): 497–511, <https://doi.org/10.1080/23322705.2022.2034378>.

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regulatory aspects, increasing the capacity of law enforcement officials and service providers is a crucial factor in achieving effective protection. Officials need to be equipped with competencies in handling victims that are human rights-based, gender-sensitive, and child-friendly. Furthermore, the provision of safe houses (shelters), rehabilitation services, legal aid, and psychosocial support needs to be expanded to ensure equitable access for victims throughout Indonesia. Strengthening coordination between the government, law enforcement officials, victim protection agencies, and civil society organizations is also a crucial element in improving service quality.

4. Conclusion

Based on the results of the thematic analysis, this study yielded five main themes. First, the national legal framework has provided a relatively comprehensive basis for the protection of women and children victims of human trafficking through various laws and regulations aligned with human rights principles. Second, legal protection encompasses prevention efforts, victim identification and rescue, physical, psychological, and legal protection, rehabilitation, social reintegration, and restitution as part of restoring victims' rights. Third, the effectiveness of legal protection still faces various obstacles, including low public awareness, limited resources and service facilities, weak inter-institutional coordination, and the proliferation of human trafficking methods through digital media. Fourth, victim protection must be implemented using a human rights-based and victim-centered approach, positioning victims as rights holders who receive comprehensive protection, recovery, and access to justice. Fifth, a strategy is needed to strengthen legal protection through improved regulatory implementation, increased capacity of law enforcement officers and service providers, strengthened cross-sectoral coordination, and national and international cooperation to ensure effective, comprehensive, and sustainable legal protection for women and children victims of human trafficking.

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