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

Legal Review of the Criminal Acts of Human Trafficking in Indonesia

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Abstract. *The crime of human trafficking is briefly regulated in Article 297 of the Criminal Code (KUHP) and Article 65 of Law Number 39 of 1999 on Human Rights. This demonstrates the strict supervision of human trafficking in this country. The purpose of this paper is to understand the criminal law policy regarding the crime of human trafficking and the factors causing it. This research uses normative legal methods to address issues related to human trafficking. The data types and sources used are secondary data, consisting of primary legal materials, secondary legal materials, and tertiary legal data. Data collection methods include literature and qualitative analysis. The research results show that the law enforcement process against human trafficking in Indonesia has a strong legal basis through the Anti-Trafficking Law and the Criminal Code. However, challenges remain, such as a lack of public understanding of human trafficking, limited law enforcement resources, and intimidation of victims and witnesses. Therefore, collaborative efforts between the government, law enforcement, and the community are needed to increase the effectiveness of eradicating this crime.*

Keywords: *Criminal; Human; Legal; Review; Trafficking.*

1. Introduction

Based on the provisions of Law Number 21 of 2007, especially Article 1 paragraph (1), the crime of human trafficking is a series of actions that include recruiting, transporting, receiving, sending, moving, or receiving a person in unlawful ways. These methods include various forms of threats, violence, kidnapping, confinement, document falsification, fraud, and abuse of power or vulnerable positions, including the practice of extorting debt or giving rewards so that the victim gives consent to the party controlling them. This act can occur domestically or between countries, with the intention of exploiting or causing someone to be used for certain

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purposes.¹In its implementation, victims are often treated like merchandise, thereby losing their basic rights as human beings, which clearly violates the principles of human rights.² Human trafficking has profound and complex consequences for those involved. These impacts extend beyond physical conditions such as health problems, disability, HIV/AIDS infection, and other sexually transmitted infections (STIs) to psychological aspects such as stress, trauma, and depression. Furthermore, victims often experience economic losses due to the loss of jobs and sources of income, as well as difficulties in reestablishing their social lives.³In many cases, women are the most vulnerable group, often placed in a position of weakness and vulnerability to exploitation.

This situation is exploited by perpetrators by forcing victims to work without adequate wages, often using them as commercial sex workers in prostitution practices, as researched by Annisa and Muwahid in 2024. Human trafficking remains a significant issue, both domestically and globally. This crime is typically committed by organized groups across multiple countries, making it difficult to eradicate. Human trafficking remains one of the fastest-growing crimes in the world. In Indonesia, this often occurs through offers of jobs promising high salaries, targeting vulnerable groups, particularly women and children. Data from the Ministry of Women's Empowerment and Child Protection shows that between 2017 and October 2022, there were 2,356 reported cases of human trafficking, with 50.97% of the victims being children, 46.14% being women, and 2.89% being men. This demonstrates that human trafficking affects not only the economic aspect but also various dimensions, including social, cultural, political, and humanitarian dimensions.⁴

Various cases demonstrate that the primary causes of human trafficking are generally related to economic conditions, particularly poverty and limited employment opportunities. These conditions encourage people to seek employment through risky means, increasing their vulnerability to becoming victims of human trafficking.⁵Furthermore, perpetrators typically operate within networks or syndicates, both nationally and internationally, to facilitate the

¹ Suhendro, T., & Resi, A. P, *Guidelines for Handling the Crime of Human Trafficking*, International Organization for Migration (IOM) Indonesia, 2021.

² Akhirudin, & Gunadi, A, *Legal Review of the Crime of Human Trafficking* . Rewang Rencang: Jurnal Hukum Lex Generalis, 5(10), 2024.

³ Sulistyowati, & Kurniaty, Y, *Legal Review of Human Trafficking Crimes (TPPO) in Magelang* , Borobudur Law and Society Journal, 3(2), 2024, 52–67.

⁴ Azzahra, NA, & Prasetyo, H, *Legal Review of Human Trafficking Crime Cases in the International Scope*, Indonesian Legal Media, 2(2), 2024, 660–666.

⁵ Novita, & Kurniasi, R, *The Crime of Human Trafficking in Indonesia* , Satya Dharma: Journal of Legal Studies, 7(2), 2024, 332–345.

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recruitment and exploitation of victims. The forms of exploitation vary, from individual trafficking and organ trafficking to forced labor or modern slavery, to exploitation in the entertainment sector. These practices clearly violate the law and contradict humanitarian values.⁶

As a countermeasure, the Indonesian government has enacted Law Number 21 of 2007 concerning the Eradication of Human Trafficking. This regulation aims to provide protection to victims while imposing strict sanctions on perpetrators. Article 10 states that any party who assists or attempts human trafficking can be subject to imprisonment for a minimum of 3 years and a maximum of 15 years, and a fine of a minimum of Rp120,000,000 and a maximum of Rp600,000,000. In addition, protection for victims is also guaranteed in the 1945 Constitution, specifically Articles 28G and 28I, which affirm the right of every person to receive protection from violence and treatment that degrades human dignity. The crime of human trafficking is briefly regulated in Article 297 of the Criminal Code (KUHP) and Article 65 of Law Number 39 of 1999 on Human Rights. This shows how strict supervision of human trafficking is in this country.

Human trafficking can be categorized as a crime against humanity that must be eradicated seriously and sustainably (Sulistyowati & Kurniaty, 2024)⁷. In practice, law enforcement against human trafficking in Indonesia still faces various obstacles. Data from the Criminal Investigation Agency of the Indonesian National Police (Bareskrim Polri) shows that there were 133 human trafficking cases handled in one period, consisting of 89 cases related to migrant workers, 22 cases of sexual exploitation, and 22 other cases. At the end of the period, 46 cases were still under investigation. When compared with previous years, the number of unresolved cases shows fluctuations, indicating that the handling of human trafficking is not yet fully optimal. Meanwhile, the government has prosecuted 223 cases and sentenced 217 defendants, although this number has also changed over time (MPR, 2023).

2. Research Methods

This research uses a normative legal method that aims to address issues related to human trafficking. The focus of the study is directed at analyzing legal regulations, causal factors, and impacts of human trafficking as stated in laws and various legal literature. Because of its normative nature, this research was not conducted in a specific location, but rather emphasized library studies characterized by analysis of legal norms, principles, and developing doctrines.

⁶Ray, KG Z, *Legal Review of the Crime of Human Trafficking in Indonesia (Case Study of Decision Number 60/Pid.Sus/2020/PN.Cjr)*, Journal Humaniora: Journal of Law and Social Sciences, 3(2), 2025, 91–98.

⁷Sulistyowati, & Kurniaty, Y, *Legal Review of Human Trafficking Crimes (TPPO) in Magelang. Borobudur*, Law and Society Journal, 3(2), 2024, 52–67.

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⁸The data used in this study are secondary data, consisting of primary legal materials such as Law Number 21 of 2007 concerning the Eradication of Human Trafficking, secondary legal materials in the form of books, scientific journals, and previous research results, and tertiary legal materials such as dictionaries and legal encyclopedias. In normative research, there is no known term population or sampling technique as in empirical research, because the objects studied are legal norms and documents. Data collection was conducted through library research by reviewing and analyzing various relevant sources. ⁹Furthermore, data analysis was conducted using a qualitative descriptive method, namely through the process of grouping, interpreting, and linking data to applicable legal theories and norms.¹⁰

3. Results and Discussion

In Indonesia, the law on human trafficking was initially contained in Article 297 of the Criminal Code, which only covered the trafficking of women and minor boys. However, due to the increasing complexity of the crime, the old provisions were deemed inadequate and were eventually replaced with more comprehensive regulations through Law Number 21 of 2007 concerning Handling Acts of Theft and Human Trafficking. In addition, protection for children is also regulated in Article 83 of Law Number 23 of 2002 concerning Child Protection. This law has been updated through Law Number 35 of 2014 and Law Number 17 of 2016. Both laws specifically provide protection to children, who are included in groups vulnerable to exploitation.

The crime of human trafficking involves several stages, such as inviting someone to join, bringing or transporting them from one place to another, receiving them at a location, sending them to a specific location, moving them from one location to another, and finally receiving them at their destination. This process is carried out through unlawful means, such as threats, violence, kidnapping, confinement, falsifying documents, deception, unlawful use of power, or exploiting a person's vulnerability. Furthermore, this practice can also involve back-debt or the offering of rewards in exchange for permission from a party controlling the victim, both nationally and internationally, with the intent to exploit or cause someone to suffer undue benefits.

Human trafficking (TPPO) is a crime that violates human rights and is a type of crime committed in an organized manner, usually involving several countries. According to Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking, human trafficking is defined

⁸Muhaimin, 2020, *Legal Research Methods*, Mataram University Press, Mataram.

⁹Tanjung, E. R, *Descriptive Research in Education*, 3(3), 168–176, 2025,

¹⁰Haryoko, S, 2020, *Qualitative Research Data Analysis (Concepts, Techniques & Analysis Procedures)*, Makassar State University Publishing Agency, Makassar

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as any act that includes the process of recruiting and accepting someone through certain methods, with the aim of exploiting them illegally. Forms of exploitation can include sexual harassment, forced labor, slavery, and even the trafficking of organs. The impact is not only detrimental to the victim, but also affects social life and human values in general. This crime does not only occur domestically, but also involves several countries and is an organized crime and violates human rights. The forms of exploitation that occur are diverse, resulting in a wide impact, both on individuals and social life as a whole.

The crime of human trafficking is briefly regulated in Article 297 of the Criminal Code (KUHP) and Article 65 of Law No. 39 of 1999 on Human Rights. This shows how strict supervision of human trafficking is in this country. Article 297 of the Criminal Code stipulates that "trafficking of women and trafficking of underage men is punishable by a maximum imprisonment of six years." This is reaffirmed in Article 65 of Law No. 39 of 1999 which states: "Every child has the right to protection from sexual exploitation and abuse, kidnapping, child trafficking, and various forms of abuse of narcotics, psychotropics, and other addictive substances." In other words, Article 297 of the Criminal Code and Article 65 of Law No. 39 of 1999 stipulate that all victims of human trafficking crimes have the right to receive legal protection in accordance with established provisions. According to Law Number 13 of 2006 concerning the Protection of Witnesses and Victims (Witness and Victim Protection Law), witnesses and victims are considered important elements in proving criminal cases, "that one of the valid evidence in the criminal punishment system comes from the testimony of Witnesses and/or Victims who heard, witnessed, or directly experienced the occurrence of a crime in an effort to seek and find clarity regarding the legal violations that occurred". Although there are provisions in the 1945 Constitution, in practice there are often variations in the application between one individual and another regarding the equality of all people before the law, which often causes problems because justice is not received equally. In reality, law enforcement practices are not in line with these principles, so steps are needed to achieve fair law enforcement for everyone.

Human trafficking (TPPO) is an organized crime that violates human rights and generally targets vulnerable groups. ¹¹From a criminological perspective, this phenomenon can be explained through the concept of push and pull factors, namely the existence of push factors from the region of origin and pull factors from the destination region. The main push factors include poverty, unemployment, and economic inequality, which encourage individuals to seek

¹¹Pambudi, KA B, *Analysis of Socio-Economic Problems in the Crime of Human Trafficking: A Literature Study*, Arus Jurnal Sosial dan Humaniora, 5(2), 2025, 3291–3299.

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employment without considering the risks. ¹²In addition to economic factors, low levels of education and legal literacy also increase the community's vulnerability to TIP. Individuals with low levels of education tend to have difficulty recognizing fraud or exploitation. This condition is exacerbated by the lack of legal outreach from the government. ¹³From a sociological perspective, patriarchal culture contributes to the high rate of TIP, particularly against women and children. In this social structure, women are often in a subordinate position, making them more vulnerable to exploitation. Perpetrators exploit this situation through various methods, such as job offers, contract marriages, and sexual exploitation.¹⁴

Advances in information technology have also transformed crime patterns, making them more modern and difficult to detect. Perpetrators utilize social media and digital platforms to recruit and control victims, indicating a shift in modus operandi from conventional to digital methods. ¹⁵Furthermore, weaknesses in the legal system and law enforcement are also indirect factors exacerbating human trafficking. Barriers such as lack of coordination between institutions, limited capacity of officers, and minimal oversight of labor agencies further exacerbate the situation. ¹⁶The impact of human trafficking is not only felt by individuals but also has broader implications. Physically, victims often experience violence, exhaustion, and the risk of infectious diseases such as HIV/AIDS due to exploitation. ¹⁷Psychologically, victims experience severe trauma that can develop into long-term mental disorders, such as depression and post-traumatic stress disorder. ¹⁸Furthermore, the economic impact, such as loss of income and difficulty restarting life, is a serious problem. Socially, victims often face stigma and

¹²Fauziah, D. S, *Preventing Human Trafficking: Analysis of the Implementation of Policies and Practices of Non-Procedural Migrant Worker Protection in West Kalimantan*. Indonesia Foreign Policy Review, 11(1), 2024, 142–164.

¹³Sulistyowati, & Kurniaty, Y, *Legal Review of Human Trafficking Crimes (TPPO) in Magelang*, Borobudur Law and Society Journal, 3(2), 2024, 52–67.

¹⁴Novita, & Kurniasi, R, *The Crime of Human Trafficking in Indonesia*. Satya Dharma: Journal of Legal Studies, 7(2), 2024, 332–345.

¹⁵Azzahra, NA, & Prasetyo, H, *Legal Review of Human Trafficking Crime Cases in the International Scope*, Indonesian Legal Media, 2(2), 2024, 660–666.

¹⁶Rafsanjani, JI, *Failure of the Criminal Justice System in Providing a Deterrent Effect for Perpetrators of Migrant Worker Exploitation*, Proceedings of the National Symposium on Actual Law, 2025, 1–15.

¹⁷Sulistyowati, & Kurniaty, Y, *Legal Review of Human Trafficking Crimes (TPPO) in Magelang*, Borobudur Law and Society Journal, 3(2), 2024, 52–67.

¹⁸Akhirudin, & Gunadi, A, *Legal Review of the Crime of Human Trafficking*. Rewang Rencang: Jurnal Hukum Lex Generalis, 5(10), 2024.

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discrimination. More broadly, human trafficking can also impact a country's image and social stability.¹⁹

The crime of human trafficking (TPPO) is a serious crime that violates human rights and is regulated in Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking (UU PTPPO).

The law enforcement process against TPPO includes several stages, namely:

1. Reporting and Investigation Stage The law enforcement process begins with a report from the victim, family, community, or police operation. After receiving the report, government officials conduct an initial investigation to determine whether there are indications of human trafficking. The authorities then gather initial information from the victim, witnesses, and the surrounding community. However, obstacles often arise in this process: many victims are afraid to report due to threats from the perpetrator and have difficulty identifying human trafficking disguised as legal work such as migrant workers or domestic workers (PRT).

2. Investigation Stage: If indications of human trafficking are found, the police will escalate the case to the investigation stage. The steps in the investigation stage include:

- a. Determination of suspect based on sufficient evidence;
- b. Examination of witnesses and victims to strengthen the elements of the crime;
- c. Collection of evidence such as travel documents, digital conversations, or expert witnesses;
- d. Detention of suspects, if deemed necessary.

In the investigation stage, there are also several obstacles, namely that victims often experience trauma, making it difficult to provide clear testimony and many TPPO methods are becoming increasingly sophisticated, such as exploitation through digital media.

3. Prosecution Stage After the investigation is completed, the case files are submitted to the Public Prosecutor's Office. The Public Prosecutor (JPU) will:

- a. Drafting an indictment based on evidence obtained from the investigation;

¹⁹Azzahra, NA, & Prasetyo, H, *Legal Review of Human Trafficking Crime Cases in the International Scope*, Indonesian Legal Media, 2(2), 2024, 660–666.

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b. Determine the article charged, for example Article 2 paragraph (1) of the PTPPO Law with a minimum sentence of 3 years and a maximum of 15 years in prison.

4. Trial Stage and Judge's Decision At the court stage, the law enforcement process that occurs includes:

- a. Examination of witnesses and victims;
- b. Proof by the Prosecutor;
- c. Defense by the defendant's legal counsel;
- d. The judge's decision is based on the trial facts.

At this stage, the judge can impose a severe sentence if there are aggravating factors, such as child exploitation or multiple victims. This process also presents challenges in law enforcement, such as a lack of public understanding of human trafficking, limited law enforcement resources, and intimidation of victims and witnesses. Therefore, collaborative efforts between the government, law enforcement, and the community are needed to increase the effectiveness of eradicating this crime.

Human trafficking is a complex crime encompassing various dimensions, including legal, social, economic, and humanitarian. In the Indonesian legal system, human trafficking is specifically regulated in Law Number 21 of 2007 concerning the Eradication of Human Trafficking, which serves as the primary foundation for prevention, law enforcement, and victim protection.²⁰ Normatively, this law formulates a comprehensive definition of human trafficking, encompassing the elements of the act, method, and purpose. The elements of the act include activities such as recruitment, transportation, harboring, sending, transfer, or acceptance of someone.

The means element includes the use of threats, violence, deception, abuse of power, and debt bondage, while the purpose element relates to exploitation.²¹ If these three elements are met, an act can be categorized as human trafficking. In addition to national regulations, Indonesia is also bound by various international legal instruments, such as the Palermo Protocol and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). These

²⁰Akhirudin, & Gunadi, A, *Legal Review of the Crime of Human Trafficking*. Rewang Rencang: Jurnal Hukum Lex Generalis, 5(10), 2024.

²¹Suhendro, T., & Resi, A. P, *Guidelines for Handling Human Trafficking Crimes*. International Organization for Migration (IOM) Indonesia, 2021.

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instruments affirm that human trafficking is a transnational crime that requires cooperation between countries to address it. This demonstrates that the national legal system has been integrated with international legal provisions.²² However, in its implementation, law enforcement against human trafficking in Indonesia still faces various obstacles. Although regulations are quite comprehensive, their implementation has not been optimal. This is evident in the still high number of cases and the number of unresolved cases. Contributing factors include limited resources for law enforcement officers, lack of coordination between agencies, and weak oversight of the labor recruitment process, particularly for migrant workers.²³

Factors underlying the occurrence of human trafficking include economic conditions, low levels of education, patriarchal culture, and technological developments that facilitate perpetrators in carrying out the crime. The impacts are extensive, encompassing physical, psychological, economic, and social aspects, which continuously harm victims. The law enforcement process against human trafficking in Indonesia already has a strong legal basis through the Anti-Trafficking Law and the Criminal Code. However, there are challenges in law enforcement, such as a lack of public understanding of the crime of human trafficking, limited resources of law enforcement officers, and intimidation of victims and witnesses. Therefore, collaborative efforts are needed between the government, law enforcement, and the community to increase the effectiveness of eradicating this crime.

4. Conclusion

Human trafficking (TPPO) is a complex crime encompassing various legal, social, economic, and humanitarian aspects. Normatively, its regulation has been comprehensively formulated in Law Number 21 of 2007 and is supported by various international legal instruments. However, its implementation still faces several obstacles, such as suboptimal law enforcement, limited capacity of law enforcement officers, and inadequate protection for victims. Furthermore, factors underlying the occurrence of human trafficking include economic conditions, low levels of education, patriarchal culture, and technological developments that facilitate perpetrators in carrying out the crime. The impacts are also very broad, encompassing physical, psychological, economic, and social aspects, which continuously harm victims. The law enforcement process against human trafficking in Indonesia already has a strong legal basis through the Anti-Trafficking Law and the Criminal Code. However, there are challenges in law enforcement, such

²²Stiawan, B, *Legal Analysis of the Crime of Human Trafficking*, JICN: Indonesian Journal of Intellectuals and Scholars, 2(4), 2025, 4552–4562.

²³Sulistiyowati, & Kurniaty, Y, *Legal Review of Human Trafficking Crimes (TPPO) in Magelang*, Borobudur Law and Society Journal, 3(2), 2024, 52–67

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as a lack of public understanding of the crime of human trafficking, limited resources of law enforcement officers, and intimidation of victims and witnesses. Therefore, collaborative efforts are needed between the government, law enforcement, and the community to increase the effectiveness of eradicating this crime.

5. References

- Akhirudin, & Gunadi, A, *Legal Review of the Crime of Human Trafficking*. Rewang Rencang: Jurnal Hukum Lex Generalis, 5(10), 2024.
- Azzahra, NA, & Prasetyo, H, *Legal Review of Human Trafficking Crime Cases in the International Scope*, Indonesian Legal Media, 2(2), 2024
- Fauziah, D. S, *Preventing Human Trafficking: Analysis of the Implementation of Policies and Practices of Non-Procedural Migrant Worker Protection in West Kalimantan*. Indonesia Foreign Policy Review, 11(1), 2024
- Haryoko, S, 2020, *Qualitative Research Data Analysis (Concepts, Techniques & Analysis Procedures)*, Makassar State University Publishing Agency, Makassar
- Muhaimin, 2020, *Legal Research Methods*, Mataram University Press, Mataram.
- Novita, & Kurniasi, R, *The Crime of Human Trafficking in Indonesia*, Satya Dharma: Journal of Legal Studies, 7(2), 2024
- Pambudi, KA B, *Analysis of Socio-Economic Problems in the Crime of Human Trafficking: A Literature Study*, Arus Jurnal Sosial dan Humaniora, 5(2), 2025
- Rafsanjani, JI, *Failure of the Criminal Justice System to Provide a Deterrent Effect for Perpetrators of Migrant Worker Exploitation*, Proceedings of the National Symposium on Actual Law, 2025.
- Ray, KG Z, *Legal Review of the Crime of Human Trafficking in Indonesia (Case Study of Decision Number 60/Pid.Sus/2020/PN.Cjr)*, Journal Humaniora: Journal of Law and Social Sciences, 3(2), 2025.
- Stiawan, B, *Legal Analysis of the Crime of Human Trafficking*, JICN: Indonesian Journal of Intellectuals and Scholars, 2(4), 2025
- Suhendro, T., & Resi, A. P, *Guidelines for Handling Human Trafficking Crimes*. International Organization for Migration (IOM) Indonesia, 2021.
- Sulistiyowati, & Kurniaty, Y, *Legal Review of Human Trafficking Crimes (TPPO) in Magelang*, Borobudur Law and Society Journal, 3(2), 2024
- Tanjung, E. R, *Descriptive Research in Education*, 3(3), 168–176, 2025,
- Suhendro, T., & Resi, A. P, *Guidelines for Handling the Crime of Human Trafficking*, International Organization for Migration (IOM) Indonesia, 2021.

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