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

Strengthening Protection for Victims of Online Human Trafficking in Indonesia

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Abstract. *Online-facilitated trafficking in persons has transformed recruitment, control, and exploitation, particularly against women and children. This article examines how Indonesian law protects victims of online trafficking and proposes a victim-centered digital protection model. Using normative juridical research with statutory, conceptual, and human rights approaches, this article analyzes Law No. 21 of 2007 on Trafficking in Persons, Law No. 12 of 2022 on Sexual Violence Crimes, Law No. 35 of 2014 on Child Protection, Law no. 27 of 2022 on Personal Data Protection, Law No. 1 of 2024 on Electronic Information and Transactions, Presidential Regulation No. 19 of 2023, and international instruments. The article finds that Indonesia already has a relatively broad anti-trafficking framework, but victim protection remains fragmented when trafficking is facilitated by digital platforms, online job advertisements, messaging applications, and cross-border cyber exploitation. The novelty of this article is a regulatory model that integrates digital due diligence, early victim identification, non-punishment, restitution, trauma-informed recovery, personal data protection, and cross-border cooperation. Such a model is necessary to move the legal response beyond the prosecution toward substantive protection, recovery, and prevention of revictimization.*

Keywords: *Exploitation; Human; Justice; Trafficking; Victim-Centered.*

1. Introduction

Human trafficking no longer occurs solely through physical recruitment, cross-border transportation, or exploitation in closed workplaces. Advances in information technology have transformed the crime chain into something more stealthy, rapid, and cross-jurisdictional. Recruiters can use social media, online job advertisements, messaging apps, gaming platforms, and other digital platforms to build victims' trust, offer fake jobs, control communications, transfer victims, and even blackmail victims through personal data and intimate content. Within the Palermo Protocol, human trafficking is understood as a series of acts of recruiting,

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transporting, transferring, harboring, or receiving people through threats, violence, deception, abuse of power, or positions of vulnerability for the purpose of exploitation. ¹This definition is important because the digital space does not eliminate the elements of human trafficking; it can actually become a new means for fulfilling the elements of recruitment, deception, control, and exploitation.

Globally, women and children remain the most vulnerable groups. The Global Report on Trafficking in Persons 2024 noted that women and girls accounted for 61% of victims detected globally in 2022, while children accounted for 38% of all detected victims. ²In Indonesia, IOM Indonesia cited the Ministry of Women's Empowerment and Child Protection as reporting that 97% of trafficking victims in the 2019-2023 period were women and children. ³This data demonstrates that trafficking is not solely a criminal issue, but also a human rights issue, gender inequality, poverty, unsafe migration, access to employment, and weak social protection. In its TIP 2025 report on Indonesia, the United States Department of State also highlighted the exploitation of vulnerable groups, including refugee women and children, as well as the challenges of victim identification and protection.⁴

Indonesia has a primary legal basis through Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking. This law regulates criminal penalties, related crimes, witness and victim protection, restitution, rehabilitation, and community participation. ⁵At the regional level, the ASEAN Convention Against Trafficking in Persons, Especially Women and Children places the prevention of human trafficking, protection of victims from re-victimization, and regional cooperation as shared obligations of member states. ⁶However, when human trafficking occurs online, the anti-trafficking legal regime must be read in conjunction with other legal regimes, namely laws on sexual violence, child protection, personal data protection, electronic information and transactions, legal aid, immigration, and international cooperation.

¹United Nations General Assembly, 2000, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, New York: United Nations, Article 3.

²UNODC, 2024, Global Report on Trafficking in Persons 2024, Vienna: United Nations Office on Drugs and Crime, pp. 13-15.

³IOM Indonesia, 2024, "World Day against Trafficking in Persons 2024: Creating a Safe Migration Environment to Combat Human Trafficking," Jakarta: IOM Indonesia, accessed 30 June 2026.

⁴United States Department of State, 2025, "2025 Trafficking in Persons Report: Indonesia," Washington, DC: United States Department of State, accessed 30 June 2026.

⁵Indonesia, 2007, Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking, Jakarta.

⁶ASEAN, 2015, ASEAN Convention Against Trafficking in Persons, Especially Women and Children, Kuala Lumpur: ASEAN, Article 1.

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International legal studies recognize human trafficking as a serious violation of human dignity and emphasize the state's responsibility to prevent, protect, prosecute, and rehabilitate victims.⁷The literature on victim services also emphasizes that successful human trafficking response relies heavily on the ability of authorities and service providers to identify victims early, build trust, and provide services that do not blame victims.⁸In the digital context, these challenges are compounded because victims often appear to be voluntarily communicating, moving, or even engaging in illegal activities, when in reality, they are subject to deception, threats, surveillance, debt, isolation, or violence.

The primary legal issue addressed in this paper is the fragmented protection of online human trafficking victims. First, criminal law tends to focus on punishing perpetrators, while victim recovery often relies on uneven service capacity. Second, digital platforms have not been adequately positioned as actors with a duty of care to prevent fraudulent job advertisements, exploitative recruitment, or the distribution of blackmailing content. Third, victim identification mechanisms are not yet fully sensitive to victims forced into illegal digital activities, such as online fraud or the distribution of certain content. Fourth, victim data protection has not been fully integrated with the investigation, recovery, and public reporting processes. Based on these issues, this paper raises two questions: how Indonesian legal instruments protect online human trafficking victims, particularly women and children; and how a victim protection model oriented toward victim justice can be strengthened in the digital context.

The novelty of this paper lies in its proposed model for protecting victims of online human trafficking, which combines five pillars: digital duty of care, early identification and the principle of non-punishment, integrated recovery, protection of victims' personal data, and cross-border and cross-platform collaboration. This model aims to shift a purely reactive approach toward a preventive, responsive, and recovery-oriented one. Thus, legal protection does not stop at punishing the perpetrator but also ensures victims receive a sense of security, recognition, restitution, rehabilitation, reintegration, and a guarantee against re-victimization.

2. Research Methods

This research is normative legal research with a statutory approach, a conceptual approach, and a human rights approach. The statutory approach is used to examine the consistency and interconnectedness between Law Number 21 of 2007, Law Number 12 of 2022, Law Number 35

⁷Anne T. Gallagher, 2010, *The International Law of Human Trafficking*, Cambridge: Cambridge University Press, pp. 77-80.

⁸David Okech, Whitney Morreau, and Kathleen Benson, "Human Trafficking: Improving Victim Identification and Service Provision," *International Social Work*, Vol. 55 No. 4, 2012, pp. 488-503.

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of 2014, Law Number 27 of 2022, Law Number 1 of 2024, and Presidential Regulation Number 19 of 2023. The conceptual approach is used to read the concepts of victim-centered justice, due diligence, non-punishment, restitution, and victim recovery. The human rights approach is used because human trafficking concerns human dignity, the right to security, children's rights, women's rights, the right to privacy, and access to justice. Primary legal materials include relevant national legislation, international instruments, and regional instruments. Secondary legal materials include books, journal articles, international organization reports, and policy documents on human trafficking, technology, victim protection, and child protection. The analysis was conducted qualitatively and prescriptively, interpreting applicable legal norms, identifying gaps and fragmentation in regulations, and then formulating a model for strengthening victim protection that can be used as policy recommendations.

3. Results and Discussion

3.1. Online Human Trafficking and the Vulnerability of Women and Children

Online human trafficking differs from conventional trafficking, but the underlying principle remains the same: human exploitation through the abuse of vulnerable positions. Technology expands the reach of perpetrators because recruitment can occur without an initial physical meeting. Victims can be lured with offers of jobs, scholarships, romantic relationships, modeling opportunities, administrative work, or low-paying overseas jobs. In many cases, digital communication makes the scam seem normal, as victims receive personalized messages, photos of workplaces, fake contracts, or fake testimonials from seemingly trustworthy accounts. ICAT has emphasized that the internet and information technology can be misused to facilitate human trafficking, while also strengthening investigations, prosecutions, and victim assistance.⁹

The vulnerability of women and children to online human trafficking is inextricably linked to social structures. Women often find themselves in unequal economic positions, working in the informal sector, or bearing the burden of family responsibilities, making them more easily attracted to the promise of quick pay. Children are at higher risk because they are psychologically immature, have inadequate digital literacy, and are more easily manipulated through friendships, online games, or social media. The Child Protection Law stipulates that the state is obliged to guarantee the welfare and protection of children from violence and discrimination, including the physical, psychological, and social recovery of child victims of

⁹ICAT, 2019, *Human Trafficking and Technology: Trends, Challenges and Opportunities*, New York: Inter-Agency Coordination Group against Trafficking in Persons, pp. 3-6.

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crime.¹⁰ In the online context, this obligation should be interpreted as the state's obligation to ensure children are protected from digital recruitment, online sexual exploitation, content-based blackmail, and the use of children's data for exploitative purposes.

Another problem is that online trafficking victims are often not easily identifiable. Victims of online sexual exploitation may be perceived as pornographic content creators; victims of forced labor in online fraud centers may be perceived as cybercriminals; victims who actively communicate with recruiters may be perceived as consenting to the act; and children who migrate due to persuasion may be perceived as delinquents or runaways. This perspective increases the risk of criminalization of victims. Therefore, the legal system requires the principle of non-punishment, whereby victims are not punished for actions directly arising from the trafficking situation. This principle aligns with the victim-centered approach in international law and is crucial to avoiding re-victimization in the legal process.

Online human trafficking also demonstrates the close relationship between exploitation, personal data, and control. Perpetrators can store victims' identities, photos, locations, accounts, chat history, or other intimate content to pressure them into compliance. Law Number 27 of 2022 concerning Personal Data Protection regulates data subject rights, personal data processing, data controller obligations, personal data transfer, administrative sanctions, prohibitions on the use of personal data, and criminal provisions related to personal data.¹¹ In human trafficking cases, victim data protection should not be interpreted solely as a digital administrative issue, but as part of protecting victims' safety. Leaking a victim's identity can hinder recovery, trigger stigma, and open up opportunities for further intimidation.

3.2. Fragmentation of Victim Protection Norms in Indonesian Law

Law Number 21 of 2007 is the primary foundation, regulating definitions, penalties, related crimes, rehabilitation, restitution, repatriation, and the role of the community. However, this law predates the rapid development of digital platforms, social media, and the gig economy. Therefore, its application to online cases requires a progressive interpretation. Recruitment, transportation, shelter, sending, transfer, or receipt of people can occur through electronic means; elements of fraud and abuse of vulnerable positions can be established through online communication; and the purpose of exploitation can occur physically or digitally. The strength of the Human Trafficking Law lies in its relatively broad definition of exploitation, but its

¹⁰Indonesia, 2014, Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, Jakarta.

¹¹Indonesia, 2022, Law Number 27 of 2022 concerning Protection of Personal Data, Jakarta.

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weakness arises when digital prevention mechanisms and platform responsibilities are not explicitly formulated.

Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence makes a significant contribution by regulating the prevention, handling, protection, and restoration of victims' rights, coordination between the central and regional governments, international cooperation, and community involvement.¹² This norm is relevant to online human trafficking, which intersects with sexual exploitation, coercion of sexual content, sexual extortion, or electronic-based sexual violence. The advantage of the TPKS Law is its stronger orientation toward victims' rights and recovery. However, without its linkage to the TPPO Law, human trafficking cases containing elements of sexual exploitation can be reduced to simple sexual violence, thus diminishing the dimensions of recruitment, networks, economic gain, and trafficking.

Law Number 1 of 2024 concerning the Second Amendment to the Electronic Information and Transactions Law strengthens the electronic information and transactions regime, including addressing issues of legal certainty, digital rights, and law enforcement in the electronic space.¹³ However, the ITE regime is not specifically designed for human trafficking. As a result, authorities often have to combine articles on human trafficking, trafficking in persons, the Electronic Information and Transactions Act, pornography, child protection, immigration, or other crimes based on the form of exploitation. This consolidation of norms can be beneficial, but it also risks fragmenting evidence, inconsistencies in victim services, and confusion regarding the agency responsible for leading recovery.

Presidential Regulation Number 19 of 2023 concerning the National Action Plan for the Prevention and Handling of Human Trafficking Crimes for 2020-2024 has positioned the National Action Plan for the Prevention and Handling of Human Trafficking as a systematic and planned national action plan to prevent and handle human trafficking, and requires ministries/agencies to implement the action plan according to their respective duties and functions.¹⁴ This norm is important because human trafficking requires multi-actor coordination: the police, prosecutors, courts, ministries, local governments, the Witness and Victim Protection Agency (LPSK), social services, immigration, foreign missions, digital service providers, and civil society. However, the National Action Plan still needs to be updated to more explicitly include digital prevention,

¹²Indonesia, 2022, Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence, Jakarta.

¹³Indonesia, 2024, Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions, Jakarta.

¹⁴Indonesia, 2023, Presidential Regulation Number 19 of 2023 concerning the National Action Plan for the Prevention and Handling of Criminal Acts of Human Trafficking 2020-2024, Jakarta.

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platform governance, victim data protection, and handling of victims forced to commit cybercrimes.

Fragmentation is also evident in access to restitution and compensation. Normatively, victims of human trafficking can receive restitution, but in practice, restitution is often hampered by difficulties in proving losses, the perpetrator's ability to pay, lack of assistance, and lengthy legal proceedings. In online human trafficking, victims' losses include not only economic losses but also trauma, job loss, costs of digital recovery, content removal, identity protection, and reputation restoration. Therefore, the restitution model needs to be expanded to recognize digital and social losses as part of the victim's losses. Recovery should not stop at repatriating victims but should also include social reintegration, psychological support, legal aid, data security, and access to secure employment.

3.3. Digital Justice-Based Victim Protection Model

The first model is a digital duty of care. States need to formulate platform obligations to prevent, detect, and respond to exploitative recruitment without compromising legitimate freedom of expression and privacy. These obligations could include verification of high-risk job advertisements, rapid reporting channels, removal of content clearly used for exploitation, lawful retention of digital evidence, and cooperation with authorities in accordance with legal procedures. The Council of Europe notes that technology influences human trafficking and poses operational and legal challenges in detection, investigation, and prosecution.¹⁵ Therefore, platform responsibilities should not simply consist of passive responses after a report is received; platforms need to have risk mitigation mechanisms in place, particularly for overseas job advertisements, child recruitment, sexual content, and communications that indicate coercion.

The second model is early victim identification and the principle of non-punishment. Officers handling digital cases need to be aware of specific indicators: excessively high job promises, communication restrictions, threats of data disclosure, use of accounts by other parties, sudden transfers, recruitment debt, or instructions to engage in illegal activities. The UNODC emphasizes the importance of prevention, victim protection, prosecution of perpetrators, and international cooperation in criminal justice practices for human trafficking.¹⁶ In the context of online scam compounds or cyber exploitation, victims can be coerced into becoming fraud

¹⁵Council of Europe, 2022, *Online and Technology-Facilitated Trafficking in Human Beings*, Strasbourg: Council of Europe, pp. 10-12.

¹⁶UNODC, 2009, *Anti-Human Trafficking Manual for Criminal Justice Practitioners*, New York: United Nations, pp. 1-4.

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operators. Therefore, investigators need to examine power and control relations before determining a person's legal status. If there are indications of human trafficking, the appropriate approach is protection and rehabilitation, not criminalization of the victim.

The third model is integrated recovery. Recovery for online trafficking victims must go beyond physical rehabilitation. Victims require psychological support, legal aid, economic recovery, family protection, personal data security, removal of exploitative content, and protection from digital intimidation. In the case of children, the approach must be based on the child's best interests, involving social workers, child psychologists, legal counsel, and a secure family. In the case of adult women, the approach must avoid stigma and not judge victims based on sexual morality or erroneous migration decisions. This approach aligns with the concept of victim-centered justice, which positions victims as subjects of rights, not merely as evidence in criminal cases.

The fourth model is data protection and digital evidence from a victim's perspective. Digital evidence such as screenshots, conversation histories, IP addresses, metadata, digital accounts, or sexual content is often needed to prove a case. However, evidence collection should not unnecessarily reveal the victim's identity. Authorities need to implement restrictions on file access, anonymize the publication of verdicts, prohibit the distribution of victim content, and procedures for deleting or revoking access to content used to blackmail victims. Data protection should also include a recovery mechanism if victim data has been disseminated. Thus, the PDP Law can be a supporting instrument that strengthens victim protection in criminal proceedings.

The fifth model is cross-border and cross-platform cooperation. Online human trafficking often involves recruiters in one country, servers in another, victims in different regions, and money flowing through accounts or digital assets across jurisdictions. ASEAN ACTIP and the Palermo Protocol have provided the basis for international cooperation, but implementation requires swift and secure operational mechanisms. Such cooperation should include lawful data exchange, mutual legal assistance, victim repatriation, witness protection, asset tracing, removal of exploitative content, and coordination with technology companies. Without cross-border and cross-platform cooperation, legal processes will lag behind the speed of the perpetrators' networks.

With these five pillars, the online human trafficking victim protection model can be formulated as a victim-oriented digital justice model. This model does not eliminate the importance of criminalizing perpetrators, but emphasizes that criminalization must go hand in hand with prevention, protection, recovery, and technology governance. The state remains the primary actor because it has constitutional and international obligations to protect citizens from

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violence, exploitation, and discrimination. However, the state cannot work alone. Digital platforms, educational institutions, communities, families, civil society organizations, labor placement companies, and Indonesian representatives abroad must be part of the protection ecosystem.

4. Conclusion

Online human trafficking demonstrates a shift in crime mode from physical recruitment to digital manipulation, data-driven surveillance, cross-platform exploitation, and victim control through the threat of sharing personal information. Indonesia already has a relatively broad legal framework through the Human Trafficking Law (TPPO), the TPKS Law (TPKS), the Child Protection Law (UU PDP), the ITE Law (UU ITE), and the National Action Plan for Combating Violence Against Women (RAN PPTPO). However, victim protection remains fragmented because platform responsibilities have not been clearly defined, digital victim identification is not yet uniform, the principle of non-punishment has not been institutionalized in all processes, restitution has not yet accommodated digital losses, and victim data protection has not been fully integrated into the criminal process. This paper concludes that strengthening the protection of online human trafficking victims must be achieved through a victim-centered digital justice model. This model encompasses platforms' digital due diligence obligations, early victim identification and the principle of non-punishment, integrated redress, secure data protection and digital evidence, and cross-border and cross-platform collaboration. With this model, the law serves not only to punish perpetrators but also to prevent recruitment, rescue victims, restore their dignity, and prevent re-victimization of women and children.

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