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

Legal Analysis and Policy for Overcoming Cyber Trafficking as a New Form of Transnational Crime

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Abstract. *The rapid development of information and communication technology has transformed human trafficking from conventional forms into digitally facilitated crimes, commonly referred to as cyber trafficking. This crime utilizes social media, instant messaging applications, online recruitment platforms, and other digital technologies to recruit, control, and exploit victims across national borders. Such developments create new challenges for both national and international legal systems due to their transnational nature, anonymity, and the difficulty of detection and enforcement. This study aims to analyze the legal framework governing cyber trafficking within national and international law, identify regulatory weaknesses, and formulate effective policy measures to combat this emerging form of transnational crime. The research employs a normative legal research method using statutory, conceptual, and comparative approaches. The study relies on primary, secondary, and tertiary legal materials, which are analyzed qualitatively. The findings reveal that although Indonesia has enacted various regulations concerning human trafficking and cybercrime, significant regulatory gaps and overlapping provisions continue to hinder effective law enforcement against cyber trafficking. Furthermore, limited inter-agency coordination, inadequate digital competencies among law enforcement officials, and weak cross-border cooperation contribute to the persistence of this crime. Accordingly, adaptive regulatory reforms, strengthened international cooperation mechanisms, enhanced law enforcement capacity, and improved oversight of digital platforms are necessary to establish a more effective system for the prevention and eradication of cyber trafficking.*

Keywords: *Crime; Cyber; Law; Legal; Trafficking.*

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1. Introduction

Human trafficking is a form of transnational organized crime that continues to develop in terms of the methods, networks, and technology used.¹ This crime is categorized as an extraordinary crime because it causes serious violations of human dignity through various forms of exploitation, such as sexual exploitation, forced labor, digital fraud, and organ trafficking. In this case, Indonesia and Cambodia often attract international attention due to their close ties as source countries for victims and destination or transit countries for these criminal networks. Internationally, efforts to eradicate human trafficking have been regulated through the United Nations Convention against Transnational Organized Crime (UNTOC) 2000 and the Palermo Protocol, which oblige state parties to criminalize, protect, prevent, and cooperate across jurisdictions.²

Indonesia ratified the UNTOC through Law No. 5 of 2009, while Cambodia has ratified it since 2005, so both have an obligation to establish a consistent law enforcement mechanism.³ In addition, at the regional level, ASEAN has adopted the 2015 ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP) and the ASEAN Plan of Action Against Trafficking in Persons, which emphasizes harmonization of legislation, information exchange, and collaboration in law enforcement among member countries. At the national level, Indonesia has a strong legal basis through Law No. 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons, Government Regulation No. 9 of 2008 concerning integrated service mechanisms for witnesses and victims, and Presidential Regulation No. 69 of 2008 concerning the Task Force for the Prevention and Handling of the Crime of Trafficking in Persons, plus Law No. 18 of 2017 concerning the Protection of Migrant Workers, which is relevant because many victims are recruited through work placement methods.

These various international, regional, and national regulations demonstrate that the two countries already have a normative foundation that should support more effective law enforcement cooperation. However, this effectiveness depends heavily on the ability of both parties to align concepts, operational mechanisms, and procedural standards. Without adequate alignment, available legal instruments often serve only as formal foundations without

¹Lubis, A., Lestari, DP, & Sari, WE (2025). Evaluation of Interstate Collaboration and Criminal Policy in Combating Human Trafficking as a Transnational Organized Crime. *Journal of Law and Public Policy Studies* | E-ISSN: 3031-8882, 2(2), 1067-1074.

²THASMARA, RITRI (2025). Legal Protection for Children in Human Trafficking Crimes: An International Criminal Law Perspective. *Judge: Jurnal Hukum*, 6(04), 774-786

³SARI, I., Kustiawan, K., & Riyadi, SF (2023). IMPLEMENTATION OF UNTOC IN OVERCOMING PEOPLE SMUGGLING CRIME (CASE STUDY OF BATAM CITY 2019-2022) (Doctoral dissertation, Raja Ali Haji Maritime University).

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any enforceable power, particularly when the cases involved involve cross-jurisdictional issues and require a swift response from the authorities of both countries.

Cambodia regulates the handling of human trafficking through the Law on Suppression of Human Trafficking and Sexual Exploitation of 2008 and provisions in the Cambodian Criminal Code which contain prohibitions on exploitation and forced labor.⁴ Despite the availability of various legal instruments, practice still faces various legal limitations, such as differing definitions of human trafficking, unequal standards of proof, weak extradition mechanisms, obstacles to mutual legal assistance, and limited jurisdiction when perpetrators operate outside their home countries. Lack of operational coordination, limited law enforcement access to crime scenes in other countries, and networks of perpetrators exploiting legal loopholes in each country further undermine the effectiveness of law enforcement.

These weaknesses further demonstrate that the regulations adopted by each country are not fully capable of addressing the highly complex and transboundary nature of human trafficking. Despite the existence of bilateral and regional forums and cooperation, the resulting response remains suboptimal due to differences in institutional capacity, a lack of harmonized procedures, and a lack of rapid and structured information exchange mechanisms. This situation creates an implementation gap that hinders the ability of both countries to take integrated action, particularly in cases requiring cross-border tracking and immediate action against perpetrator networks.⁵

This situation emphasizes that human trafficking as a transnational crime cannot be addressed unilaterally, but requires stronger international legal cooperation, whether through MLAs, extradition treaties, joint operations, or harmonization of ASEAN legislation. Therefore, this research is crucial in analyzing the legal limitations faced by Indonesia and Cambodia in addressing transnational human trafficking and assessing the extent to which international cooperation mechanisms can provide effective solutions to strengthen a responsive and just law enforcement system for victims.

⁴Callista, N., Sawitri, A., Roshanti, RA, Rahmawati, P., Loso, L., & Noor, GV (2025). The Urgency of Handling Human Trafficking Crimes in Cambodia According to International Law Reviews. *Journal of Law, Public Administration and the State*, 2(3), 01-11.

⁵Frahma, EA (2025). The Role of International Organizations in Combating Transnational Crime: A Study of the Dynamics of Cooperation Between ASEAN Countries. *Iuris Studia: Journal of Legal Studies*, 6(2), 253-262.

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2. Research Methods

This research is a normative legal research (doctrinal research), which focuses on the study of legal norms governing cyber trafficking as a new form of transnational crime. The research was conducted by examining various laws and regulations, legal principles, legal doctrines, and international legal instruments related to the crime of human trafficking and cybercrime. This research is prescriptive in nature, as it aims to provide recommendations regarding the formulation of ideal laws and policies in combating cyber trafficking, and evaluative in nature because it examines the effectiveness of current regulations and policies. This research uses a normative juridical approach by combining several sources. This approach is used to examine various laws and regulations governing the crime of human trafficking, cybercrime, and transnational crime, both at the national and international levels. The analysis is conducted on the harmonization, synchronization, and adequacy of legal norms in anticipating the development of cyber trafficking. Data Source: Primary Legal Materials. Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking. Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions. Law Number 27 of 2022 concerning Personal Data Protection. Law Number 1 of 2023 concerning the Criminal Code. Law Number 8 of 1981 concerning Criminal Procedure. Government Regulations and Ministerial Regulations relating to the protection of victims of human trafficking and cybersecurity. Secondary Legal Materials: Legal Literature and Books. Scientific Works. Expert Opinions. Analysis Method: Data obtained from primary, secondary, and tertiary legal materials were analyzed qualitatively, namely by examining, interpreting, constructing, and systematizing legal norms related to cyber trafficking as a new form of transnational crime. The analysis was conducted to find a match between applicable legal norms (*das sollen*) and the reality of the development of cybercrime and human trafficking (*das sein*), so that more effective and responsive legal policies can be formulated to address the development of digital technology.

3. Results and Discussion

Although Cambodia has ratified the UN Palermo Protocol (2007) and the Law on the Suppression of Human Trafficking and Sexual Exploitation (2008), coordination between the two is still imperfect. Legal uncertainty in the enforcement process arises because definitions of human trafficking crimes, such as "exploitation," "coercion," "recruitment," and "fraud," do not conform to international standards.⁶ Because of this lack of synchronicity, law enforcement has

⁶Rahayu, FS, & Januarsyah, MPZ (2025). Handling Human Trafficking in Cambodia from an International Law Perspective. *Journal of Multidisciplinary Educational Research*, 2(8), p. 15

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difficulty identifying specific cases as trafficking, especially when the pattern of exploitation is not sexual or explicitly visible, such as online job fraud that has recently frequently victimized Indonesian citizens in Cambodia.

In addition to the definitional issues, Cambodian law is still lacking in regulating corporate liability, witness protection, and mechanisms for proving technology-based crimes.⁷This situation is exacerbated by inconsistent local implementation. A series of investigative reports and victim testimonies indicate that the Cambodian government tends not to effectively enforce anti-trafficking provisions. In some cases, other provisions, such as fraud, forced labor, or arbitrary detention, are used.⁸This is because proving the crime of human trafficking is more difficult than proving its elements. Consequently, findings from several reports on scam compounds suggest a link between online fraud, forced labor practices, and human trafficking, which often results in the substance of human trafficking not receiving sufficient attention.⁹As a result, the substance of the crime of trafficking is neglected.

In addition, the TSE law imposes quite severe criminal sanctions, such as prison sentences of 7-15 years for adult sexual offenses and 15-20 years for sexual offenses against minors.¹⁰However, recent reports indicate that the government rarely uses anti-trafficking laws in labor trafficking cases. Instead, it relies more heavily on labor laws, which impose fines or light penalties, such as imprisonment for a day to a month. This creates a significant legal gap due to the gap between official regulations and actual practice.¹¹As a result, international standards are inconsistent in dealing with real cases.

In Cambodia, enforcement of the Trafficking in Persons (TPPO) Act also faces institutional and procedural challenges. First, there is a lack of cooperation between law enforcement agencies and oversight of defendants. According to official reports, police and other authorities often lack effective means to monitor defendants when they are released under supervision, leading many

⁷Aliyah, P., Saputri, AFY, Saputri, AFY, & Hutapea, SA (2025). Legal analysis of the implementation of protection for victims of human trafficking in Cambodia. *Democracy: Journal of Legal, Social and Political Science Research*, 2(2), 73–82.

⁸Amnesty International. (2025). I was someone else's property: Human trafficking and forced crime in Cambodia's cyber-scam industry. Amnesty International.

⁹Hamana, AD, Eskandar, E., & Suka, RH (2023). Eradicating Human Trafficking Through Social Media: The Case of Exploitation of Indonesian Citizens to Cambodia. *Aufklarung: Journal of Education, Social and Humanities*, 3(1), pp. 79-80.

¹⁰US Department of State. (2022). 2022 Trafficking in Persons Report: Cambodia. [ecoi.net. https://www.ecoi.net/en/document/2077634.html](https://www.ecoi.net/en/document/2077634.html)

¹¹Ibid

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to flee before trial.¹²This is exacerbated because the Cambodian legal system does not provide specific procedural rules for carrying out oversight, resulting in very weak oversight.

Second, the process of gathering evidence and establishing proof becomes extremely difficult in cases of cross-border trafficking, such as those involving Indonesian victims taken to Cambodia. Authorities from the countries of origin and destination must cooperate because they involve different jurisdictions. However, administrative barriers, language differences, and poor data exchange mechanisms often hamper these efforts.¹³This is made worse when records of investigations and judicial processes in Cambodia are not centrally managed or well documented.¹⁴This makes it difficult to follow cases and ensure that there is consistency between investigation, prosecution, and sentencing. Furthermore, one of the main causes of law enforcement is weak institutional capacity. This includes human resources (police, prosecutors, judges) and supporting facilities such as a national database and cross-agency coordination system. Despite Cambodia adopting the TSE Law and ratifying the Palermo Protocol in 2008,¹⁵However, empirical research shows that the law enforcement system is not sufficient to address complex transnational crimes such as human trafficking.¹⁶

Furthermore, external factors such as systematic corruption and a lack of oversight of law enforcement officers hinder law enforcement. In fact, one study found that corruption and conflicts of interest led to many initiatives remaining on paper and not being implemented, despite Cambodia following national laws and regulations and collaborating with NGOs and international organizations.¹⁷This creates a structural gap because, despite the existence of a formal legal framework, victim-centeredness, political policy, and institutional integrity are key factors in the success of law enforcement.

The TSE Law tends to be limited in its protection of victims. While it includes prohibitions and penalties for perpetrators, legal protections for victims, such as repatriation, rehabilitation,

¹²State Newswire. 2021. 2021 Trafficking in Persons Report: Cambodia. The Federal Newswire. <https://thefederalnewswire.com/stories/626577909-2021-trafficking-in-persons-report-cambodia>

¹³Silvia, EM (2020). Efforts to Combat Human Trafficking and Smuggling Cases as Transnational Organized Crimes. *Inicio Legis*, 1(1).

¹⁴US Department of State. 2022. Op Cit

¹⁵Ministry of Justice, Kingdom of Cambodia. Explanatory notes for the Law on Suppression of Human Trafficking and Sexual Exploitation. Pg 9 https://lib.ncdd.gov.kh/storage/app/public/library_backend/CAT_4855_1/2013-ExplanaryNote-lawonHumantrafficking-en.pdf

¹⁶Albayumi, F., Adellia, VS, & Sunarko, BS (2022). Transnational Cooperation in Eradicating Human Trafficking in Cambodia. *Electronic Journal of Social and Political Sciences (E-SOSPOL)*, 9(2), p. 58

¹⁷Rahma, ZF, & Arya Pinatih, NKDS (2024). Analysis of the Cambodian government's efforts to address human trafficking in 2019-2022 (Bachelor's Thesis). Brawijaya University

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recovery, and restitution, are barely addressed. The only provision in the analysis that addresses victim protection is the article on "restitution of unjust enrichment," which refers to the return of ill-gotten gains received by perpetrators to victims.¹⁸ However, these norms do not regulate repatriation procedures for foreign victims or protection during the legal process, although this is crucial for cross-border trafficking cases, such as between Cambodia and Indonesia. Furthermore, recent research shows that victims' rights are often not met. For example, research on the protection of trafficking victims in Cambodia, including Indonesian citizens defrauded by online fraud syndicates, identified various challenges hindering victims' repatriation, rehabilitation, and restitution of their losses.¹⁹ As a result, many victims do not report or withdraw their claims because they have no guarantee of protection and are unsure about repatriation or rehabilitation.

4. Conclusion

Human trafficking crimes between Indonesia and Cambodia demonstrate that the availability of international, regional, and national legal instruments is insufficient to guarantee effective law enforcement. Although both countries have ratified the UNTOC, the Palermo Protocol, and ACTIP, their implementation in the field remains hampered by differing legal definitions, a lack of synchronization of criminal elements, weak victim protection, and the use of inappropriate articles in handling cases that actually meet the elements of human trafficking, particularly those related to online fraud and forced labor in scam compounds. Law enforcement is also hampered by jurisdictional constraints, minimal inter-agency coordination, slow information exchange, and systemic pressures such as corruption and limited capacity of officials. As a result, the investigation, evidence-gathering, and victim recovery processes are often suboptimal and not in line with international standards. These findings emphasize that eradicating human trafficking cannot be done unilaterally. Strengthening international cooperation through the MLA, extradition, Joint Investigation Teams, Interpol, and ASEANAPOL, along with regulatory harmonization and capacity building of law enforcement institutions, are crucial steps to ensure a more coordinated, rapid, and victim-friendly response. Without structural improvements and cross-jurisdictional collaboration, human trafficking crimes will continue to thrive, exploiting legal loopholes and weak implementation between countries. Cambodia needs to continuously align its domestic regulations with international standards and obligations as stipulated in the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children

¹⁸Japan International Cooperation Agency. (2022). Kingdom of Thailand, project for strengthening regional network for combating trafficking in persons (TIP) in Mekong region: Completion report [Electronic resource]. JICA. Pg 21 <https://openjicareport.jica.go.jp/pdf/1000049211.pdf>

¹⁹Aliyah, P., et al. 2025. Op Cit. Pg 75

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(Palermo Protocol). This harmonization includes standardizing the definition of human trafficking, elements of exploitation, the principle of non-criminalization of victims, and the state's obligation to implement prevention and international cooperation. Regulatory synchronization is also crucial to prevent legal gaps that perpetrators can exploit, such as differences in criteria for exploitation, proving coercion, or gaps in regulations regarding prosecution of online enablers. With a legal framework consistent with international standards, Cambodia can more effectively support requests for law enforcement cooperation from other countries, including Indonesia, through the MLA, extradition, and Joint Investigation Team. International technical assistance from various institutions, such as the United Nations Office on Drugs and Crime (UNODC), human rights organizations, and development cooperation programs, plays a crucial role in strengthening the capacity of investigators, prosecutors, and judges. Through training on modern investigative techniques including digital evidence, a trauma-informed/victim-centered approach, and standards of evidence in cross-jurisdictional cases, these institutions help create a more professional and comprehensive legal and operational framework. Therefore, strengthening international technical support is a crucial prerequisite for ensuring that law enforcement efforts against trafficking in Indonesia and Cambodia are not only procedurally sound but also effective, comprehensive, and in line with international standards of justice.

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