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

Broken Chain: Reconstructing Policy and Protection for Human Trafficking Victims in Indonesia

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Abstract. *Human trafficking remains one of the most serious forms of human rights violations in Indonesia, with the number of victims increasing annually, particularly among women and children. This study aims to examine the gaps between the legal framework, policy implementation, and protection of victims of human trafficking (TPPO) in Indonesia, while also formulating ideas for reconstructing more adaptive and victim-oriented policies. This research uses a descriptive qualitative approach with juridical-normative and juridical-empirical methods, through a literature review of laws and regulations, official government reports, and relevant scientific journals. The results of the study indicate that although Law Number 21 of 2007 has provided a fairly comprehensive legal foundation and is the result of harmonization with the Palermo Protocol, its implementation in the field still faces various structural obstacles, such as weak inter-institutional coordination, limited victim identification and recovery, obstacles to cross-border legal cooperation, and the transformation of perpetrators' modus operandi, which is now increasingly utilizing digital technology through cyber-recruitment and online scam schemes. This problem is also rooted in structural vulnerabilities resulting from poverty, low access to education, and gender discrimination. This study concludes that combating human trafficking in Indonesia requires comprehensive and simultaneous policy reconstruction, encompassing regulatory harmonization, data and institutional strengthening, victim-oriented law enforcement, enhanced international cooperation, and socio-economic empowerment as an upstream prevention strategy.*

Keywords: *Human Trafficking; Indonesia Constitutional Protection for Women and Children in Indonesia; Legal Policy; Policy Reconstruction; Victim Protection.*

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1. Introduction

Human trafficking remains one of the most serious and complex forms of human rights violations in Indonesia. This crime does not exist in isolation, but is intertwined with economic issues, social inequality, labor migration, gender disparities, and weak data governance and law enforcement across various levels of government. (Oried Tatiana et al., n.d.)

The latest data shows that this problem is far from over. The Indonesian National Police (Polri) recorded that by mid-March 2025 alone, the number of victims of Human Trafficking (TPPO) had reached more than half of the total victims for all of 2024, a worrying upward trend.² From January to November 2025, 649 incidents of TIP were recorded across Indonesia, with the majority of victims around 460 being women, confirming that women remain the most vulnerable group to this exploitation.³ West Java and East Java consistently have the highest number of victims, while East Nusa Tenggara is the province outside Java with a significant number of victims, indicating that the pattern of human trafficking is no longer limited to certain regions, but is widespread nationwide. (Panjaitan, n.d., p. 2)

This crime model continues to evolve. While human trafficking was once synonymous with the exploitation of illegal migrant workers and conventional sexual exploitation, new patterns are now emerging that utilize digital technology, including recruitment through social media and online job scams that lead to modern slavery in the online scamming sector. In 2024, thousands of Indonesian citizens were recorded as victims of online scamming abroad, and the majority of them were identified as victims of human trafficking. ⁵ The National Commission on Violence Against Women also emphasized that the state must not ignore this new modus operandi, which exploits technological gaps and the public's weak digital literacy.

On the policy side, the Indonesian government has actually demonstrated various progressive steps, starting from the formation of a TIP task force at the Regional Police level, the establishment of a provincial-level cyber directorate, to a special directorate for handling crimes against women, children, and victims of human trafficking.⁷ The broad framework for tackling TIP has also been integrated into the 2025–2045 National Long-Term Development Plan (RPJPN), particularly through a diplomatic approach oriented towards preventive protection for Indonesian citizens abroad. (Laise et al., 2025)

However, a number of structural challenges still hamper the effectiveness of comprehensive human trafficking prevention efforts. Suboptimal inter-agency coordination and the lack of a unified database are real obstacles to law enforcement and the formulation of evidence-based policies. ⁹ The Central Statistics Agency (BPS) even highlights the importance of standardizing

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data and metadata on human trafficking to align with the One Data Indonesia framework and international indicators, as an important prerequisite for more targeted and measurable policies. 10 The National Action Plan for the Prevention and Handling of Human Trafficking, which requires every ministry and agency to allocate resources to eradicate this crime, is also still in the process of being re-drafted, so the sustainability of its implementation in the field still needs to be monitored (Panjaitan, 2024, p. 12).

This situation confirms that efforts to combat human trafficking in Indonesia are like a chain that is not yet fully connected between regulation and implementation, between the central and regional governments, between law enforcement and victim recovery, and between formal policies and the reality of community socio-economic vulnerability. A more adaptive policy reconstruction is needed, based on accurate data, and oriented towards the sustainable recovery and protection of victims, not solely on prosecuting perpetrators.

Departing from the issue related to the theme "Broken Chain: Reconstruction of Policy and Protection of Victims of Human Trafficking in Indonesia" is intended to open a space for academic discussion across disciplines law, public policy, sociology, gender, human rights, and information technology in order to formulate more comprehensive ideas, criticisms, and policy recommendations in an effort to break the chain of human trafficking in Indonesia.

2. Research Methods

This study uses a descriptive qualitative approach with juridical-normative and juridical-empirical methods, which aims to examine the conformity between human trafficking regulations in Indonesia, specifically Law Number 21 of 2007 concerning the Crime of Human Trafficking and Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers, with their implementation practices in the field. The data used are sourced from secondary data in the form of laws and regulations, official reports from institutions such as the National Police, the Coordinating Ministry for Human Development and Culture, the Central Statistics Agency (BPS), and the Ministry of Women's Empowerment and Child Protection (PPPA), as well as relevant scientific journals and news reports.

3. Results and Discussion

3.1. The Legal Framework for Human Trafficking in Indonesia: Between the Palermo Protocol and Law No. 21 of 2007

Normatively, Indonesia has a relatively comprehensive legal foundation in combating human trafficking through Law Number 21 of 2007 concerning the Eradication of the Crime of Human

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Trafficking (UU PTPPO), which was drafted as a form of harmonization of the 2000 Palermo Protocol.¹ Several studies show that this harmonization process has basically adopted the principles of victim protection as mandated by the Palermo Protocol, including a victim-centered approach, the principle of non-penalization, and the state's obligation to implement rehabilitation.² The UU PTPPO is also considered to have provided a fairly comprehensive foundation in regulating legal, physical, and social protection for victims. (Putrazta, 2025, p. 2)

From the definition side, Article 1 number 1 of the PTPPO Law defines human trafficking as the act of recruiting, transporting, harboring, sending, transferring, or receiving a person with the threat of violence, use of violence, kidnapping, confinement, forgery, fraud, abuse of power or vulnerable position, debt bondage, or giving payment or benefits to a party who has control over the victim, whether carried out domestically or across countries, with the aim of exploitation.³ The criminal elements in Article 2 paragraph (1) of the PTPPO Law are arranged cumulatively, including the element of the act (*actus reus*)—such as recruitment or transportation—the element of the method, and the element of the purpose of exploitation, with the threat of imprisonment of at least three years and a maximum of fifteen years, and a fine of up to IDR 600 million. (Lubis et al., 2025)

Although the regulatory structure is quite detailed, a number of normative legal studies have found a gap in meaning between these two instruments. The Palermo Protocol defines the forms of human trafficking crimes more broadly, including various variations of threats of violence and abuse of power, while the PTPPO Law has not fully interpreted this scope adequately, thus potentially leading to misinterpretation and disharmony of norms in its application in the field. ⁵ This kind of disharmony in definitions is considered not to immediately paralyze law enforcement, but risks making Indonesia considered not to have optimally fulfilled its international obligations as a state party to the Palermo Convention.

This harmonization issue has also become a concern in the national legislative process. The Draft Criminal Code (RKUHP) has adopted fifteen articles from the PTPPO Law into its body, including an affirmation of the prohibition of debt bondage practices as a form of exploitation. However, the RKUHP is considered to not provide sufficiently detailed definitions for a number of important legal terms, a condition that has the potential to create difficulties in proving criminal elements in human trafficking cases in court. ⁷ The House of Representatives, through focus group discussions with several ministries and international institutions, has even evaluated the PTPPO Law, which is now approaching two decades old, considering the need for a paradigm shift from a retributive justice approach to restorative justice, given that the pattern of human trafficking crimes is now increasingly complex, organized, and involves

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From a constitutional perspective, the state's obligation to be present in the prevention and recovery of victims of human trafficking also stems from Article 28G paragraph (1) and Article 28I paragraph (4) of the 1945 Constitution, which respectively guarantee the right of every person to protection of themselves, their families, their honor and their property, and affirm the state's responsibility in protecting, promoting, enforcing and fulfilling human rights.⁹ Thus, the legal framework for human trafficking in Indonesia is actually based on a strong constitutional foundation, but its effectiveness still depends on the extent to which the gaps in definitions and norms between national law and international law can be reconstructed to be more adaptive to developments in crime modes. (Irdyansah, 2025)

3.2. The Gap between Regulation and Policy Implementation

Discussions on anti-trafficking policies in Indonesia cannot be separated from the classic problem in legal studies, namely the gap between law on the books and law in action. Although the Anti-Trafficking Law has provided a comprehensive and progressive legal framework, encompassing regulations on prevention, law enforcement, and victim protection, a number of empirical studies consistently find that its implementation in the field still faces various significant structural obstacles.^[^1] Evaluation of the implementation of the Anti-Trafficking Law shows that although the national legal framework is adequately available, the effectiveness of its enforcement remains hampered by weak inter-institutional coordination, minimal victim recovery, and obstacles in the process of providing evidence in court.

One of the most fundamental weaknesses in the implementation of the anti-trafficking policy is the ineffective inter-agency coordination. Although the Task Force for the Prevention and Handling of Anti-Trafficking was established through Presidential Regulation Number 69 of 2008, the synergy between the Police, the Prosecutor's Office, the Courts, and technical institutions such as the Ministry of Women's Empowerment and Child Protection, the Ministry of Foreign Affairs, the Indonesian Migrant Workers Protection Agency (BP2MI), and the Ministry of Social Affairs in practice still operates in a sectoral and unsynchronized manner. ³ This situation results in many victims experiencing uncertainty in the process of rescue and social reintegration, and even the process of repatriating victims from abroad is often hampered by overlapping authority between agencies. ⁴ Coordination between the Ministry of Foreign Affairs, the Ministry of Women's Empowerment and Child Protection, and the BP2MI, for example, still often overlaps, while unequal access to legal aid and health services for non-Indonesian victims is also a problem in itself, even though Article 4 of the Anti-Trafficking Law explicitly states that protection is provided to everyone without

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discrimination.

Closely related to the coordination issue, the weak victim identification mechanism from the initial stage of case handling also becomes a crucial obstacle. Several studies have identified structural obstacles in the form of a weak victim identification process, minimal coordination between agencies, limited recovery facilities, and the suboptimal fulfillment of restitution rights for victims.⁶ In the context of criminal accountability of perpetrators, implementation in the field also faces gaps in victim identification, limited proof of elements of exploitation, weak implementation of corporate accountability, and less than optimal coordination between agencies and across countries, even though empirical data shows an increasing trend in human trafficking cases and cross-border victims from year to year.⁷ As a result, although the Anti-Trafficking Law stipulates quite severe criminal threats against perpetrators, in practice the sentences handed down by the courts are often much lighter than the maximum threat stipulated by the law, a pattern that indicates the weak effectiveness of law enforcement against human trafficking perpetrators.

The gap in policy implementation becomes even more apparent when analyzed at the regional level, particularly in border areas that are vulnerable to victim recruitment. Case studies in border areas of North Kalimantan, such as Nunukan and Sebatik, show that local communities tend to view overseas employment as an economic solution, even though the recruitment process often does not comply with official procedures.⁹ In these areas, legal and psychological assistance services for victims remain minimal and uneven, while the Witness and Victim Protection Agency (LPSK) faces limited resources in reaching remote areas along the border.¹⁰ On the other hand, cross-border cooperation for the repatriation of victims from neighboring countries such as Malaysia still faces administrative and diplomatic obstacles that slow the repatriation process. (Salwa & Sunairyo, 2025)

The transnational nature of human trafficking crimes also exposes structural weaknesses in Indonesia's national legal system when dealing with the jurisdictions of other countries. The dualism of the national legal system and the lack of bilateral extradition treaties are real obstacles in the process of enforcing the law on transnational human trafficking crimes, so that in many cases, perpetrators of human trafficking hiding in other countries cannot be prosecuted due to the lack of an adequate bilateral legal basis.¹² Investigative cooperation is also often hampered by the lack of mutual recognition of evidence and detention orders between countries, which ultimately complicates the process of proving in court.¹³ Although Indonesia has signed the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP) since 2015 as a basis for regional cooperation in prevention, prosecution,

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victim protection, as well as data exchange and extradition of perpetrators, its implementation at the national level has not been optimal due to incomplete harmonization of domestic laws.

More broadly, the weakness of law enforcement in Indonesia including in the context of human trafficking cannot be separated from more fundamental structural problems, such as limited law enforcement infrastructure, slow case handling, and limited access to justice for the less fortunate, which ultimately creates unequal legal treatment between social groups.¹⁵ Strengthening the independence of law enforcement institutions and efforts to reduce political intervention in the legal decision-making process are important prerequisites for ensuring the effectiveness of human trafficking law enforcement in the future.

The findings above confirm that the gap between anti-trafficking regulations and policy implementation in Indonesia is multidimensional including weak institutional coordination, limited identification and evidence capacity, disparities in services between regions, obstacles to cross-border legal cooperation, and broader structural issues within the national law enforcement system. This combination of obstacles explains why, despite Indonesia having had the Anti-Trafficking Law for nearly two decades, the number of cases and victims of anti-trafficking remains high and has even shown an increasing trend in recent years. Therefore, strengthening policy implementation is no less urgent than regulatory reform itself. (Kurnia, 2024)

3.3. Victim Protection and Recovery: An Unmet Need (expanded version)

One crucial point in the discourse of the reconstruction of the TIP policy is the paradigm of victim protection which has tended to be oriented towards the prosecution of the perpetrator (offender-oriented) rather than the recovery of the victim (victim-oriented). Several studies emphasize that the state's responsibility in handling TIP should not stop at the criminal justice process, but rather include the psychological, social, and economic recovery of the victim in a sustainable manner. ¹ Normatively, Article 48 of Law No. 21 of 2007 has actually mandated the provision of rehabilitation and restitution for victims, with rehabilitation defined as the restoration of the physical, psychological, and social conditions of the victim so that they can return to their normal role, both within the family and community environment, which includes health rehabilitation, social rehabilitation, and repatriation and social reintegration. (Indarwati & Suryanjari, 2024)

While this normative framework appears quite comprehensive, its implementation in the field reveals a number of fundamental shortcomings. An analysis of court decisions in human

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trafficking cases found that the description of victim recovery plans such as restitution, psychological rehabilitation, and referral to integrated services was not yet strongly embedded in the decision structure, a situation that is particularly common in online exploitation cases, where legal treatment emphasizes the deterrent aspect of the perpetrator, while the victim's recovery needs are positioned as an agenda outside the decision. 3 However, recovery that is not integrated into the judicial process has the potential to cause long-term impacts for victims, including prolonged trauma, social stigma, and the risk of re-victimization. 4 Another study examining the alignment of victim protection implementation with the Palermo Protocol also found significant shortcomings in the application of the victim-centered approach, where court decisions often do not detail the rehabilitation, reintegration, or psychosocial support services actually provided to victims, even though Article 6 of the Palermo Protocol explicitly mandates the state to provide comprehensive physical, psychological, and social recovery services, including adequate accommodation, counseling, information, and medical and material care for victims (Efendi & Ibrahim, 2018, p. 197).

The issue of restitution as a form of compensation for losses suffered by victims has also become a focus of attention. Restitution is regulated both in the Criminal Code and the Law on Trafficking in Persons with Human Trafficking as a right for victims to receive compensation from perpetrators to restore their position as close as possible to the condition before the exploitation occurred. However, its implementation in the field still faces major challenges, ranging from the difficulty of assessing the material and immaterial losses of victims to the inability of perpetrators to pay restitution that has been decided by the court. 6 This condition becomes more complicated when it concerns child victims, where the fulfillment of the right to restitution is often neglected due to the complexity of legal procedures and the lack of technical guidance regarding calculating the losses experienced by children as victims of human trafficking.

In terms of psychosocial recovery services, integrated service institutions such as the Integrated Service Center for the Empowerment of Women and Children (P2TP2A) have basically been designed to provide fast, precise, and integrated services, including psychological rehabilitation, social reintegration, economic empowerment, and legal assistance for victims. 8 However, a case study in one area found that the safe house facilities that were originally available were actually eliminated due to budget constraints, while other obstacles include a lack of public knowledge about the existence of these institutions, obstacles from the victims' families that actually hinder the rehabilitation process, a lack of experts to handle victims, and facilities that are not yet fully adequate, which also slow down the recovery process. 9 In practice, the forms of protection commonly provided to victims

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generally include resolution through a restorative justice approach, outreach and guidance, the provision of safe houses, psychological rehabilitation assistance, and ongoing assistance, although recognizing the signs of trauma in victims whether physical, emotional, or behavioral still requires capacity building for assistants so that the identification and intervention process can be carried out earlier and more precisely.

Thus, it can be concluded that the recovery needs of victims of human trafficking in Indonesia have not been fully met not because of the lack of a legal framework, but because of weak implementation at the technical and operational levels starting from the minimal inclusion of recovery plans in court decisions, the difficulty of executing restitution, limited budgets and expertise in integrated service institutions, and the suboptimal integration between the criminal justice process and the long-term psychosocial needs of victims. This condition emphasizes that future policy reconstruction needs to position victim recovery not merely as a complement to the legal process, but as the core of the entire system for handling human trafficking itself.

3.4. Victim-Oriented Policy Reconstruction

The various findings outlined in the previous sub-chapters from the definitional gap between the Anti-Trafficking Law and the Palermo Protocol, weak inter-agency coordination, minimal victim recovery, to the emergence of digital-based crime modes ultimately lead to one fundamental conclusion: Indonesia's anti-trafficking policy requires comprehensive reconstruction, not just patchwork of certain aspects. Several studies even explicitly emphasize the need to formulate more effective policy recommendations through a comprehensive evaluation of the effectiveness of Law No. 21 of 2007's implementation since its initial enactment, taking into account that the modus operandi of human trafficking in Indonesia now shows a much more organized and adaptive pattern than when the law was first formulated. (Puspawati, 2025)

The first urgent step that needs to be taken is the harmonization of regulations across sectors, particularly between the PTPPO Law, the Electronic Information and Transactions Law, and the new Criminal Code. As explained in the legal framework section, the disharmony of definitions between the PTPPO Law and the Palermo Protocol has the potential to lead to misinterpretations in the application of the law, so that future updates to the PTPPO Law need to clarify the scope of forms of violence, abuse of power, and vulnerable positions in more detail, in line with the spirit of the Palermo Protocol. In addition, the adoption of fifteen articles of the PTPPO Law into the Draft Criminal Code should be a momentum to refine the operational definitions of important legal terms that have not been regulated in detail, in

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order to avoid difficulties in proving criminal elements in court. In the context of digital crime modes, harmonization between the PTPPO Law and the ITE Law is also an urgent need, particularly in regulating electronic evidence for cases of cyber-recruitment and online scam-based exploitation, considering that existing regulations are still limited and spread across various legal instruments that have not been integrated.

Second, policy reconstruction needs to be directed at strengthening the integrated national referral mechanism (NRM) as a basis for systematic victim identification and handling. Several studies recommend that the government integrate a victim-centered approach in all stages of handling human rights and gender issues, ensure training with a human rights and gender perspective for law enforcement officers, and strengthen the integrated data mechanism through the NRM so that every victim can be identified consistently from the initial stages of handling through the recovery process. Strengthening this integrated data system is in line with the efforts pioneered by the Central Statistics Agency through the One Data Indonesia framework, which needs to be continuously encouraged so that all relevant ministries and institutions use uniform data and metadata standards, so that the formulated policies are truly evidence-based and no longer rely on fragmented data between agencies.

Third, from the perspective of the law enforcement model, a number of studies suggest that the handling of TIP is no longer solely oriented towards imprisoning perpetrators (punishment oriented), but rather begins to integrate the principle of restorative justice which places victim recovery as the main objective of the legal process, without reducing the deterrent effect on perpetrators of organized crime. 6 The latest developments in the national criminal procedure system, which is starting to shift from a retributive approach to a restorative one, open up opportunities for the application of similar mechanisms in handling TIP, although it needs to be carefully observed so that this restorative approach is not misused to weaken the prosecution of perpetrators of organized crime who actually require firm handling. 7 The reconstruction of the victim-oriented law enforcement model ideally combines the construction of TIP crimes that emphasize the aspects of exploitation and economic gain of perpetrators with recovery mechanisms that are explicitly stated in court decisions, including restitution plans, psychological rehabilitation, and referrals to integrated services, so that victim recovery is no longer positioned as an agenda outside the judicial process.

Fourth, institutional and budgetary strengthening are indispensable prerequisites for this policy reconstruction. The experience of several regions that have had to close safe house services due to budget constraints demonstrates that political commitment in the form of regulations needs to be balanced with adequate and sustainable resource allocation for

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integrated service institutions such as the Integrated Service Center for the Empowerment of Women and Children and the Witness and Victim Protection Agency, including the addition of psychologists and social workers, whose numbers have been very limited, particularly in border and remote areas.

Fifth, considering the transnational nature of human trafficking crimes, policy reconstruction also needs to address aspects of international legal cooperation more concretely. Expanding the network of bilateral extradition treaties, strengthening the mutual recognition of evidence and detention orders between countries, and accelerating the harmonization of domestic law with the ASEAN Convention Against Trafficking in Persons are urgent agendas so that the regional cooperation agreed upon in 2015 can be truly implemented effectively, rather than just remaining a commitment on paper. 10 Strengthening the role of diplomatic representatives in countries vulnerable to human trafficking, particularly in the Southeast Asian region which has recently been rife with cases of online scam-based exploitation, also needs to be accompanied by simpler and less administratively complicated repatriation procedures, so that the process of rescuing and returning victims no longer faces prolonged bureaucratic obstacles.

Sixth, and no less important, policy reconstruction needs to position socio-economic empowerment and gender equality as upstream prevention strategies, not merely complements to downstream law enforcement policies. Given that structural poverty, low access to education, and gender discrimination have consistently been identified as the root causes of women's and children's vulnerability to exploitation, criminal policies alone will not be sufficient to break the chain of human trafficking without being accompanied by social policies that target these root causes, in line with the idea that criminal policies are essentially part of a broader effort to achieve social welfare.

The six policy reconstruction ideas above harmonization of cross-sectoral regulations, strengthening integrated referral and data mechanisms, shifting toward a victim-oriented law enforcement model, strengthening institutions and budgets, strengthening international legal cooperation, and integrating socio-economic and gender empowerment are fundamentally interrelated and cannot be implemented separately. The chain of human trafficking prevention, which has been broken at various points, can only be reconnected if these six elements are reconstructed simultaneously and sustainably, with consistent political commitment and resource allocation from all stakeholders, from the central government, local governments, law enforcement officials, victim service institutions, to civil society and the private sector.

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4. Conclusion

The problem of human trafficking in Indonesia is complex and multi-layered, and cannot be reduced to a single aspect. While Law No. 21 of 2007 provides a fairly comprehensive legal foundation, it still leaves a definitional gap with the Palermo Protocol, potentially leading to misinterpretation in its application. This problem is exacerbated by weak inter-agency coordination, limited victim identification capacity, obstacles to cross-border legal cooperation, and the transformation of perpetrators' modus operandi, which increasingly utilizes digital technology through cyber-recruitment schemes and online scams. Furthermore, victim protection and recovery which should be at the heart of human trafficking management are still inadequately addressed, ranging from the lack of recovery plans in court decisions to limited budgets and expertise in victim service institutions. This situation is rooted in structural vulnerabilities resulting from poverty, low access to education, and gender discrimination, making a criminal law approach alone insufficient to address the problem without accompanying socio-economic empowerment policies. Thus, the fight against human trafficking in Indonesia is like a chain broken at various points: between legal norms and their implementation, between law enforcement and victim recovery, and between formal policies and the socio-economic realities of society. Future policy reconstruction needs to be carried out comprehensively and simultaneously, encompassing regulatory harmonization, data and institutional strengthening, a victim-oriented law enforcement approach, strengthened international cooperation, and socio-economic empowerment as an upstream prevention strategy, so that the broken chain can be reconnected in a complete and sustainable manner.

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