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Reconstruction of Policies for Combating the Criminal Act of Human Trafficking in The Digital Era Through a Collaborative Criminal Justice System Approach

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Abstract. Human Trafficking is a form of transnational organized crime that continues to grow along with advances in digital technology and increased human mobility. Although Indonesia has Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking and has ratified the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), the effectiveness of policy implementation still faces various challenges, including weak inter-agency coordination, the lack of integration of national information systems, limited victim identification, and the complexity of proving crimes that utilize digital technology. This study aims to analyze the implementation of human trafficking prevention policies in Indonesia, identify obstacles to law enforcement, and formulate a policy reconstruction model through the Collaborative Criminal Justice System approach. The research uses normative legal methods with legislative, conceptual, and comparative approaches, supported by a literature review of laws and regulations, scientific literature, and the Trafficking in Persons Report 2025 and the International Organization for Migration (IOM) Guidelines for Handling Human Trafficking Crimes. The results of the study indicate that the main challenge in eradicating human trafficking does not lie in the lack of regulations, but rather in the aspects of policy implementation and law enforcement governance. This study offers a policy reconstruction model that emphasizes strengthening inter-institutional coordination, developing an integrated national information system, optimizing the use of digital technology in an accountable manner, implementing a follow-the-money approach, and strengthening victim protection through a victim-centered approach. This model is expected to increase the effectiveness of human trafficking prevention in Indonesia in a more integrated, adaptive, and sustainable manner.

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Keywords: *Collaborative Criminal Justice System; Criminal Law Policy; Human Trafficking Crime; Law Enforcement; Victim Protection.*

1. Introduction

Human Trafficking (TPPO) is a form of transnational organized crime that threatens human rights, security, and sustainable development. Human trafficking involves not only the recruitment, transportation, transfer, harboring, or receipt of individuals through threats or use of force, abduction, fraud, abuse of power, or abuse of a position of vulnerability, but also the purpose of exploitation, including sexual exploitation, forced labor, slavery or practices similar to slavery, servitude, and organ removal.¹ Therefore, TPPO is seen as a serious violation of human dignity that requires comprehensive handling through national and international cooperation.² Developments in information and communication technology have changed the pattern of human trafficking crimes. Perpetrators no longer rely on conventional recruitment methods, but instead utilize social media, instant messaging apps, job search platforms, and various other digital tools to attract victims more quickly and with greater difficulty in detection. This situation has made human trafficking increasingly complex, as it involves cross-regional and even cross-national networks that exploit the anonymity of digital space to evade law enforcement.³

Indonesia is one of the countries facing serious challenges in eradicating human trafficking. As an archipelagic nation with high population mobility and a source and transit country for migrant workers, Indonesia is vulnerable to various forms of human trafficking. Women, children, and migrant workers remain the most vulnerable to exploitation due to poverty, low levels of education, limited employment opportunities, and weak digital literacy.⁴ This situation demonstrates that addressing human trafficking requires not only a repressive approach through law enforcement, but also a preventative strategy involving various stakeholders.

As a form of commitment to eradicating human trafficking, Indonesia has passed Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking, which regulates aspects of prevention, prosecution, victim protection, and international cooperation. In

¹United Nations. (2000). Protocol to Prevent, Suppress and Pursue Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime

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

³Ibid.

⁴International Organization for Migration. (2023). Counter Trafficking Data Report



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addition, Indonesia has also ratified the United Nations Convention against Transnational Organized Crime through Law Number 5 of 2009 and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children through Law Number 14 of 2009. However, the implementation of these policies still faces various challenges, including suboptimal coordination between agencies, limited data and information exchange, the complexity of proving cases involving digital evidence, and the suboptimal tracing of assets resulting from crime.⁵.

According to Friedman (1975), the effectiveness of a legal system is determined by three main components: legal structure, legal substance, and legal culture. In the context of eradicating human trafficking (TPPO), these three components must operate synergistically so that legal policies can respond to the increasingly dynamic development of crime modes. On the other hand, the concept of Collaborative Governance proposed by Ansell and Gash (2008) emphasizes the importance of collaboration between government agencies and stakeholders in resolving complex public issues. This approach is relevant to be applied in combating human trafficking (TPPO), given the characteristics of this crime involving multiple institutions, both at the national and international levels.

Previous studies have focused primarily on victim protection, the implementation of Law Number 21 of 2007, and law enforcement against perpetrators of human trafficking. Meanwhile, studies on the reconstruction of human trafficking prevention policies through a Collaborative Criminal Justice System approach integrated with digital technology are still relatively limited. This research gap highlights the need to develop policy models that strengthen inter-institutional coordination, enhance information exchange, and optimize the use of technology in human trafficking prevention and law enforcement efforts.

Based on the description, this study aims to analyze the weaknesses in the implementation of anti-trafficking policies in Indonesia and formulate a policy reconstruction model based on the Collaborative Criminal Justice System as an effort to strengthen the effectiveness of anti-trafficking eradication in the digital era.

2. Research Methods

This research is a normative legal study aimed at analyzing legal regulations regarding the prevention of human trafficking and formulating policy reconstructions that are more adaptive to the development of crime in the digital era. Normative legal research positions law as a

⁵Arief, BN (2016). Anthology of Criminal Law Policy: Developments in the Drafting of the New Criminal Code. Kencana.



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norm that is examined through legislation, legal principles, doctrines, court decisions, and various relevant scientific literature.⁶

The approaches used include *statute approach*, *conceptual approach*, and *comparative approach*. *Statutory approach* used to review various laws and regulations related to TPPO, including Law Number 21 of 2007 concerning the Eradication of Criminal Acts of Human Trafficking, Law Number 5 of 2009 concerning the Ratification of *United Nations Convention against Transnational Organized Crime*, as well as Law Number 14 of 2009 concerning Ratification *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*. Furthermore, *conceptual approach* used to analyze the concept of criminal law policy, *Collaborative Criminal Justice System*, and legal system theory as a basis for formulating a policy reconstruction model. *comparative approach* used to compare relevant practices or arrangements across several jurisdictions or international standards to obtain policy alternatives that can be adapted in the Indonesian context.

The legal materials used consist of primary, secondary, and tertiary legal materials. Primary legal materials include laws and regulations, international conventions, and court decisions related to human trafficking. Secondary legal materials include books, scientific articles, research results, and reports from international institutions such as the Indonesian National Human Rights Commission (KPK), *United Nations Office on Drugs and Crime* (UNODC) and *International Organization for Migration* (IOM). Meanwhile, tertiary legal materials include legal dictionaries, encyclopedias, and other reference sources that support explanations of primary and secondary legal materials.

The legal materials were collected through a literature review, while the analysis was conducted qualitatively using prescriptive analysis techniques. The analysis aims to identify weaknesses in current anti-trafficking policies and then formulate recommendations for more effective policy reconstruction through strengthened collaboration between law enforcement agencies, enhanced cross-sectoral coordination, and the use of technology to support prevention and law enforcement efforts against human trafficking.

3. Results and Discussion

3.1. Implementation of the Policy to Combat Human Trafficking in Indonesia

Indonesia has a relatively comprehensive legal basis in its efforts to eradicate the Crime of Human Trafficking (TPPO), namely through Law Number 21 of 2007 concerning the Eradication

⁶Marzuki, PM (2021). Legal Research. Kencana



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of the Crime of Human Trafficking. In addition, Indonesia has ratified the United Nations Convention against Transnational Organized Crime through Law Number 5 of 2009 and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children through Law Number 14 of 2009. From a legal substance perspective, the regulatory framework demonstrates the country's commitment to meeting international standards for eradicating human trafficking.

However, the effectiveness of policy implementation is determined not only by the existence of regulations, but also by institutional capacity and legal culture, as stated by Friedman (1975). In practice, the modus operandi of human trafficking (TPPO) evolves far faster than the legal system's ability to respond. Recruitment of victims now utilizes social media, messaging apps, job search platforms, and even cybercrime networks operating across borders. This situation makes proving criminal acts increasingly complex and requires closer coordination between agencies.

The Human Trafficking Handling Guidelines published by the International Organization for Migration (IOM) in collaboration with the Attorney General's Office of the Republic of Indonesia emphasize that the modus operandi of human trafficking continues to evolve and become increasingly complex, even closely related to other crimes such as migrant worker smuggling, money laundering, corruption, and transnational crimes. Therefore, handling human trafficking cannot be done sectorally, but rather requires a partnership-based approach that integrates elements of prevention, prosecution, victim protection, and cross-agency cooperation, known as the 3P + Partnership approach.⁷ These findings align with the United States Government's evaluation in the Trafficking in Persons Report 2025, which placed Indonesia in Tier 2. The report stated that Indonesia has demonstrated a number of advances, including the repatriation of thousands of potential victims of online exploitation from abroad, investigations into labor trafficking cases in the fisheries sector, and the establishment of a Directorate for Cyber Crime and a Directorate for Crimes Against Women and Children and Human Trafficking within the Indonesian National Police. However, the government is deemed to have not fully met the minimum standards for eradicating human trafficking due to weaknesses in investigations, victim identification, inter-agency coordination, and victim protection. These findings indicate a gap between normative policies and empirical implementation. On the one hand, Indonesia has adequate legal instruments. On the other hand, the effectiveness of their implementation is still affected by weak cross-sectoral

⁷Directorate of Terrorism and Transnational Crimes, Attorney General's Office of the Republic of Indonesia, Counter-Trafficking and Labor Migration Unit, International Organization for Migration (IOM) Indonesia, (2024). Guidelines for Handling Human Trafficking Crimes. International Organization for Migration (IOM) Indonesia



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coordination, the lack of integration of national information systems, and the limited capacity of authorities to identify and address increasingly digital-based human trafficking methods.

Table1. Problems in Implementing Anti-Trafficking Policies in Indonesia

Aspect	Findings
Regulation	The legal framework is relatively complete through Law No. 21 of 2007 and ratification of international instruments.
Crime Mode	Shifting to digital media, exploitation of migrant workers, online fraud and transnational networks
Coordination	Information exchange between institutions is not yet optimal
Victim protection	Victim identification and recovery services have not been consistent.
Law enforcement	Investigations and prosecutions have not been fully able to reach the main networks and intellectual perpetrators.

Source: Processed by the author based on IOM Indonesia (2021) and Trafficking in Persons Report (2025)

Based on this analysis, it is clear that the primary problem in eradicating human trafficking in Indonesia lies not solely in the lack of regulations, but rather in the effectiveness of policy implementation. Using Friedman's legal system perspective, these obstacles reflect the suboptimal integration between legal structure, legal substance, and legal culture. Therefore, a response model is needed that can strengthen inter-institutional collaboration, improve data interoperability, and integrate technology-based approaches into the prevention, investigation, prosecution, and victim protection processes.

3.2. Obstacles to Law Enforcement of Human Trafficking Crimes in Indonesia

Although Indonesia has adequate legal instruments to eradicate human trafficking (TPPO), effective law enforcement still faces various structural, substantial, and cultural obstacles. These obstacles mean that the primary objectives of law enforcement, namely to deter perpetrators, disrupt human trafficking networks, and provide optimal protection to victims, have not been fully achieved.

The 2025 Trafficking in Persons Report shows that the Indonesian government remains in the Tier 2 category, meaning it has made significant efforts to eradicate human trafficking, but has not yet met the minimum standards set out in the Trafficking Victims Protection Act (TVPA). One key indicator of suboptimal law enforcement is the decline in the number of human trafficking investigations compared to the previous period. In 2024, the government reported 843 human trafficking investigations, a decrease from 1,061 investigations in 2023. Furthermore, the government only reported 400 prosecutions of human trafficking



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perpetrators and did not provide comprehensive data on the number of perpetrators convicted or the number of victims identified nationally.

Table 2. Problems in Implementing Anti-TPPO Policies in Indonesia

Indicator	2023	2024	Information
Investigation of Human Trafficking Cases	1,061 Cases	843 Cases	Heading towards around 20.5%
Prosecution	706 Cases	400 perpetrators	There was a decrease in reporting and changes in data format.
Court Decision Data	435 Cases	Not reported	Data transparency is not optimal
National victim identification	-	-	There is no integrated database yet

Source: Adapted from Trafficking in Persons Report 2025.

The decline in the number of investigations does not necessarily indicate a decrease in human trafficking cases. Although the government has conducted several investigations into labor trafficking cases, the scope of law enforcement is still considered inadequate. The Trafficking in Persons Report 2025 noted that the government did not proactively identify victims or effectively monitor and enforce labor regulations in high-risk sectors, such as the palm oil, fisheries, fish processing, and extractive industries. Furthermore, the government did not report investigations into suspected domestic labor trafficking beyond six cases in the fisheries sector, despite indications of exploitation in various high-risk industries. This situation indicates a persistent gap between the potential for human trafficking and the state's law enforcement capacity. Furthermore, the government does not yet have a uniform national Standard Operating Procedure (SOP) for identifying human trafficking victims across all sectors, resulting in inconsistent victim identification processes and the potential for victims to lack optimal legal protection.⁸

Another issue is weak coordination between law enforcement agencies. The Trafficking in Persons Report 2025 explicitly states that ineffective coordination and the absence of a centralized government database have hampered law enforcement and reduced the accuracy of national statistical reporting on human trafficking. Consequently, data on investigations, prosecutions, victim protection, and court decisions remains scattered across various agencies, making comprehensive policy evaluation difficult.

⁸Ibid,

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These findings strengthen Lawrence M. Friedman's (1975) legal system theory, which states that the effectiveness of law is influenced by three main elements, namely legal structure, legal substance, and legal culture.⁹From a legal structure perspective, coordination between law enforcement agencies still faces institutional challenges, including the lack of integrated information exchange. From a legal substance perspective, although Law Number 21 of 2007 provides a strong legal basis, the Trafficking in Persons Report 2025 highlights that this provision is not fully aligned with international standards because it still requires proof of violence, fraud, or coercion in establishing child sex trafficking.

From a criminal law policy perspective, Barda Nawawi Arief emphasized that the effectiveness of crime prevention is not sufficient to rely solely on a penal approach, but must also be supported by non-penal policies through prevention, institutional strengthening, public education, and cross-sector coordination.¹⁰This approach is highly relevant in the context of human trafficking (TPPO) because the crime is transnational, organized, and involves various actors, both individuals and corporations. The TIP Handling Guidelines published by IOM Indonesia in collaboration with the Attorney General's Office of the Republic of Indonesia also emphasize that handling TIP is not only related to the investigation and prosecution process, but also requires synergy between institutions through the 3P + Partnership approach (Prevention, Protection, Prosecution, and Partnership).¹¹This approach places cross-ministerial/institutional coordination as a key prerequisite for successful eradication of human trafficking because the current modus operandi is closely linked to other crimes, such as money laundering, migrant worker smuggling, and transnational crime.

Based on this description, the main obstacle to human trafficking law enforcement in Indonesia lies not only in the normative aspect, but primarily in the suboptimal integration of institutions, information systems, and coordination between law enforcement agencies. Therefore, policy reform cannot be achieved solely through regulatory changes; it must be directed at developing a collaborative, data-driven, and adaptive law enforcement system to the development of digital crime. This model serves as the foundation for policy reconstruction, which will be discussed in the following subsection.

⁹Friedman, L. M. (1975). *The legal system: A social science perspective*. Russell Sage Foundation

¹⁰Arief, BN (2018). *Criminal law policy anthology: Developments in the drafting of the new Criminal Code (5th Edition)*. Kencana.

¹¹Ibid



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3.3. Reconstruction of the Policy for Combating Human Trafficking Crimes Through a Collaborative Criminal Justice System Approach

The analysis in the previous subchapter indicates that the primary obstacle to combating human trafficking in Indonesia lies not in the absence of regulations, but rather in weak policy implementation, inter-agency coordination, and information system integration. This situation demonstrates that a sectoral law enforcement approach is inadequate to address the characteristics of human trafficking as a transnational crime involving cross-regional and cross-border networks and increasingly utilizing digital technology. Therefore, policy reconstruction is needed that focuses on strengthening collaboration between criminal justice subsystems.

The Collaborative Criminal Justice System concept places crime prevention as a shared responsibility of all actors in the criminal justice system. In the context of human trafficking, this collaboration involves not only the Police, the Prosecutor's Office, and the Courts, but also the Ministry of Immigration and Corrections, the Ministry of Manpower, the Indonesian Migrant Workers' Fund (BP2MI), the Financial Transaction Reports and Analysis Center (PPATK), the Ministry of Communication and Digital, local governments, the LPSK (Lembaga Penitentiary Agency), as well as international organizations and civil society. This approach aligns with the concept of collaborative governance proposed by Ansell and Gash (2008), namely the implementation of public policy through a decision-making process that collectively involves various stakeholders.¹²

The urgency of strengthening this collaboration is also reflected in the Trafficking in Persons Report 2025, which recommends that the Indonesian government improve inter-agency coordination, improve victim identification mechanisms, strengthen national data collection, and enhance investigations and prosecutions of human trafficking perpetrators. The report also highlights the lack of an integrated national database, making it difficult to comprehensively monitor the number of victims, perpetrators, law enforcement processes, and victim protection services.

In line with this, IOM Indonesia emphasized that handling human trafficking must be implemented through a 3P + Partnership approach: Prevention, Protection, Prosecution, and Partnership. This approach places cross-agency partnerships as a key prerequisite for successful human trafficking eradication because the characteristics of this crime are

¹²Ansell, C., & Gash, A. (2008). Collaborative governance in theory and practice. *Journal of Public Administration Research and Theory*, 18(4), 543–571. <https://doi.org/10.1093/jopart/mum032>



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intertwined with various other crimes, including migrant smuggling, money laundering, and cybercrime.

Based on these findings, this study offers a policy reconstruction model consisting of five main components.

1. Strengthening Data Governance

Strengthening data governance through the development of a National Information System for Human Trafficking (TPPO), which integrates data from the Police, Prosecutor's Office, Courts, BP2MI (Indonesian Migrant Workers' Fund for Migrant Workers), Immigration, PPATK (Financial Transaction Reports and Analysis Center), relevant ministries/agencies, and local governments. Data integration is necessary to generate accurate information on investigations, prosecutions, court decisions, victim identification, rehabilitation, and trends in the modus operandi of TIPs. The system also supports the development of evidence-based policies.

2. Strengthening Inter-Agency Coordination Mechanisms

Strengthening inter-agency coordination mechanisms through the establishment of integrated standard operating procedures (SOPs) governing information exchange, victim handling, joint investigation mechanisms, and cross-jurisdictional coordination. Integrated SOPs will minimize overlapping authorities and expedite responses to human trafficking cases involving more than one jurisdiction.

3. Optimizing the Utilization of Digital Technology

Optimizing the use of digital technology in combating human trafficking. This can be achieved through data-based crime pattern analysis, monitoring suspicious recruitment advertisements on digital platforms, and developing early warning systems. Implementation of this technology must remain within the law, uphold personal data protection, and ensure human oversight of every operational decision.

Follow The Money Approach

Strengthening the "follow the money" approach by increasing coordination with the Financial Transaction Reports and Analysis Center (PPATK) and law enforcement officials to trace the flow of human trafficking funds. This approach is crucial because human trafficking is inherently a crime oriented toward economic gain. Therefore, asset confiscation and

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impoverishment of perpetrators are strategic tools for disrupting the continuity of criminal networks.

4. Strengthening Victim Protection

Strengthening victim protection through the implementation of a victim-centered approach. Protection is provided not only during the investigation stage but also includes medical and psychological rehabilitation, legal assistance, social reintegration, and economic empowerment. This approach aligns with the mandate of Law Number 21 of 2007 and the Palermo Protocol, which positions victims as subjects whose rights must be restored.

Table 3. Model of Reconstruction of TPPO Prevention Policy

Problems	Present condiition	Policy Reconstruction
Inter-Agency Data	Fragmented	Integrated National Information System on Human Trafficking
Coordination	Sectoral in nature	Integrated SOP and joint investigation across agencies
Law enforcement	Field actor oriented	<i>Follow The Money</i> and network dismantling
Technology	Not yet optimally utilized	Crime pattern analysis, early warning system, and digital monitoring
Victim protection	Not yet uniform	A comprehensive victim-centered approach

Source: Author's development based on Friedman (1975), Ansel and Gash (2008), IOM Indonesia (2021), and Trafficking in Persons Report 2025.

4. Conclusion

Human Trafficking (TPPO) is an organized transnational crime that continues to develop along with advances in digital technology and increasing human mobility. Research results show that Indonesia basically has an adequate regulatory framework through Law Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons, as well as international commitments through the ratification of the United Nations Convention against Transnational Organized Crime and the Palermo Protocol. However, the effectiveness of TIP eradication is not fully optimal because there are still various implementation obstacles, including unintegrated inter-agency coordination, the unavailability of a comprehensive national data system, limited victim identification, and the suboptimal use of technology to support the process of prevention, investigation, prosecution, and victim protection. An analysis of the Trafficking in Persons Report 2025 and the Guidelines for Handling Human Trafficking Crimes

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published by the International Organization for Migration (IOM) shows that the main challenge in eradicating human trafficking no longer lies in the aspect of establishing regulations, but rather in the effectiveness of law enforcement governance. Using the perspective of Lawrence M. Friedman's legal system theory, this weakness indicates a suboptimal integration between legal structure, legal substance, and legal culture. This condition results in policies that are normatively adequate are unable to produce effective law enforcement in dealing with the increasingly complex dynamics of human trafficking. Based on these findings, this study proposes a policy reconstruction using the Collaborative Criminal Justice System approach, which places cross-sector collaboration as the primary foundation for combating human trafficking. The proposed reconstruction model includes strengthening an integrated national information system, developing cross-agency standard operating procedures, optimizing the use of digital technology for early detection and analysis of crime patterns, strengthening the "follow the money" approach to disrupt the perpetrators' economic gains, and implementing a victim-centered approach for victim protection and recovery. Therefore, this study provides a conceptual contribution in the form of a policy model that integrates the principles of collaborative governance, the criminal justice system, and the use of technology as a strategy for combating human trafficking that is more adaptive to the development of crime in the digital era.

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