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Human Trafficking as Organized Crime: Criminal Law Reform, Sentencing Models, and Effective Prosecution Strategies

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Abstract. *Human trafficking is a form of organized crime that evolves in complex, systematic, and profit-driven ways, thereby necessitating a more adaptive criminal law approach. This study aims to analyze the shortcomings of Indonesian criminal law in combating human trafficking and to formulate reforms for sentencing models and more effective prosecution strategies. The research employs a normative legal research method utilizing statutory, conceptual, and comparative approaches. Legal materials were gathered through a literature review encompassing legislation, international conventions, books, and scholarly journals and analyzed qualitatively using legal interpretation methods. The findings indicate that Indonesia's criminal law system still faces various weaknesses, including limited corporate criminal liability, suboptimal asset recovery mechanisms, weak integration of financial investigations, and prosecution strategies that remain focused on individual perpetrators. Consequently, criminal law reform is required to strengthen sentencing models by integrating asset forfeiture, corporate criminal liability, and the restoration of victims' rights, alongside reforming prosecution strategies based on "follow the organization" and "follow the money" approaches. Such reforms are expected to enhance the effectiveness of efforts to combat human trafficking, dismantle organized crime networks, and establish a criminal justice system that ensures greater justice and legal certainty while delivering tangible benefits to society.*

Keywords: *Criminal Law Reform; Human Trafficking; Organized Crime; Prosecution Strategy; Sentencing Model.*

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1. Introduction

Human trafficking is a serious crime that evolves systematically and across borders, involving organized crime networks. Unlike conventional crimes committed by individuals, human trafficking is generally carried out through complex organizational structures with a division of roles ranging from recruitment, transportation, document forgery, and harboring to exploitation and the laundering of criminal proceeds. These characteristics mean that human trafficking is no longer viewed merely as a crime against the individual, but rather as a threat to human rights, national security, social stability, and economic development. Consequently, the international community through the United Nations Convention against Transnational Organized Crime (UNTOC) and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol) classifies human trafficking as a form of transnational organized crime that requires a comprehensive response involving prevention, victim protection, the prosecution of perpetrators, and international cooperation (Harkrisnowo, 2007, p. 14).

In Indonesia, the commitment to combating human trafficking is embodied in the enactment of Law Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons, which serves as an implementation of the Palermo Protocol. This legislation signifies a strengthening of criminal law policy aimed at protecting victims while simultaneously prosecuting perpetrators. However, the evolving modus operandi of human trafficking increasingly adaptive to information technology advancements, the use of digital media, illegal labor migration, and the involvement of corporations and transnational networks has presented new challenges for the existing legal framework. In practice, human trafficking is no longer a simple operation; instead, it is carried out through organized networks utilizing various economic, technological, and financial instruments, making it increasingly difficult to prove using conventional law enforcement approaches (Marlina, 2009, p. 12).

These issues demonstrate that the effectiveness of combating human trafficking is not determined solely by the existence of criminal statutes criminalizing the act; it is also influenced by the criminal justice system's capacity to identify the organizational structure of the crime, dismantle perpetrator networks, trace the flow of illicit profits ("follow the money"), and impose sentencing measures that both act as a deterrent and disrupt the continuity of the criminal organization's activities.

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In reality, law enforcement efforts in Indonesia tend to focus on punishing street-level offenders, while the masterminds, financiers, and those reaping the greatest profits from human trafficking often remain largely untouched. Consequently, criminal organizations are able to continue operating even after some of their members have been sentenced to imprisonment (Panjaitan, 2022).

On the other hand, the sentencing models currently in use remain dominated by imprisonment and fines, as specified in Law Number 21 of 2007. This approach is considered insufficient to address the nature of human trafficking as a "profit-driven crime" an offense aimed at generating substantial economic gain. From the perspective of modern criminal policy, criminal organizations will continue to thrive if the economic profits are reaped far outweighing the legal risks involved. Therefore, the sentencing approach should not solely focus on imprisoning offenders; Instead, it needs to aim at impoverishing criminal organizations through the optimization of asset forfeiture, the payment of restitution to victims, the recovery of losses incurred, and the imposition of criminal liability on corporations involved in human trafficking networks.

Similar issues are evident in the prosecution phase. Prosecution strategies for human trafficking offenses generally still rely on an approach that focuses on proving the actions of individual perpetrators. However, the nature of human trafficking as an organized crime demands a more comprehensive prosecution strategy one that incorporates network-based investigation and prosecution, financial investigations, the use of electronic evidence, and the integration of human trafficking charges with money laundering offenses. Such an approach aims not only to secure a criminal conviction against the perpetrator but also to dismantle the entire criminal organizational structure, thereby effectively halting the operations of the trafficking network.

Previous studies have generally focused on the implementation of Law Number 21 of 2007, the harmonization of national law with the Palermo Protocol, and the protection of human trafficking victims. Meanwhile, research comprehensively integrating criminal law reform, updates to sentencing models, and prosecution strategies within the context of organized crime remains relatively limited. Yet, these three aspects constitute an inseparable whole in establishing an effective system to combat human trafficking (Puspawati, 2023, p. 12).

ISSN: 2798-9313
LICS 2026
Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

Based on the foregoing, a conceptual reconstruction of criminal law policy regarding human trafficking is required one that focuses not only on criminalizing perpetrators but also on reforming sentencing models to eliminate the economic gains derived from the crime and developing prosecution strategies adapted to the nature of human trafficking as an organized crime. Such reform is expected to strengthen the effectiveness of the criminal justice system, enhance victim protection, and achieve a more comprehensive eradication of human trafficking in line with the evolution of contemporary transnational crime.

2. Research Methods

This study is a normative legal research project that treats law as a system of norms to examine the effectiveness of regulations concerning human trafficking as an organized crime, and to formulate concepts for criminal law reform, sentencing models, and more effective prosecution strategies. The normative approach was selected because the research focuses on analyzing legislation, legal principles, doctrines, and the evolution of criminal law concepts in response to the dynamics of human trafficking as a form of organized crime.

3. Results and Discussion

3.1. Human Trafficking as Organized Crime

Human trafficking represents one of the most complexly evolving forms of crime within the landscape of modern criminality. It is no longer viewed merely as an isolated offense or an act committed by individuals; rather, it has evolved into a criminal activity orchestrated through structured networks characterized by a systematic division of labor and the use of information technology that is driven by the pursuit of large-scale economic profit. These characteristics classify human trafficking as a form of organized crime with both national and transnational dimensions, necessitating a criminal justice approach that is far more comprehensive than the simple prosecution of low-level perpetrators.

From the perspective of international law, human trafficking has received special attention since the adoption in 2000 of the United Nations Convention against Transnational Organized Crime (UNTOC) and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children commonly known as the Palermo Protocol. The Palermo Protocol affirms that human trafficking is a criminal offense requiring prevention, investigation, prosecution, and a coordinated response through international cooperation, given that it is frequently perpetrated by transnational organized criminal groups. In addition to criminalizing offenders, the instrument emphasizes victim protection, the confiscation of

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LICS 2026
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proceeds of crime, the liability of legal entities, mutual legal assistance, extradition, and inter-state law enforcement cooperation (Stogmuller, 2025, p. 364).

Conceptually, UNTOC defines an organized criminal group as a group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes to obtain financial or other material benefits. Based on these characteristics, human trafficking meets virtually all the criteria of organized crime, as it typically involves recruiters, document providers, transporters, those who harbor victims, overseers, exploiters, and even those who manage the proceeds of the crime. The relationships among these perpetrators demonstrate the organizational structure, division of roles, continuity of activity, and profit orientation that characterize modern criminal organizations.

In practice, human trafficking manifests through various forms of exploitation, such as sexual exploitation, forced labor, modern slavery, organ harvesting, forced marriage, child exploitation, and exploitation via digital platforms. The *modus operandi* employed has also evolved alongside technological advancements. Victim recruitment is no longer limited to direct personal contact; instead, it leverages social media, instant messaging apps, job search sites, and digital platforms that offer employment with the lure of high earnings. This digitalization has blurred geographical boundaries, enabling criminal organizations to recruit victims from diverse regions in a relatively short time and at lower operational costs (Arief, 2017, pp. 45–58).

This shift in criminal patterns indicates that human trafficking has evolved from a conventional crime into an organized, profit-driven enterprise a crime oriented toward economic gain. Unlike crimes driven by emotion or spontaneity, human trafficking is structured as an illicit business activity that takes into account costs, risks, profits, and the organization's operational continuity. Consequently, the success of criminal organizations depends not only on the ability to recruit victims but also on the capacity to conceal profit flows, launder the proceeds of crime, and exploit weaknesses in the legal systems of various countries.

In Indonesia, human trafficking is regulated under Law Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons. This law adopts the key principles of the Palermo Protocol by criminalizing the entire spectrum of trafficking activities ranging from recruitment, transportation, harboring, dispatch, and transfer to the receipt of a person involving the use of threats, force, abduction, fraud, abuse of power, or exploitation of a position of vulnerability for the purpose of exploitation. However, evolving *modus operandi* indicate that human trafficking increasingly exploits digital networks, corporate entities, and

ISSN: 2798-9313

cross-border financial transactions, meaning that law enforcement can no longer rely solely on proving the actions of individual perpetrators (Maharani, 2026, p. 3).

The nature of human trafficking as an organized crime is also reflected in its links to various other offenses, such as money laundering, document forgery, corruption, migrant smuggling, identity fraud, and even cybercrime. These interconnections demonstrate that human trafficking is not a standalone crime but rather part of a network of mutually reinforcing criminal activities. Profits derived from the exploitation of victims are typically channeled through money laundering mechanisms to make them appear as legitimate assets, while document forgery is used to facilitate the movement of both victims and perpetrators. Consequently, a law enforcement approach that focuses solely on proving the crime of human trafficking without investigating associated offenses risks allowing criminal organizations to continue reaping economic profits and persisting in their activities.

From the perspective of criminal policy, this situation demonstrates that a repressive approach relying solely on imprisonment is insufficient to address human trafficking as an organized crime. While imprisoning low-level operatives is important for establishing criminal accountability, it does not automatically dismantle the organizational structure or eliminate the economic profits that serve as the primary motive for the crime. In many cases, the apprehended perpetrators represent only a small fraction of the network, whereas the masterminds, financiers, and those reaping the greatest profits remain beyond the reach of the criminal justice system.

This phenomenon indicates a paradigm shift in combating human trafficking. Law enforcement must move beyond the "follow the suspect" approach and evolve toward "follow the money" and "follow the organization" strategies. The former emphasizes tracing the flow of illicit proceeds to serve as the basis for asset seizure and forfeiture, while the latter focuses on comprehensively dismantling criminal organizational structures. Consequently, success in eradicating human trafficking is measured not only by the number of perpetrators convicted but also by the state's ability to halt organizational activities, restore victims' rights, and eliminate the economic gains derived from human exploitation.

Based on the foregoing, human trafficking exhibits all the key characteristics of organized crime: it is carried out systematically, involves a clear division of roles, is driven by economic profit, utilizes information technology, and frequently operates across national borders. These characteristics necessitate an overhaul of criminal law policy one that not only strengthens criminalization but also integrates sentencing models focused on impoverishing offenders, corporate liability, asset forfeiture, and prosecution strategies aimed at dismantling criminal networks. Such reform is a crucial prerequisite for establishing a system to combat human trafficking that is more effective, adaptive, and capable of addressing the dynamics of contemporary organized crime.

3.2. Weaknesses in Indonesian Criminal Law Regarding the Prevention and Handling of Human Trafficking

Although Indonesia has enacted Law Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons (the Anti-Trafficking Law), the evolution of trafficking practices indicates that this regulation has not fully kept pace with the increasingly complex dynamics of the crime. Human trafficking is no longer merely perpetrated by individual actors; it has evolved into a criminal activity orchestrated by organized networks that exploit information technology, cross-border financial transactions, corporate entities, and various forms of disguised employment relationships. Consequently, law enforcement faces challenges far more complex than those present when the law was first enacted. Thus, the effectiveness of efforts to eradicate human trafficking is no longer determined solely by the existence of criminal statutes, but also by the capacity of criminal law to adapt to the ever-evolving characteristics of organized crime (Shahrullah & Tjhang, 2017).

From a normative standpoint, Law Number 21 of 2007 defines various acts categorized as human trafficking including the recruitment, transportation, harboring, dispatch, transfer, or receipt of a person for the purpose of exploitation. However, these regulations remain focused on the criminalization of specific acts and individual perpetrators. This approach fails to fully account for the nature of human trafficking as a crime committed through organizational structures characterized by a division of labor, a command system, and complex financing mechanisms. Consequently, law enforcement efforts often succeed only in apprehending "field operators," while the masterminds, financiers, network controllers, and those reaping the greatest economic profits remain beyond the reach of the criminal justice system. This situation indicates that Indonesia's criminal law paradigm still tends to rely on a conventional, offender-oriented approach rather than one aimed at dismantling the entire criminal network (a network-oriented approach) (Soekanto & Mamudji, 2006, p. 45).

Another weakness lies in the suboptimal regulation of corporate criminal liability regarding human trafficking offenses. In practice, human trafficking often involves labor placement agencies, recruitment agents, travel service companies, and even digital platforms that directly or indirectly profit from the exploitation of victims. However, mechanisms for imposing criminal sanctions on legal entities still face various obstacles, particularly concerning the burden of proof, the determination of corporate culpability, and the enforcement of penalties

PROCEEDING OF INTERNATIONAL CONFERENCE ON THE LAW DEVELOPMENT FOR PUBLIC WELFARE
ISSN: 2798-9313
LICS 2026
Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

against such entities. Consequently, law enforcement efforts tend to focus on specific individuals, while corporations which derive economic benefits from these crimes are not yet fully held criminally liable. This is despite the fact that modern criminal law recognizes corporations as potential perpetrators of criminal offenses when they profit from criminal activities carried out through their organizational structure.

Furthermore, a fundamental weakness lies in the suboptimal regulation regarding the forfeiture of assets derived from criminal acts (asset recovery). The nature of human trafficking as a profit-oriented crime indicates that the perpetrators' primary motive is to gain economic profit through the exploitation of human beings. Consequently, imposing prison sentences without accompanying mechanisms for the seizure and forfeiture of criminal proceeds merely exerts a punitive effect on the individual perpetrators without eliminating the economic gains that sustain criminal organizations. In many instances, even after some perpetrators have been convicted, assets obtained from human trafficking remain under the control of criminal networks, allowing them to be reused to finance subsequent criminal activities. This situation demonstrates that a sentencing approach still centered on custodial punishment is not fully aligned with the nature of organized economic crime, in which financial gain is the primary objective.

Another issue concerns the lack of integration of a financial investigation approach into the investigation and prosecution of human trafficking cases. Law enforcement in Indonesia still tends to employ a "follow the suspect" approach, focusing on proving the identity of the perpetrator and the commission of the act itself. In contrast, various international instruments including the Palermo Protocol and recommendations from the United Nations Office on Drugs and Crime (UNODC) advocate for a "follow the money" approach, which involves tracing the flow of illicit proceeds to dismantle the entire criminal network. By adopting this method, investigators can identify not only the operatives on the ground but also the masterminds, financiers, and those who profit economically from the exploitation of victims. The failure to integrate the handling of human trafficking cases with money laundering investigations means that opportunities to financially cripple criminal organizations through asset seizure remain underutilized.

Shortcomings in Indonesian criminal law are also evident in the inadequate regulation of human trafficking methods that exploit digital technology. The evolution of social media, labor recruitment platforms, instant messaging apps, and electronic payment technologies has significantly altered the operational patterns of human trafficking networks. Victim recruitment can now occur without physical contact even across borders using hard-to-trace

ISSN: 2798-9313

digital identities. Meanwhile, financial transactions are conducted via third-party accounts, digital assets, and electronic payment instruments, complicating the evidentiary process. However, Indonesia's criminal law framework remains largely predicated on the characteristics of conventional human trafficking, failing to fully accommodate forms of exploitation driven by information technology. Consequently, law enforcement agencies often struggle to identify key perpetrators or secure sufficient electronic evidence to prove the involvement of these criminal networks.

Another equally critical issue is the weak coordination among law enforcement agencies in addressing human trafficking as a form of organized crime. Handling human trafficking cases involves various institutions such as the Indonesian National Police, the Attorney General's Office, the Directorate General of Immigration, the Financial Transaction Reports and Analysis Center (PPATK), and the Indonesian Migrant Workers Protection Agency (BP2MI), alongside other relevant ministries and agencies. However, inter-agency coordination remains siloed, preventing optimal information exchange, data integration, and the execution of joint investigations. This situation often causes law enforcement efforts to stall at certain stages, while criminal organizations exploit these institutional coordination gaps to evade criminal liability. In the context of organized crime, weak coordination not only hampers law enforcement effectiveness but also creates opportunities for perpetrators to move assets, destroy evidence, or flee to other jurisdictions.

Beyond the aspects of legal substance and structure, efforts to combat human trafficking are also influenced by legal culture. Many victims are reluctant to report the crimes committed against them due to fear of threats from perpetrators, economic dependency, shame stemming from social stigma, or a lack of confidence in law enforcement's ability to provide protection. This situation renders human trafficking a "hidden crime" an offense where the actual incidence rate far exceeds the number of cases successfully uncovered by law enforcement. Low reporting rates mean that case-handling data fails to accurately reflect the true situation; consequently, criminal policies formulated by the government often do not fully capture the level of threat facing the public.

These various shortcomings demonstrate that the primary challenge in combating human trafficking in Indonesia lies not merely in the existence of Law Number 21 of 2007, but rather in the need to reform the criminal law paradigm to better align with the nature of human trafficking as an organized crime. Such reform must focus on strengthening corporate criminal liability, optimizing the confiscation of proceeds of crime, integrating financial investigation approaches, enhancing digital technology-based evidence gathering, improving coordination among law enforcement agencies, and developing prosecution strategies aimed at dismantling entire criminal networks. Consequently, criminal law would function not only as an instrument for punishing individual perpetrators but also as a strategic tool to sever the links of human trafficking organizations, eliminate economic gains derived from exploitation, and provide more effective protection for victims in accordance with the principles of justice, legal certainty, and utility.

3.3. Reforming the Sentencing Model for Perpetrators of Human Trafficking

The evolution of human trafficking a form of transnational organized crime has shifted the paradigm of criminal law enforcement. To date, the sentencing model applied in Indonesia has been dominated by a punitive orientation centered on imprisonment and fines, as stipulated in Law Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons. Fundamentally, this approach represents a standard form of criminal liability applied to a wide range of offenses. However, the effectiveness of this sentencing model is called into question when confronted with the nature of human trafficking, which is perpetrated by organized crime networks primarily seeking systematic economic gain. In this context, imprisonment alone is not always sufficient to dismantle a criminal organization's capacity to continue its operations, as the economic profits derived from victim exploitation can still be enjoyed by other network members who remain beyond the reach of the law.

The profit-oriented nature of human trafficking indicates that the perpetrators' primary motive is not merely to commit an unlawful act, but to derive substantial economic gain through the exploitation of human beings. Consequently, sentencing models that focus solely on depriving offenders of their liberty fail to fully address the root causes that sustain this crime. From the perspective of modern criminal policy, the effectiveness of sentencing is measured not only by the severity of the prison term imposed but also by the legal system's ability to strip away the economic gains derived from the offense. As long as criminal organizations can retain their assets and the proceeds of their crimes, punishing specific individuals will yield only a temporary impact without comprehensively halting the cycle of human trafficking.

This situation highlights the need to reform the sentencing paradigm, shifting from an offender-oriented approach to one focused on the proceeds of the crime. This paradigm shift requires that sentencing not merely aim to impose sanctions on individuals proven guilty, but also to eliminate all economic benefits derived from the crime of human trafficking. Consequently, punishment is no longer viewed solely as an act of retribution (retributive justice), but rather as an instrument to disrupt the continuity of criminal organizations through

ISSN: 2798-9313

mechanisms such as seizure, asset forfeiture, victim restitution, and the cutting off of funding sources for human trafficking networks (Widiasuti, 2010, p. 9).

One form of reform that needs to be developed is the strengthening of asset recovery mechanisms as an integral part of the sentencing system. To date, the imposition of additional penalties involving the forfeiture of proceeds of crime in human trafficking cases has been limited and has not served as a primary focus during prosecution or sentencing. Yet, various international instruments including the United Nations Convention against Transnational Organized Crime (UNTOC) and the Palermo Protocol position the seizure and forfeiture of criminal proceeds as strategic tools in combating organized crime. Through such mechanisms, the state not only penalizes offenders but also eliminates the financial capacity of criminal organizations to fund further human trafficking activities. Therefore, criminal law reform in Indonesia must strengthen mechanisms for tracing, freezing, seizing, and forfeiting assets derived from crime, making them an inseparable component of the sentencing process.

In addition to strengthening asset recovery, sentencing reform must also accommodate the application of corporate criminal liability. Human trafficking practices today frequently involve business entities such as migrant worker placement agencies, recruitment firms, travel agencies, and digital platforms that derive economic gain from the exploitation of victims. However, because sentencing systems remain focused on individuals, corporations the entities that reap the greatest benefits are often not held proportionately accountable. From a modern criminal law perspective, corporations are no longer viewed merely as passive subjects but as legal entities subject to criminal penalties if proven to have profited from or permitted criminal acts within the scope of their business operations. Therefore, sentencing reform needs to develop a wider range of sanctions for corporations, such as the revocation of business licenses, the suspension of operations, the payment of compensation, the forfeiture of profits, and even the dissolution of the legal entity if it is proven to be part of a human trafficking organization.

Sentencing reform must also strengthen the position of victims as parties entitled to comprehensive redress. To date, the sentencing system has largely focused on punishing the offender, while victims' rights have often been treated as merely an ancillary aspect of the criminal justice process. Yet, victims of human trafficking typically suffer multidimensional harm ranging from economic loss, physical suffering, and psychological trauma to the loss of opportunities for a decent life. Therefore, an ideal sentencing model must integrate obligations for restitution, medical and psychological rehabilitation, social reintegration, and economic empowerment for victims into the criminal judgment itself. Such an approach not

ISSN: 2798-9313

only reflects the principles of restorative justice but also reinforces the role of criminal law in restoring the social balance disrupted by the crime of human trafficking.

Furthermore, reforming the sentencing model requires integrating the investigation, prosecution, and sentencing processes through a financial investigation approach. This approach enables law enforcement agencies to trace the flow of funds derived from human trafficking starting at the investigation stage, ensuring that the evidentiary process focuses not only on the perpetrator's actions but also on the economic gains obtained from the crime. Consequently, criminal judgments not only result in the punishment of the perpetrator but also provide a legal basis for the state to seize and confiscate all assets linked to human trafficking activities. This approach aligns with developments in international criminal law, which prioritize impoverishing criminal organizations as a key strategy in combating organized crime.

Based on the foregoing, reforming the sentencing model for perpetrators of human trafficking essentially entails shifting the criminal justice system's orientation from individual-focused punishment to a sentencing approach capable of comprehensively dismantling criminal organizations. This reform must be realized by strengthening asset recovery mechanisms, expanding corporate criminal liability, optimizing restitution payments to victims, integrating financial investigations, and developing additional penalties aimed at stripping away the economic gains derived from the crime. Consequently, the sentencing system will not only deter individual perpetrators but also exert a deterrent effect on human trafficking networks as a whole, thereby more effectively achieving the goals of protecting human rights, ensuring legal certainty, and upholding substantive justice.

3.4. Reform of Effective Prosecution Strategies

The success of efforts to combat human trafficking is determined not only by the quality of the legal framework and the severity of criminal sanctions but also heavily relies on the effectiveness of prosecution strategies employed by law enforcement agencies. In practice, the prosecution strategy is a pivotal stage that determines whether the overall evidentiary framework can reveal the specific roles of individual perpetrators, prove the involvement of criminal networks, and secure court verdicts that both act as a deterrent and dismantle the criminal organization. Consequently, the evolving nature of human trafficking as an organized crime necessitates a shift in prosecution strategies moving away from a focus on proving the guilt of individual perpetrators toward dismantling the entire organizational structure that systematically carries out trafficking activities.

PROCEEDING OF INTERNATIONAL CONFERENCE ON THE LAW DEVELOPMENT FOR PUBLIC WELFARE
ISSN: 2798-9313
LICS 2026
Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

To date, prosecution strategies for human trafficking cases in Indonesia have been dominated by a conventional approach focused on proving the elements of the offense as defined in Law Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons. While this approach has provided a legal basis for prosecutors to establish the recruitment, transportation, transfer, harboring, or receipt of a person for the purpose of exploitation, the evidentiary focus has largely centered on the relationship between the perpetrator and the victim, without adequate efforts to uncover the organizational structure behind the crime. Consequently, prosecutions often result only in the punishment of low-level operatives, leaving the masterminds, financiers, network coordinators, and those who reap the greatest profits from the exploitation untouched by the criminal justice process. This situation demonstrates that the prevailing offender-oriented prosecution strategy has yet to address the complexities of human trafficking as an organized crime.

Prosecution strategy reform needs to shift the paradigm from a "follow the suspect" approach to "follow the organization" and "follow the money" approaches. The "follow the suspect" approach focuses on the individual perpetrator as the primary object of proof, measuring prosecutorial success by the ability to secure a guilty verdict against the defendant. In contrast, the "follow the organization" approach seeks to identify the entire criminal organizational structure, including member relationships, role distribution, communication patterns, and the operational mechanisms of human trafficking networks. Meanwhile, the "follow the money" approach emphasizes tracing the flow of illicit proceeds to identify parties deriving economic benefits, while also creating opportunities for the seizure and forfeiture of assets derived from the crime. These three approaches complement one another, enabling the prosecution process not only to punish specific individuals but also to dismantle the economic foundations sustaining the criminal organization.

In this context, financial investigation should be an integral part of the prosecution strategy for human trafficking offenses. Financial investigations aim not only to trace the origins of the perpetrators' wealth but also to identify transaction patterns, asset ownership, the use of intermediary accounts, and money laundering mechanisms employed to conceal the proceeds of crime. Such information holds significant evidentiary value, as it can demonstrate the link between human trafficking and money laundering while simultaneously broadening the scope of criminal liability to include all parties who derive economic gain from the exploitation of victims. Consequently, prosecution is no longer limited to proving the act of exploitation itself but also extends to establishing the flow of funds that serves as the primary motivation for human trafficking organizations.

 ISSN: 2798-9313
LICS 2026
Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

An effective prosecution strategy also requires integrating the prosecution of human trafficking with that of money laundering. To date, these two offenses have frequently been prosecuted separately, even though the profits derived from human trafficking are typically disguised through various financial transactions to appear as legitimate assets. Such fragmented prosecution causes the state to miss opportunities to utilize the broader evidentiary mechanisms available under anti-money laundering regimes including asset seizure, the reversal of the burden of proof regarding the origin of specific assets (as stipulated by law), and cross-jurisdictional asset tracing. Therefore, adopting an integrated prosecution strategy for human trafficking and money laundering would strengthen the effectiveness of the evidentiary process while simultaneously increasing the state's chances of recovering the proceeds of crime obtained by criminal organizations.

n addition to strengthening the evidentiary aspects regarding financial matters, prosecution strategies must also adapt to the evolution of digital technology. Human trafficking operations increasingly rely on social media, encrypted communication apps, online recruitment platforms, electronic transactions, and digital currencies to facilitate criminal activities. These shifts in modus operandi require prosecutors to utilize electronic evidence, digital forensics, and electronic intelligence as integral components of their evidentiary strategies. Electronic evidence serves not only to establish communication between perpetrators and victims but also to reveal connections within criminal networks, profit distribution patterns, transaction locations, and the involvement of parties who might otherwise remain undetected during conventional investigations. Consequently, enhancing the capacity of law enforcement officials to leverage digital technology is a crucial prerequisite for the effectiveness of prosecution strategies against human trafficking in the era of digital transformation.

The effectiveness of prosecution is heavily dependent on the quality of coordination among law enforcement agencies. The cross-sectoral and transnational nature of human trafficking necessitates strong synergy among the Indonesian National Police, the Attorney General's Office, the Financial Transaction Reports and Analysis Center (PPATK), the Directorate General of Immigration, the Indonesian Migrant Workers Protection Agency (BP2MI), and other relevant institutions. Such coordination is essential not only for information exchange but also for formulating evidentiary strategies, conducting joint investigations, tracing assets, and implementing mutual legal assistance. Without integrated coordination, the prosecution process tends to operate in a fragmented, sectoral manner, thereby leaving room for human trafficking organizations to move assets, destroy evidence, and exploit jurisdictional differences between countries to evade criminal liability.

PROCEEDING OF INTERNATIONAL CONFERENCE ON
THE LAW DEVELOPMENT FOR PUBLIC WELFARE
ISSN: 2798-9313
LICS 2026
Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

At the international level, the reform of prosecution strategies must also strengthen inter-state cooperation, given that human trafficking constitutes a form of transnational organized crime. The implementation of the United Nations Convention against Transnational Organized Crime (UNTOC) and the Palermo Protocol has provided a legal framework for nations to engage in extradition, the exchange of intelligence, joint investigations, the recognition of foreign judgments, and cross-border asset recovery. For Indonesia, optimizing these instruments is crucial, as many human trafficking cases involve networks operating across multiple countries. Consequently, prosecution strategies can no longer be confined solely to national jurisdictions; instead, they must be developed through international cooperation mechanisms capable of addressing the entire criminal organizational chain.

Furthermore, the reform of prosecution strategies must position victims as an integral part of the evidentiary process. To date, victims have often been treated merely as sources of evidence to establish the elements of a crime, while their needs for protection, recovery, and safety have not received proportionate attention. Yet, the success of a prosecution relies heavily on the victim's courage to provide testimony freely, without pressure from the perpetrators' networks. Therefore, prosecution strategies must be integrated with witness and victim protection mechanisms including security guarantees, psychological support, legal aid, and identity protection. Such an approach not only enhances the quality of evidence presented in court but also reflects a criminal justice system oriented toward respecting human rights and ensuring victim access to justice.

Based on the foregoing, reforming prosecution strategies for human trafficking offenses essentially entails a paradigm shift: moving from prosecutions focused on punishing individual perpetrators toward those aimed at dismantling entire organized crime networks. This reform must be realized through the application of "follow the organization" and "follow the money" approaches, the integration of financial investigations, the consolidation of trafficking charges with money laundering prosecutions, the utilization of electronic evidence and digital technology, strengthened inter-agency law enforcement coordination, optimized international cooperation, and enhanced victim protection. With such prosecution strategies, the criminal justice system can not only penalize offenders but also dismantle human trafficking organizational structures, strip away illicit economic gains, and provide more effective protection for victims' rights. This approach aligns with modern criminal law policy, which treats the eradication of organized crime as an effort that is not merely repressive but also preventive, restorative, and focused on the comprehensive destruction of criminal organizations' operational capacities.

PROCEEDING OF INTERNATIONAL CONFERENCE ON THE LAW DEVELOPMENT FOR PUBLIC WELFARE
ISSN: 2798-9313
LICS 2026
Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

3.5. An Ideal Model for Criminal Law Reform in Combating the Crime of Human Trafficking

The evolution of human trafficking as an organized crime demonstrates that the prevailing criminal law approach focused on punishing individual perpetrators is no longer adequate to address the complexities of increasingly dynamic *modus operandi* and criminal network structures. Consequently, criminal law reform must aim to establish a system that not only ensures legal certainty through clear criminalization but also effectively dismantles trafficking organizations and eliminates the economic profits that serve as the crime's primary motive. Thus, reforming criminal law cannot be achieved merely by altering legal norms; it must encompass updates to legal substance, law enforcement mechanisms, and sentencing models that are adaptable to the nature of organized crime.

An ideal model for criminal law reform must frame human trafficking as an organized, profit-driven crime, thereby shifting the focus of law enforcement from merely punishing perpetrators to dismantling the capacity of criminal organizations. This paradigm shift necessitates strengthening asset recovery mechanisms including the seizure and forfeiture of assets derived from the crime implementing financial investigations, and integrating the handling of human trafficking offenses with money laundering offenses. Such an approach restricts the operational scope of criminal organizations by not only depriving perpetrators of their liberty through imprisonment but also eliminating the financial resources that sustain human trafficking networks.

Furthermore, criminal law reform needs to extend the scope of corporate criminal liability to include business entities or legal entities that profit from human trafficking practices. Corporations proven to be involved must face proportionate sanctions, such as the revocation of business licenses, suspension of operations, payment of restitution, forfeiture of profits, or even the dissolution of the legal entity. This approach reflects the evolution of modern criminal law, which no longer limits criminal liability solely to individuals but extends it to corporations as legal subjects capable of committing and benefiting from criminal acts.

Furthermore, criminal law reform must be accompanied by a transformation in prosecution strategies through the adoption of "follow the organization" and "follow the money" approaches. These strategies enable law enforcement agencies to dismantle entire human trafficking networks, identify masterminds, trace the flow of illicit proceeds, and optimize inter-agency and international cooperation. The use of electronic evidence and financial investigations, as well as international collaboration, must also be strengthened to ensure that law enforcement efforts keep pace with evolving human trafficking modus operandi that increasingly exploit digital technologies and transnational networks.

At the same time, criminal law reform must remain oriented toward victim protection as the primary objective of the criminal justice system. Victims of human trafficking require not only the punishment of perpetrators but also the restoration of their rights through restitution, rehabilitation, legal protection, and social reintegration. Therefore, an ideal criminal justice system must integrate repressive, preventive, and restorative approaches in a balanced manner, thereby ensuring legal certainty, achieving substantive justice, and enhancing the effectiveness of efforts to combat human trafficking on a sustainable basis. Through such a reform model, criminal law functions not merely as an instrument of punishment but also as a strategic means to dismantle organized crime networks, protect human rights, and reinforce Indonesia's commitment to combating human trafficking in accordance with international legal standards.

4. Conclusion

Human trafficking, as a form of organized crime, requires a criminal law approach that goes beyond the mere punishment of individual perpetrators. Although Indonesia has enacted Law Number 21 of 2007, the effectiveness of combating this crime remains hampered by various obstacles, including suboptimal corporate criminal liability, the confiscation of proceeds of crime, the integration of financial investigations, and prosecution strategies that fail to fully dismantle criminal networks. Therefore, criminal law reform must focus on strengthening a sentencing model that integrates asset recovery, corporate criminal liability, and the restoration of victims' rights, alongside reforming prosecution strategies through "follow the organization" and "follow the money" approaches. Such reforms are expected to enhance the effectiveness of efforts to eradicate human trafficking, dismantle organized crime networks, and strengthen victim protection in accordance with the principles of justice, legal certainty, and utility.

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