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

The Impact of Serious Organized Crime in Human Trafficking Extraordinary Crime with the Urgency of Handling Human Trafficking Crimes in Indonesia

Arief Ramadhani

Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia,

E-mail: arieframadhanihd48@gmail.com

Abstract. *Human trafficking, or what we more commonly call it, has become a rampant and serious problem in every country. The phenomenon of human trafficking is a serious issue that must be addressed immediately by the government and other state officials within a legal framework specifically regulating the elimination of human trafficking. This Extraordinary Crime has a wide impact and can even be classified as a crime against humanity as regulated in the Rome Statute (1998) which regulates international criminal law (International Criminal Court). This study aims to analyze the handling of human trafficking crimes involving Indonesian citizens. Threats of violence and other forms of coercion, by means of deception, deceiving victims of abuse of power, taking advantage of ignorance, the innocence of victims for the purpose of exploitation, especially labor exploitation and sexual exploitation. This study uses a literature review method where the approach of literature reviews from various sources. Despite international handling efforts, the lack of coordination and cooperation between countries, this study found that law enforcement from both international and domestic parties must synergize in order to address this problem comprehensively.*

Keywords: *Human Trafficking; International Crime; Law Enforcement.*

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1. Introduction

Human trafficking, or what we more commonly call "human trafficking," has become rampant and a serious problem in every country. The phenomenon of human trafficking is a serious issue that must be addressed immediately by the government and other state officials within a legal framework specifically regulating the elimination of human trafficking. We already know that human trafficking is nothing new; it has existed since the Japanese occupation. Human trafficking is a special crime specifically regulated in Law No. 21 of 2007 concerning the Eradication of Human Trafficking (TPPO). From a criminological perspective, human trafficking can be understood as a criminal phenomenon involving various factors, including economic, social, and political factors. These factors can influence the occurrence of human trafficking and the methods used by perpetrators to exploit victims.

Human trafficking is the act of recruiting, transporting, harboring, sending, transferring or receiving a person by means of threats of violence, use of violence, kidnapping, confinement, forgery, fraud, abuse of power or a position of vulnerability, debt bondage or giving payments or benefits, in order to obtain the consent of a person who has control over the other person, whether carried out within the country or between countries, for the purpose of exploitation or causing people to be exploited.

Human trafficking is an extraordinary crime, often referred to as an extraordinary crime. It is extremely serious, has massive consequences, and violates human rights. Due to its multidimensional destructive effects, this crime cannot be handled through ordinary legal processes and requires special treatment. While Indonesia has established international laws and national regulations for human trafficking, the effectiveness of law enforcement remains a major challenge. Low rates of processing and conviction, minimal inter-agency coordination, and a lack of understanding of the characteristics of this crime among law enforcement officials are major obstacles to eradication efforts. This human trafficking involves developing countries that have low economic levels, then the victims are taken to developed countries to be bought and sold.

According to the author, this study aims to analyze human trafficking inFrom a criminological perspective, crime focuses on the causes, methods, and impact of the crime on victims and society. Understanding the phenomenon of human trafficking from a criminological perspective is expected to contribute to efforts to prevent and address this crime in Indonesia.

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2. Research Methods

This research uses the methodA literature review is a series of data collection activities focused on reviewing, collecting, and analyzing literature. Sources include books, journals, documents, and scientific articles relevant to the research topic or problem. Literature review is crucial for building a theoretical foundation, formulating hypotheses, and ensuring research has a strong scientific basis before drawing conclusions.

3. Results and Discussion

Human trafficking is also often known by the termhuman trafficking whereThis action is a transaction of selling a human being to another person. However, this definition is not limited to the meaning of selling alone, because in Article 1 number 1 of Law 21 of 2007 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, so as to obtain the consent of the person who has control over the other person, whether carried out within the country or between countries, for the purpose of exploitation or resulting in people being exploited.

Human trafficking is often entangled in various articles of the law, one of which is Law Number 35 of 2014 Amendment to Law Number 23 of 2002 concerning Child Protection and Law Number 23 of 2004 concerning the Elimination of Domestic Violence, concerning the sale of children and forced sexual relations against women and children for commercial purposes or other specific purposes. Law Number 39 of 1999 concerning Human Rights has also been regulated, but the government is still unable to overcome the complexity of the problem of trafficking (human trafficking), especially if only using Article 297 of the Criminal Code which reads: "Trafficking in women and boys who are not yet old enough, is threatened with a maximum prison sentence of six years"

There are driving factors and causes of human trafficking, the most fundamental of which is usually poverty. The problem of poverty in Indonesia is not a simple issue, but rather a phenomenon that has become part of the nation's problems. The resulting poverty includes a lack of employment opportunities, a lack of public knowledge and insight into the world of employment, and an imbalance between income and the cost of living. Another factor is education, where low levels of education and interest also contribute to high rates of human trafficking. Most people in developing countries like Indonesia prioritize early marriage over higher

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education. This increases the birth rate while school costs are unavailable, resulting in low education levels. This results in children not attending school or those with a lack of education, such as illiteracy, being directed to work for lucrative salaries. Coercion is a factor; generally, the victims of forced violence are women, most of whom are forced to "work" as sex slaves, pimps, employers, and so on. Commercial sexual exploitation of children is human trafficking, regardless of the circumstances.

Commercial sexual exploitation of children has devastating consequences for minors, in the international protocol stage the use of children in the commercial sex trade is prohibited by US law and the UN TIP Protocol which can include long-term physical and psychological trauma, disease (including HIV/AIDS), drug addiction, unwanted pregnancy, malnutrition, social exclusion, and even death.

The crime of human trafficking should be considered an extraordinary crime. This was stated by M. Joni, Head of the Legal and Legislative Division of the National Commission for Child Protection (Komnas PA) during a socialization and critique event for the Draft Law on the Eradication of Human Crimes. Theo van Boven is of the view that gross human rights violations cannot be equated with other types of violations where the addition of the word "gross" at the end of a human rights violation changes the meaning to a situation that shows how serious the consequences of the violation are, but the word "gross" must be related to human rights violations that can disturb the peace and safety of humanity. Antonius Sujata gave his view regarding this issue that the clarification and proper formulation of gross violations is an act that is carried out cruelly, or that results in mass deaths.

This crime is typically fueled by weak law enforcement, high levels of corruption, and poverty. Perpetrators of sexual crimes typically come from diverse socioeconomic backgrounds and, in some cases, may hold positions of trust, leading to powerful roles and backgrounds that facilitate human trafficking. According to data from the Central Statistics Agency (BPS) in March 2023, approximately 9.36% of Indonesia's population, or approximately 25.90 million people, live in poverty, creating conditions vulnerable to exploitation by human trafficking perpetrators.

The various forms of human trafficking can be classified into several categories, based on the destination, divided into domestic and international trafficking. Domestic trafficking generally occurs from small towns to large cities. Its forms include domestic exploitation, commercial sexual exploitation, forced labor in agriculture, mining, and fisheries. Furthermore, cross-border or international

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trafficking is generally related to immigration issues. Victims are often lured with promises of new jobs and a better life. Working abroad is considered prestigious and offers promising results. However, some are exploited and deprived of their basic rights and freedoms. Based on the victims, human trafficking can be divided into trafficking of women, children, and men. Women are the most vulnerable group to trafficking, particularly for sexual exploitation, domestic slavery, and forced marriage. Furthermore, child trafficking is also commonly exploited economically and used as beggars, sexual exploitation and pornography, and exploitation as child soldiers. Finally, based on the form of exploitation, human trafficking is divided into sexual exploitation and non-sexual exploitation. Sexual exploitation is divided into forced prostitution, forced marriage, and marriage through an intermediary. Non-sexual exploitation is divided into forced labor and organ trafficking.

Government Efforts to Address Human Trafficking

The state, as an institution, possesses the legitimacy and the tools to implement human rights principles both nationally and internationally. This responsibility essentially exists because the state was established precisely to protect communities that have been unwittingly trapped in human trafficking at both national and international levels. Law enforcement against human trafficking crimes in Indonesia faces various multidimensional challenges that are structural, cultural, and operational. These three aspects are interrelated and influence the effectiveness of national efforts to eradicate human trafficking.

The government faces several significant challenges in addressing human trafficking. This situation is further exacerbated by weak border controls and controls on the entry of foreigners into Indonesia, providing loopholes for perpetrators of human trafficking to easily transport victims abroad. Addressing the problem of human trafficking requires solid cross-agency coordination between law enforcement officials to uncover the facts and create an effective legal system. Although provisions regarding human trafficking are clearly regulated in Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking, in practice, cases are still frequently misclassified.

This can be seen from several poor coordination between law enforcement agencies and related agencies, even though the formation of a Task Force has been regulated based on Presidential Decree No. 69 of 2008, which contains overlapping authority between central and regional officials, limited human resources and budget, especially in border areas and areas where human trafficking originates. Meanwhile, from an operational aspect, law enforcement

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faces a number of technical obstacles, usually the authorities have difficulty in collecting evidence, especially to prove elements of exploitation and coercion, limited cross-border investigation capabilities, even though most human trafficking networks are transnational.⁷

Protection of Victims of Human Trafficking

In an effort to prevent and address human trafficking, several regulations have been issued, including Presidential Regulation Number 19 of 2023 concerning the National Action Plan for the Prevention and Addressing of Human Trafficking Crimes for 2020-2024. This Presidential Regulation regulates the National Action Plan for the Prevention and Addressing of Human Trafficking Crimes.

This regulation relates to a national level action plan which contains a series of activities, which are carried out systematically and in a planned manner to prevent and handle the crime of human trafficking. The aspect of victim protection is one of the key elements in the human trafficking eradication system, which is expressly regulated in Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking. This law adopts a victim-centered approach, which places victims as the primary focus in the process of law enforcement, recovery, and social reintegration.

In Articles 43 to 55 of Law Number 21 of 2007, the rights of victims are regulated in detail, including:

1. The right to medical and social rehabilitation,
2. The right to repatriation to the country of origin or region of origin,
3. The right to confidentiality of identity to protect against stigma,
4. The right to legal assistance throughout the judicial process, as well as
5. The right to compensation and restitution for losses suffered.

From a legal perspective, the crime of human trafficking is classified as an extraordinary crime because it has the characteristics of a systematic, organized crime and involves serious violations of human rights.

Therefore, the approach used in handling it must be holistic, integrated, and multi-sectoral, encompassing aspects of law enforcement, prevention, victim recovery,

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and international cooperation. Furthermore, the inherent social stigma, particularly against victims of sexual exploitation, often hinders the process of social reintegration of victims into their home communities. Many victims experience rejection, ostracization, or even criminalization by their surrounding communities. The victim identification system also presents a weak point in protection. Many victims of human trafficking are perceived as perpetrators of other legal violations, such as immigration violations or illegal prostitution, thus depriving them of the protection they deserve. Accurate initial identification is crucial to ensure victims can promptly obtain their rights and avoid becoming double victims in the legal system.

4. Conclusion

The crime of human trafficking, often referred to as the sending of workers abroad, has become a serious problem exploiting the economic vulnerability of the Indonesian people. Although this eradication is regulated by law and has adopted various international standards, including the Palermo Protocol, and regulates in detail everything from definitions, elements of the crime, criminal sanctions, to mechanisms for protection and recovery of victims, perpetrators continue to use increasingly sophisticated methods, ranging from utilizing social media to recruit victims with promises of high-paying jobs, collecting personal documents to expedite the departure process, to holding victims' passports in the destination country to prevent escape. Based on the legal analysis that has been conducted, it can be concluded that Indonesia has a relatively comprehensive legal framework to address the crime of human trafficking through Law Number 21 of 2007. However, the implementation of law enforcement against human trafficking still faces a number of significant challenges that impact the low effectiveness of the eradication of human trafficking itself. Although Indonesia already has Law Number 21 of 2007 which provides severe sanctions for perpetrators of human trafficking, its implementation in the field is still far from expectations. Less than 1 percent of cases are successfully resolved in court. Addressing this problem requires comprehensive efforts, including specialized training for law enforcement officers, the creation of clear work procedures, strengthened inter-agency coordination through task forces, the elimination of rogue elements within relevant institutions, and preventative measures that address root causes such as poverty and lack of access to education. The following suggestions and input can be provided: Law enforcement officers and Regional Work Units (SKPD) as implementers of laws and regional regulations related to human trafficking need to be provided with outreach and capacity building. Outreach also needs to be conducted to the wider community, including by disseminating information widely to rural and remote communities regarding the dangers and methods of human



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trafficking. In carrying out capacity building among law enforcement and policy implementers, the government needs to include an understanding of human rights and its principles. One way is to prepare the equipment, infrastructure, and personnel for the implementation of the Anti-Trafficking Law from the central to the village level (Integrated Service Centers, Victim-Friendly Complaint Posts at Police Stations, funds for repatriation, medical-psychosocial rehabilitation, and social integration for victims and their families). Tighter monitoring and closing down shelters operated by Private Indonesian Migrant Worker Placement Companies that commit fraud and restrict the movement of prospective migrant workers. Strengthen the network of national and international anti-trafficking non-governmental organizations to ensure that the protection of women from human trafficking complies with human rights standards. Strengthening documentation (database) on the crime of trafficking in women and children from various parties as material for advocacy of government policies and campaign material for eradicating the crime of human trafficking.

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