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

## **Criminal Law Analysis and Prosecution of Trafficking Crimes Humans in Indonesia**

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**Abstract.** *The crime of human trafficking in Indonesia has entered a situation where, according to the author, it is acute. How the author says acute is this with the discovery of facts in the field that victims intending to work turned out to be victims of the crime of human trafficking. The purpose of this study is to find out the articles in the Criminal Code that regulate the crime of human trafficking. The second goal is to find out the prosecution of the crime of human trafficking. The method used in this study is a qualitative legal research method with a normative approach by using several legal regulations in force in Indonesia to be analyzed in relation to the crime of human trafficking. The results of the study state that in the laws and regulations in Indonesia regulate the crime of human trafficking and its sanctions.*

**Keywords:** *Crime; Human Trafficking; Prosecution.*

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## **1. Introduction**

Indonesia is a country of law, where the law in Indonesia must be enforced as fairly as possible. Criminal law is the law that regulates acts prohibited by the state. The law governing criminal law in Indonesia is regulated in Law Number 1 of 2023 concerning the Criminal Code. Criminal law here functions to uphold justice in society. The law must be enforced as fairly as possible and beneficial to the public interest. If we look at the current position of criminal law in Indonesia, its position has changed from using the old Criminal Code to using the new Criminal Code known as the National Criminal Code.

We are certainly familiar with the new Criminal Code, which has been in effect since January 2, 2026. Many crimes occur in our society, ranging from blatant theft to stealth. Stealing is a criminal act and there are penalties for the perpetrators. Not only the crime of theft is regulated by criminal law, but other crimes as well. In Indonesia itself, criminal law enforcement is quite effective in dealing with people who violate criminal law. In this article, we will discuss the crime of human trafficking. Human trafficking is a complex global problem and has become a danger to society, the nation, and the Indonesian state and threatens the values of life that have long been in place.<sup>1</sup> Humans should be the subjects of trafficking, not the objects. Learning from numerous cases circulating on social media, it turns out that human trafficking involves various forms of deception. For example, advertising job openings is actually just a ploy, ultimately leading to applicants being turned into commodities to be traded in the human trafficking market. Sexual exploitation, such as prostitution, can also involve other forms of exploitation, such as forced labor, forced services, slavery, or practices similar to slavery.<sup>2</sup>.

This research aims to find out what legal regulations regulate the crime of human trafficking and what criminal charges can be imposed on perpetrators of the crime of human trafficking, so that we will know more broadly and deeply after knowing the regulations that regulate it in Indonesia.

## **2. Research Methods**

This research uses a qualitative legal research method with a normative approach. The author uses laws and regulations in processing the results of this research with legal articles that have been researched beforehand related to the author's title,

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<sup>1</sup> Handling of Action and others, 'De Jure De Jure', 18.30 (2018), pp. 543–60.

<sup>2</sup> Follow and others, 'De Jure De Jure'.

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so that by using both the research results will be more comprehensive for discussing criminal law analysis and prosecution of human trafficking crimes in Indonesia.

### **3. Results and Discussion**

#### **3.1. Analysis of Criminal Law and Prosecution of Human Trafficking Crimes in Indonesia**

The legal regulations governing the crime of human trafficking in Indonesia are the latest criminal code, which is contained in chapter XXI, which consists of 15 articles, namely articles 555-570. By knowing the rules governing the crime of human trafficking, we will be able to better understand this type of crime. In Indonesia, other regulations governing the crime of human trafficking are also regulated in Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking.

We need to monitor the crime of human trafficking in Indonesia to prevent further victims. The activities of human trafficking syndicates that easily operate in our country to deceive the public into being tempted by their promises, such as high-paying job vacancies and comfortable facilities, are all just tricks that ultimately lead to selling the victims to those who want them. Human trafficking is a heinous crime and certainly inhumane. The crime of human trafficking also involves transplanting or removing organs and/or body tissue, or a person's abilities or labor by another party for material or immaterial benefits.<sup>3</sup>

The crime of human trafficking itself is actually against the law, but this is still carried out by some people or syndicates to profit from human trafficking. Seeing from the many incidents abroad, many Indonesians want to ask for help to be freed from human trafficking. This must be a concern for the government regarding unpleasant incidents for Indonesians. Law enforcement officers in our country should have a significant role to be at the forefront of protecting Indonesians from human trafficking, for example, the case of women victims of human trafficking who were sent to China, who were initially lured by work abroad, turned out to be one of the many victims of human trafficking.<sup>4</sup>

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<sup>3</sup> Research Agency and others, 'HANDLING OF TRAFFICKING OF HUMAN ACT CASES BY THE GOVERNMENT OF EAST NUSA TENGGARA PROVINCE', 10.3 (2019), pp. 195–216.

<sup>4</sup> Anggie Rizqita, Herda Putri, and Ridwan Arifin, 'Legal Protection for Victims of Human Trafficking Crimes in Indonesia', 2 (2019), pp. 170–85.

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Vigilance and caution are behaviors we must maintain to protect ourselves from human trafficking. Besides being vigilant, we must also protect our fellow human beings from the deceptions of human trafficking, which will ultimately harm us and our fellow human beings if we are not vigilant. We can foster vigilance by broadening our knowledge of news on social media and television. By having broad insight, or what we know as information literacy, we can protect ourselves from being deceived. It turns out that fraud occurs not only within the government but also outside it. Human trafficking and modern slavery also occur frequently within the territory of the Unitary State of the Republic of Indonesia.<sup>5</sup>

As a large nation, we should strengthen our national security with strict security so that all Indonesian citizens can be protected. The protection carried out by the state towards its citizens is important because it concerns the security of its citizens. The government, in this case both the central government and regional governments, is expected to be equally strong in maintaining the security of its citizens. Maintaining the security of its citizens has become a primary task for the government itself, both the central government and regional governments. The Ministry of Foreign Affairs reported that in 2018 it handled 162 cases of Indonesian citizens (WNI) who were victims of human trafficking abroad - 74 people in the Middle East, 47 in East and Southeast Asia, 39 in Africa, 1 in South and Central Asia, and 1 in North and Central America. Of these cases, 88 cases (54%) were resolved and 74 cases (46%) were still being processed.<sup>6</sup>

Handling human trafficking crimes also requires the role of law enforcement officials, in this case, advocates. Victims of human trafficking, in this case, victims of human trafficking, require legal assistance to overcome the trauma they experience during trafficking. Law enforcement officials are an integral part of any criminal action. This crime of human trafficking requires serious handling. Advocates, as an element of the judicial system, are a pillar in upholding the rule of law and human rights.<sup>7</sup>

Law enforcement in our country must be truly fair so that there is no inequality in society. We often hear the term from the community that the law in our country is blunt upwards and sharp downwards, meaning that if the guilty party is from the lower class who breaks the law, then the law is enforced as fairly as possible, whereas if the perpetrator of the law is from the upper class, the law will be blunt,

<sup>5</sup> By Paul Sinlaeloe, 'Human Trafficking Crime 1)', 2014, pp. 1–10.

<sup>6</sup> Human Trafficking and Indonesia, 'Comparison of Legal Regulations on the Crime of Human Trafficking in Indonesia and Malaysia', 2021.

<sup>7</sup> Journal of Sovereignty and Law Volume, 'Nation And Character Building' 138', 1.1 (2018), pp. 138–56.

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meaning it is not enforced as fairly as when treating the lower class who breaks the law. Law enforcement in our country is carried out by the police, prosecutors, judges, witness and victim protection agencies and advocates. In ensuring the enforcement of the law, if necessary, law enforcement officers are permitted to use coercive power.<sup>8</sup>

Law enforcement officers in our country must work professionally so that various crimes in our country can be handled easily and fairly. Our society certainly expects law enforcement officers in our country to work professionally so that when there are legal problems that befall the community, the public is not awkward or afraid to report to law enforcement officers. As good citizens, we must have a broad insight into law enforcement officers in Indonesia so that we have the courage to report when there is a crime, not just fear. Every officer and related apparatus also includes parties concerned with their duties or roles, namely related to reporting or complaint activities, investigations, inquiries, prosecutions, evidence, sentencing and sanctions, as well as efforts to rehabilitate (resocialize) convicts.<sup>9</sup>

Is the act of committing human trafficking or people a permissible act? The answer is no. Indonesia itself views human trafficking as a criminal act. We must guard and warn each other if there are suspicious incidents regarding crimes that occur in society. Crimes do not only occur within the country but can also occur abroad. 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 vulnerable positions, debt bondage or giving payments or benefits, so as to obtain the consent of a person who holds control over another person, whether carried out within the country or between countries, for the purpose of exploitation or resulting in people being exploited. (Article 1 number 1 of Law No. 21 of 2007, Concerning the Eradication of Criminal Acts of Human Trafficking / UUPTPO).<sup>10</sup>

Human trafficking occurs not only in Indonesia but also abroad. We must practice vigilance and caution in our daily lives to avoid being tricked by human trafficking schemes. The event, initially enticed to participate, turns out to be intended to commit human trafficking. Some individuals are sent to China, initially lured with the promise of work abroad, but they end up becoming one of the many victims

<sup>8</sup> 'PDF Created with DeskPDF PDF Writer - Trial :: [Http://Www.Docudesk.Com](http://Www.Docudesk.Com) PDF Created with DeskPDF PDF Writer - Trial :: [Http://Www.Docudesk.Com](http://Www.Docudesk.Com)', pp. 1–4.

<sup>9</sup> 'PDF Created with DeskPDF PDF Writer - Trial :: [Http://Www.Docudesk.Com](http://Www.Docudesk.Com) PDF Created with DeskPDF PDF Writer - Trial :: [Http://Www.Docudesk.Com](http://Www.Docudesk.Com)'.

<sup>10</sup> Sinlaeloe, 'Crime of Human Trafficking 1'.

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of human trafficking.<sup>11</sup> Perpetrators of human trafficking crimes are threatened with a prison sentence of at least 3 years and a maximum of 15 years and a fine of 600 million based on the law on the eradication of human trafficking crimes, namely Law Number 21 of 2007.

The crime of human trafficking initially did not directly offer humans to be sold, but rather used deception, with various modes of operation. There are those who disguise themselves as job vacancies, which ultimately are not for work but for sale by those who want to apply for jobs. According to the author, anyone who wants to work should be careful not to easily believe in persuasion and promising facilities, because we need to be vigilant lest this is just a trick that ultimately is a crime of human trafficking under the guise of job vacancies. Incident after incident reminds us to always be vigilant in life. Nowadays, we should be happy with various sophisticated facilities, so that life becomes easier, but now we are frightened by the crime of human trafficking. This is not just being scared but it is related to real crimes that occur in the field, namely the crime of human trafficking or people both domestically and abroad. Human trafficking is defined as a series of actions that include recruitment, transportation, shelter, sending, transfer, or receipt of a person using various forms of threats.<sup>12</sup>

Humans are legal subjects who are subjects or economic actors in trade. Many incidents both domestically and abroad regarding the crime of human trafficking or people. The public is expected to be alert to incidents that have befallen citizens who have become victims of human trafficking, some have died and some are still alive with great trauma. In Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking, the definition of exploitation in the crime of human trafficking is explained in Article 1 Number 7, namely actions with or without the consent of the victim which include, but are not limited to slavery, prostitution, or practices similar to slavery, forced labor or service, physical exploitation, oppression, extortion, reproductive organs, sexual, or unlawfully<sup>13</sup>

The crime of human trafficking is an extraordinarily heinous and evil crime. In this case, instead of goods for human consumption, the human being is often traded. From this, we can learn that this crime can only be committed by people who lack morals and religion. Human trafficking is an act that deviates from any scientific

<sup>11</sup> Rizqita, Putri, and Arifin, 'FOR VICTIMS OF HUMAN TRAFFICKING CRIME IN INDONESIA (Legal Protection for Victims of Human Trafficking Crimes in Indonesia)'.

<sup>12</sup> Imam Chandra Pamungkas, 'International Legal Analysis of the Involvement of International Syndicates and Weak Border Surveillance: A Case Study of Human Trafficking Crimes in Batam in 2022-2023', 03.03 (2025), pp. 1–8.

<sup>13</sup> Follow and others, 'De Jure De Jure'.

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knowledge we learned in school. As time goes by, we see human behavior becoming increasingly bizarre, engaging in acts prohibited by law, one of which is human trafficking. The crime of human trafficking is becoming increasingly complex and threatening, especially for vulnerable groups such as women and children (Nugroho & Roesli, 2017).<sup>14</sup>

Law enforcement officers in Indonesia must work together and strengthen each other to protect all Indonesian people from the crime of human trafficking so that Indonesian people can live safely and comfortably. The network of perpetrators of human trafficking has an operational reach not only between regions within the country but also between countries.<sup>15</sup>

#### 4. Conclusion

From the research results, it was found that the crime of human trafficking in Indonesia is regulated in Law Number 1 of 2023 concerning the Criminal Code and Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking, both of which strictly regulate how to prosecute perpetrators of the crime of human trafficking. As for the crime of human trafficking or people in the new Criminal Code, it is regulated in Chapter XXI of Articles 555-570, and is also specifically regulated in Law Number 21 of 2007 concerning the Crime of Human Trafficking. In this regulation, the penalty for perpetrators of the crime of human trafficking is a minimum of 3 years and a maximum of 15 years and a fine of 600 million.

#### 5. References

##### Journals:

*Jurnal Daulat and Hukum Volume, 'Nation And Character Building 138', 1.1 (2018), pp. 138–56.*

##### Books:

Anggie Rizqita, Herda Putri, and Ridwan Arifin, '*BAGI KORBAN TINDAK PIDANA PERDAGANGAN ORANG DI INDONESIA ( Legal Protection for Victims of Human Trafficking Crimes in Indonesia )*', 2 (2019), pp. 170–85.

Badan Penelitian and others, '*PENANGANAN KASUS TINDAK PIDANA PERDAGANGAN ORANG OLEH PEMERINTAH PROVINSI NUSA TENGGARA*

<sup>14</sup> Pamungkas, 'International Legal Analysis of the Involvement of International Syndicates and Weak Border Control: A Case Study of Human Trafficking Crimes in Batam in 2022-2023'.

<sup>15</sup> Legal Discourse, 'Efforts to Prevent the Crime of Human Trafficking', IX.April (2010), pp. 107–20.



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*TIMUR (Handling of Trading of Criminal Acts by The Government of East Nusa Tenggara Province)*, 10.3 (2019), pp. 195–216

Dian Sukma Purwanegara, *'Penyidikan Tindak Pidana Perdagangan Orang Melalui Media Sosial Investigation of Human Trafficking through Social Media'*, 2020, pp. 118–27

Imam Chandra Pamungkas, *'Analisis Hukum Internasional Terhadap Keterlibatan Sindikat Internasional Serta Lemahnya Pengawasan Di Perbatasan : Studi Kasus Tindak Pidana Perdagangan Orang Di Batam Tahun 2022-2023'*, 03.03 (2025), pp. 1–8.

Nursiti Uin, Sunan Gunung, and Bandung Iskandar, *'PERAN ORGANISASI INTERNASIONAL DAN REGIONAL DALAM ORANG DI INDONESIA ( The Role of International and Regional Organizations in Resolving Human Rights Violations of Human Trafficking in Indonesia )'*, 2021, pp. 2–12.

Pamungkas, *'Analisis Hukum Internasional Terhadap Keterlibatan Sindikat Internasional Serta Lemahnya Pengawasan Di Perbatasan : Studi Kasus Tindak Pidana Perdagangan Orang Di Batam Tahun 2022-2023'*.

Penanganan Tindak and others, *'De Jure De Jure'*, 18.30 (2018), pp. 543–60.

Rizqita, Putri, and Arifin, *'BAGI KORBAN TINDAK PIDANA PERDAGANGAN ORANG DI INDONESIA ( Legal Protection for Victims of Human Trafficking Crimes in Indonesia )'*

Sinlaeloe, *'Tindak Pidana Perdagangan Orang 1)*

Tindak and others, *'De Jure De Jure'*.

Wacana Hukum, *'Upaya Pencegahan Tindak Pidana Perdagangan Orang (' , IX.April (2010), pp. 107–20.*

## Regulation:

<https://goodstats.id/article/kasus-tpo-di-indonesia-capai-ribuan-korban-tiap-tahun-j7070>

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