



LICS 2026

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

Labor Law in Preventing Forced Labor and the Exploitation of Workers

Rico Lesmana

Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia,
E-mail: ricolesmana.std@unissula.ac.id

Abstract. Forced labor and worker exploitation represent persistent global challenges that undermine fundamental human rights and worker dignity. Despite international standards established by the ILO and domestic legal frameworks, exploitative working conditions endure due to rapid globalization, complex supply chains, digital platform work, and weak law enforcement. Vulnerable groups, including migrant workers, women, children, and informal workers, remain disproportionately affected by coercion, debt bondage, wage theft, and unsafe working environments. Employing a normative juridical research method, this study evaluates the effectiveness of existing labor legislation and institutional enforcement mechanisms in preventing forced labor and worker exploitation. The study finds that legal provisions alone are insufficient without strong institutional commitment, optimized labor inspection systems, effective sanctions, and multi-stakeholder collaboration among governments, employers, trade unions, and civil society. Ultimately, an integrated, rights-based approach is essential to address structural vulnerabilities and achieve decent work for all.

Keywords: Forced Labor; Human Rights; Labor Protection; Labor Law Enforcement; Worker Exploitation.

1. Introduction

Forced labor and the exploitation of workers remain among the most pressing challenges confronting labor law in the contemporary global economy. Despite significant developments in international labor standards and national legal systems, millions of workers continue to experience exploitative conditions that undermine their dignity, freedom, and fundamental rights (Gallagher, 2010). The rapid expansion of globalization, transnational labor migration, digital employment platforms, and increasingly complex global supply chains has



LICS 2026

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

generated new opportunities for economic growth while simultaneously creating systemic conditions that facilitate labor exploitation. Consequently, contemporary labor law is expected not only to regulate contractual employment relationships but also to function as an active legal instrument for protecting workers from coercion, discrimination, and all forms of structural exploitation. Forced labor constitutes one of the gravest violations of human rights, occurring when individuals are compelled to work under the threat of punishment or coercion without voluntary consent.

In practice, coercion manifests through various subtle and overt mechanisms, including physical violence, psychological intimidation, debt bondage, document confiscation, severe restrictions on freedom of movement, and deceptive recruitment practices. In many legal jurisdictions, forced labor has become increasingly difficult to detect because exploitative practices are routinely disguised within seemingly lawful employment contracts or informal working arrangements. Beyond the traditional legal understanding of forced labor, worker exploitation encompasses a broad spectrum of unlawful employment practices. Exploitation frequently manifests through arbitrary wage deductions, delayed salary payments, excessive working hours without adequate compensation, denial of occupational safety and health protections, deprivation of social security benefits, and the systematic abuse of unequal bargaining power between employers and employees. These abusive practices diminish the quality of life for workers and undermine the fundamental labor rights guaranteed under international human rights treaties (Stoyanova, 2017).

Vulnerable populations including migrant workers, women, children, domestic workers, informal sector laborers, and temporary contract workers are particularly susceptible to these exploitative practices. Their heightened vulnerability stems from deep-rooted socio-economic factors such as extreme poverty, limited legal awareness, economic dependency, language barriers, and restricted access to judicial remedies. When these structural factors intersect with weak regulatory oversight, vulnerable workers are often left with no realistic alternative but to accept sub-standard and dangerous working conditions. Internationally, the elimination of forced labor is anchored in core International Labour Organization (ILO) instruments, including the Forced Labour Convention, 1930 (No. 29), the Abolition of Forced Labour Convention, 1957 (No. 105), and the Protocol of 2014 to the Forced Labour Convention. Collectively, these international standards establish comprehensive obligations requiring states to prevent forced labor, protect victims, prosecute perpetrators, and guarantee access to effective remedies. Furthermore, United Nations Sustainable Development Goal (SDG) 8 explicitly calls upon all nations to promote decent work, eradicate forced labor, end modern slavery and human trafficking, and



LICS 2026

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

secure safe, non-discriminatory working environments for all workers worldwide. Within national legal systems, labor law serves as the principal statutory mechanism for balancing the interests of capital and labor while ensuring respect for human dignity.

Statutory regulations govern employment contracts, minimum wage standards, working hours, safety protocols, collective bargaining rights, and dispute resolution procedures. More importantly, labor law embodies the constitutional obligation of the state to guarantee fair treatment, equal opportunity, and legal certainty in employment relations, ensuring that formal legal equality is translated into substantive protection. In the Indonesian context, the national legal framework incorporates fundamental protections against forced labor and worker exploitation through statutory enactments such as Law No. 13 of 2003 concerning Manpower. However, substantial implementation gaps persist between legal norms and practical enforcement. Labor inspection systems in Indonesia suffer from chronic underfunding, insufficient numbers of qualified inspectors, limited technological support, fragmented inter-agency coordination, and low sanction deterrents against non-compliant employers.

As a result, employers who violate statutory labor standards frequently operate with low legal risks, while exploited workers encounter severe procedural barriers in seeking administrative or judicial redress. The rapid emergence of digital employment platforms and the gig economy has further complicated the protective scope of traditional labor law. Platform workers frequently occupy ambiguous legal classifications that strip them of core labor protections, such as minimum wage guarantees, paid leave, occupational health and safety standards, collective bargaining rights, and social security coverage.

While digital platforms offer work flexibility and economic opportunities, the lack of tailored legal frameworks increases precarity and exposes platform workers to algorithmic management and economic exploitation. Additionally, human trafficking for the purpose of labor exploitation represents a critical dimension where labor law intersects with criminal, immigration, and human rights law. Criminal syndicates exploit economic hardship through deceptive recruitment, false employment promises, excessive fees, and fraudulent contracts, ultimately subjecting workers to debt bondage, document confiscation, and severe abuse. Preventing these cross-cutting crimes requires robust institutional coordination among labor departments, law enforcement agencies, immigration authorities, and judicial bodies, alongside international legal cooperation. Against this background, this study systematically examines the effectiveness of existing labor law frameworks and law enforcement mechanisms in preventing forced labor and worker exploitation. Employing a normative juridical research method,



LICS 2026

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

the research evaluates the alignment between national legislation and international labor standards, identifying structural weaknesses, administrative bottlenecks, and policy gaps. Ultimately, the study argues that protecting workers' rights requires an integrated, rights-based legal strategy that combines rigorous labor inspection, corporate due diligence, accessible judicial remedies, and multi-stakeholder collaboration among governments, employers, trade unions, and civil society (Disemadi, 2022; Majeed et al., 2023).

2. Research Methods

This study employs a normative juridical research method to systematically analyze international labor standards, national labor legislation, statutory regulations, legal doctrines, and contemporary scholarly literature concerning forced labor and worker exploitation (Disemadi, 2022; Majeed et al., 2023). Normative legal research focuses on examining secondary data source materials, emphasizing the analysis of legal norms, principles, and rules embedded within statutory frameworks and international conventions (Hutchinson & Duncan, 2012). By placing primary reliance on normative legal materials, this research evaluates how statutory obligations are conceptualized and translated into enforceable legal protections against labor exploitation.

3. Results and Discussion

3.1. International Labor Standards and National Implementation Challenges

International instruments established by the International Labour Organization (ILO) including the Forced Labour Convention, 1930 (No. 29), the Abolition of Forced Labour Convention, 1957 (No. 105), and the Protocol of 2014 to the Forced Labour Convention impose clear, binding obligations on ratifying states to prevent forced labor, protect victims, prosecute offenders, and ensure effective access to legal remedies. These legal standards establish that the eradication of forced labor and severe worker exploitation is not merely a policy preference, but a non-negotiable state duty anchored in fundamental human rights law (Gallagher, 2010). Under these international frameworks, governments are required to take proactive measures to eliminate coercive labor practices across all economic sectors, including both formal and informal industries.

Although Indonesia's national legal framework incorporates core worker protections through statutory enactments such as Law No. 13 of 2003 concerning Manpower, significant implementation gaps endure in practice. The domestic legal architecture contains explicit prohibitions against coercive labor, arbitrary wage withholding, and unsafe working conditions, aligning textually with international principles. However, the presence of comprehensive statutory



LICS 2026

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

language on paper has proven insufficient to guarantee substantive protection for workers on the ground. A persistent disconnect remains between formal legislative commitments and the practical capacity of regulatory bodies to enforce compliance across diverse economic operations. Statutory regulations alone are fundamentally insufficient to eliminate systemic exploitation when labor inspection agencies suffer from chronic structural underfunding, insufficient professional personnel, and limited technological infrastructure. Labor inspection serves as the primary administrative mechanism through which state authorities detect workplace violations, monitor working conditions, and enforce labor standards. In Indonesia, the ratio of certified labor inspectors to the total national workforce remains severely disproportionate, creating vast regulatory blind spots, particularly in remote geographic regions, agricultural plantations, maritime sectors, and informal workplaces.

Furthermore, the lack of modern technological tools and automated monitoring systems hampers the ability of labor regulatory authorities to track complex corporate structures and digital labor platforms. Traditional labor inspection procedures rely heavily on physical, unannounced workplace visits, which are logistically difficult to execute across vast archipelagic territories. Without integrated digital reporting mechanisms, data-driven risk assessment tools, and real-time intelligence networks, regulatory agencies struggle to identify hidden or disguised forms of forced labor, such as illegal debt bondage and document retention.

Consequently, non-compliant employers face extremely low legal risks, allowing exploitative practices to persist despite formal statutory prohibitions. When regulatory oversight is weak or predictable, the financial benefits of underpaying workers, imposing excessive working hours, and evading safety standards far outweigh the minimal risk of detection or administrative sanction. This dynamic creates a culture of regulatory impunity, where unscrupulous employers systematically exploit regulatory loopholes to maximize profits at the expense of workers' fundamental rights and human dignity (Stoyanova, 2017).

In addition, institutional fragmentation and weak inter-agency coordination severely hinder effective labor law enforcement. Labor inspection units often operate in isolation from police authorities, immigration offices, social welfare agencies, and criminal justice bodies. When labor inspectors uncover severe cases of forced labor or human trafficking, the lack of formalized cross-agency referral protocols frequently results in administrative delays, lost evidence, or failure to initiate criminal prosecutions against severe offenders.



LICS 2026

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

Ultimately, bridging the gap between international labor standards and national implementation requires a comprehensive reinforcement of the state's enforcement architecture. Indonesia must move beyond passive statutory compliance by allocating adequate financial resources, expanding the recruitment and professional training of labor inspectors, modernizing digital oversight infrastructure, and establishing binding inter-agency protocols. Only by increasing the legal and financial risks for non-compliant employers can the state effectively dismantle exploitative practices and fulfill its constitutional and international obligations to guarantee decent work for all (Disemadi, 2022).

3.2. Structural Vulnerabilities, Bargaining Power Imbalance, and Digital Employment

A primary driver of worker exploitation is the fundamental imbalance of bargaining power between employers and employees within the contemporary labor market. Driven by pervasive poverty, high unemployment rates, limited legal awareness, and the constant fear of job loss, vulnerable workers frequently accept substandard, unsafe, and highly exploitative working conditions. In many developing economies, the urgent imperative for basic economic survival leaves individual workers with virtually no leverage to negotiate fair wages, reasonable working hours, or adequate safety protections. Consequently, formal legal guarantees of contract freedom often mask underlying economic coercion, forcing workers into asymmetrical employment relationships that systematically favor capital over labor (Gallagher, 2010).

These structural vulnerabilities are particularly pronounced among marginalized groups, including migrant workers, women, informal sector laborers, and domestic workers. Migrant workers routinely face compounded risks of exploitation due to language barriers, unfamiliarity with local legal systems, restrictive immigration policies, and dependence on recruitment agencies for their legal status. When regulatory frameworks fail to intervene in these asymmetrical dynamics, employers can exploit workers' precarious legal and economic standing to impose arbitrary wage deductions, confiscate personal identity documents, and restrict freedom of movement without fear of immediate legal repercussions (Stoyanova, 2017).

Furthermore, the rapid emergence of digital platform employment and the gig economy has generated ambiguous legal statuses for millions of workers worldwide. Platform companies frequently classify gig workers as independent contractors rather than formal employees, effectively bypassing statutory labor laws and shift-based protections. As a result, platform workers are routinely deprived of minimum wage guarantees, paid leave, occupational health and



LICS 2026

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

safety protections, collective bargaining rights, and social security coverage. While digital platforms offer scheduling flexibility and low entry barriers, they simultaneously transfer operational risks and financial burdens entirely onto individual workers.

The reliance on algorithmic management within digital employment platforms introduces new and subtle forms of labor control and precarity. Automated algorithms dictate task distribution, performance evaluations, pricing structures, and account suspensions with minimal human oversight or transparency. Platform workers who attempt to challenge unfair algorithmic decisions or demand better working conditions face automated penalties, reduced task assignments, or abrupt account deactivation. This algorithmic dominance undermines traditional collective action and creates a hyper-fragmented workforce that lacks formal legal mechanisms to seek redress against exploitative platform practices.

Concurrently, human trafficking for the purpose of labor exploitation continues to thrive through deceptive recruitment practices, excessive fees, and fraudulent employment contracts. Unscrupulous labor recruiters routinely exploit economic hardship by promising lucrative employment opportunities, only to subject workers upon arrival to severe debt bondage, forced labor, and extreme physical or psychological isolation. These deceptive practices cross multiple legal domains, making it difficult for traditional labor authorities to detect and penalize perpetrators without comprehensive multi-jurisdictional intelligence.

Because human trafficking for labor exploitation intersects with labor law, criminal law, immigration law, and human rights law, isolated regulatory responses are fundamentally insufficient. Effective prevention demands seamless cross-sectoral coordination among labor inspectors, law enforcement agencies, immigration authorities, judicial bodies, and international anti-trafficking networks. Without joint enforcement protocols and real-time information sharing across these domains, criminal syndicates continue to exploit regulatory loopholes between national borders and legal jurisdictions.

Ultimately, addressing structural vulnerabilities in modern employment requires updating legal definitions and enforcement mechanisms to reflect evolving market realities. Labor law frameworks must expand their protective scope beyond traditional employment relationships to encompass gig workers, platform laborers, and informal sector workers. By guaranteeing fundamental labor rights, ensuring fair remuneration, enforcing corporate recruitment transparency, and empowering workers through legal literacy, states can mitigate bargaining power imbalances and effectively eradicate labor



LICS 2026

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

exploitation across both physical and digital economies (Disemadi, 2022; Majeed et al., 2023).

3.3. Multi-Stakeholder Collaboration and Corporate Due Diligence

Preventing labor exploitation requires a comprehensive strategy extending beyond traditional state-led sanctions and penal enforcement mechanisms. While state regulatory frameworks establish binding legal floors, sole reliance on public law enforcement is often inadequate to detect and eradicate pervasive exploitation across complex economic networks. Achieving sustainable labor protection demands a holistic legal approach that combines state regulatory power with private sector accountability, active social dialogue, and multi-stakeholder governance models (Gallagher, 2010; Stoyanova, 2017).

In this context, businesses must actively exercise human rights corporate due diligence and strictly adhere to Environmental, Social, and Governance (ESG) principles to ensure fair labor practices throughout their operations and global supply chains. Modern corporations can no longer disclaim legal or moral responsibility for labor abuses occurring within their tier-one, tier-two, or sub-contracted supply chains. Corporate due diligence mandates that businesses proactively identify, prevent, mitigate, and account for how they address actual and potential adverse labor impacts, including forced labor, wage theft, and unsafe working environments.

Implementing effective corporate due diligence requires companies to establish transparent recruitment procedures, enforce fair remuneration standards, and institute operational grievance mechanisms. By embedding supply chain transparency and ethical recruitment protocols into core business operations, corporations reduce legal exposure, protect corporate reputation, and foster long-term economic sustainability. Increasingly, international legal trends and global market expectations demand that multinational enterprises adopt mandatory human rights due diligence, effectively transforming ethical labor standards into binding commercial obligations.

Additionally, trade unions and workers' organizations perform an indispensable role in preventing forced labor and worker exploitation at the shop-floor level. Trade unions function as vital democratic countervailing forces that balance employer power through collective bargaining, legal advocacy, workplace monitoring, and worker education. Through collective bargaining agreements, unions negotiate fair wages, reasonable working hours, occupational safety protections, and non-discriminatory workplace policies that significantly reduce workers' vulnerability to coercive exploitation.



LICS 2026

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

Furthermore, workers' organizations provide crucial legal representation and institutional support for exploited laborers seeking judicial or administrative remedies. Trade unions educate workers regarding their statutory rights, assist in documenting workplace violations, and offer safe channels for filing complaints without fear of employer retaliation or dismissal. Where state inspection mechanisms are weak or underfunded, active trade unions serve as essential frontline monitoring systems that ensure compliance with statutory labor standards (Disemadi, 2022).

Non-governmental organizations (NGOs) and civil society groups also contribute significantly to the labor protection ecosystem. Civil society organizations frequently possess specialized expertise in identifying marginalized workers such as undocumented migrants, domestic workers, and informal sector laborers who remain beyond the reach of traditional trade union structures. By providing emergency shelters, legal aid, psychosocial counseling, and public policy advocacy, civil society bridges critical service gaps and amplifies the voices of vulnerable workers in public governance.

Strengthening structured collaboration among government institutions, employers, labor unions, civil society, and international organizations is indispensable for building an equitable, transparent, and humane industrial relations system. Institutionalized social dialogue ensures that labor legislation and policy reforms reflect practical workplace realities while safeguarding human dignity. Ultimately, multi-stakeholder cooperation fosters a culture of shared responsibility, driving continuous alignment with international labor standards and securing decent work for all workers across both national and global economies (Disemadi, 2022; Majeed et al., 2023).

4. Conclusion

The prevention of forced labor and worker exploitation cannot be achieved through statutory regulations alone or evaluated strictly by procedural legal compliance. While international instruments such as ILO Conventions No. 29, No. 105, and the 2014 Protocol alongside domestic legislation like Indonesia's Law No. 13 of 2003 concerning Manpower, establish a clear normative foundation, significant implementation gaps persist at the operational level. Chronic underfunding of labor inspection agencies, severe shortages of qualified inspectors, limited technological infrastructure, and fragmented inter-agency coordination continue to reduce legal risks for non-compliant employers, allowing exploitative practices to endure with high levels of impunity. Furthermore, contemporary market dynamics including the rapid expansion of global supply chains, human trafficking networks, and the gig economy have



LICS 2026

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

deepened structural vulnerabilities for workers. The widespread classification of platform workers as independent contractors strips them of core protections such as minimum wage guarantees, occupational safety, and social security. Combined with severe bargaining power imbalances driven by poverty, unemployment, and restricted access to justice, vulnerable populations such as migrant workers, women, children, and informal laborers remain exceptionally susceptible to coercion, debt bondage, and unsafe working environments. To bridge these implementation gaps, states must execute a comprehensive, rights-based legal strategy that updates regulatory definitions to encompass evolving digital and informal employment arrangements. Strengthening labor governance requires optimizing inspection architectures through modernized digital oversight, expanding human and financial resources, and establishing binding multi-agency enforcement protocols. Ultimately, sustaining a fair and humane industrial relations system depends on institutionalizing multi-stakeholder collaboration among governments, employers exercising corporate human rights due diligence, active trade unions, and civil society to guarantee decent work and protect human dignity for all workers.

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LICS 2026

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

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