



LICS 2026

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

Reconstruction of Cybercrime Regulations in The Recruitment of Human Trafficking Victims Through Digital Manipulation Methods Based on The Value of Justice

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Abstract. The Crime of Human Trafficking is one of the gravest forms of human rights violations, in which human beings are treated like commodities that can be bought and sold for unilateral profit. Along with the rapid advancement of information technology, criminal groups have abandoned conventional methods and shifted to using cyberspace to ensnare their victims. They employ highly sophisticated digital deception, such as creating fake employment contracts, forging the logos of legitimate companies, and disguising faces and voices through deception technologies. Their primary targets are people experiencing economic hardship who are easily persuaded by promises of high-paying jobs spread through social media. This shift in recruitment methods has made human trafficking increasingly difficult to detect because perpetrators hide behind the shield of anonymity in cyberspace. The reality in the field shows that law enforcement in Indonesia is currently still unable to keep pace with the rapid evolution of these forms of crime. This study was conducted using library-based legal research normative juridical research, focusing on examining the validity and weaknesses of the existing written legal framework. The approach employed is based on the assessment of statutory regulations and an approach centered on understanding the concepts of pure legal theory. The primary legal sources analyzed include the 1945 Constitution of the Republic of Indonesia, Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking, and Law Number 11 of 2008. The results of this study identify the weaknesses of the current legal framework and formulate proposals for regulatory restructuring (reconstruction) based on the value of justice. The concept of justice referred to is restorative justice, in which the law does not merely focus on imposing imprisonment on offenders but instead prioritizes efforts to rescue victims and provide full compensation for all losses they have suffered. This reconstruction proposes new legal provisions that explicitly integrate cybercrime with the crime of human



LICS 2026

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

trafficking, grant investigators the authority to seize assets concealed in offenders' electronic accounts, and require online service providers to bear responsibility when their platforms are used as instruments for criminal recruitment.

Keywords: *Cybercrime; Digital; Human Trafficking; Justice.*

1. Introduction

The constitutional legal order of the Republic of Indonesia is founded upon a profound respect for human rights. The rights to live freely, to be free from torture, and to be free from all forms of slavery are fundamental rights absolutely guaranteed under the 1945 Constitution of the Republic of Indonesia. This guarantee places the state in the position of the primary protector, obligated to intervene whenever its citizens are threatened or deprived of their liberty. Such protection must be provided without discrimination based on status, wealth, or education because every human life possesses equal value before the law.¹

Among the various forms of crime that threaten human freedom, Human Trafficking ranks among the most destructive. This crime not only deprives individuals of their physical liberty but also destroys their future, mental well-being, and dignity. Victims are forced to work beyond reasonable limits, denied wages, and frequently subjected to physical violence or extortion. These crimes are orchestrated by organized criminal groups that view other human beings solely as instruments for generating wealth.

Over time, the methods employed by these criminal organizations have undergone deeply concerning changes due to technological advancement. In the past, victims of human trafficking were generally recruited through face-to-face interactions by intermediaries who visited villages directly. Today, however, these crimes have expanded into cyberspace. Equipped only with smartphones and internet connections, criminals no longer need to leave their hiding places. They can cast their web of deception across the entire country within seconds.

The method most commonly used by these groups involves digital engineering or digital manipulation. Digital manipulation is carried out by creating fake job advertisements that appear highly convincing. Criminals forge officials' signatures, steal the logos of well-known companies, and create counterfeit

¹ Barda Nawawi Arief. *Bunga Rampai Kebijakan Hukum Pidana*. Jakarta: Kencana Prenada Media Group, 2011.



LICS 2026

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

websites to make the offers appear to originate from official government agencies or major overseas corporations. Victims who encounter these professionally designed digital materials often fail to realize that they are being lured into a system of modern slavery.

Those most vulnerable to becoming victims of this digital manipulation are people living in rural areas or individuals who have recently lost their jobs. The urgent need to provide for their families often clouds their judgment. When they encounter social media advertisements promising monthly salaries of tens of millions of rupiah abroad, they tend to trust the offers without conducting any verification. It is precisely this condition of economic hardship that cybercriminals exploit with calculated deception.²

Indonesia has in fact equipped itself with a strong legal instrument through Law Number 21 of 2007 concerning the Eradication of Human Trafficking. This law imposes severe prison sentences on anyone who recruits, transports, or shelters individuals through violence, kidnapping, or fraud for the purpose of labor exploitation. However, the provisions of this law were drafted at a time when cybercrime had not yet developed significantly, and therefore the concept of "fraud" was understood primarily as face-to-face deception.

At the same time, the state also enacted Law Number 11 of 2008, later amended by Law Number 1 of 2024 concerning Electronic Information and Transactions. This legislation regulates crimes committed in cyberspace, including the dissemination of false information causing losses to consumers. However, it was designed primarily to address fraud involving commercial goods rather than human trafficking. Consequently, a significant divide exists between the legal framework governing human trafficking and that governing cybercrime.

This legal divide and regulatory gap create a double burden for victims. When law enforcement officers apprehend perpetrators who recruit victims through online networks, they often struggle to determine the appropriate legal provisions to apply. If they rely on electronic information legislation, the penalties are too lenient and disproportionate to the suffering endured by the victims. Conversely, when prosecutors attempt to apply human trafficking laws, defense attorneys frequently succeed in securing acquittals by arguing that victims knowingly consented to travel through conversations conducted via mobile messaging.

Even more troubling, this lack of legal coherence has undermined victims' rights to receive financial compensation (restitution). Cybercriminals are highly skilled

² Jimly Asshiddiqie. *Konstitusi dan Konstitusionalisme Indonesia*. Jakarta: Konstitusi Press, 2006.

LICS 2026

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

at concealing the proceeds of their crimes in hidden financial accounts. Because asset seizure provisions governing predicate offenses are not well integrated with cybercrime legislation, law enforcement officers often fail to confiscate perpetrators' assets in a timely manner. Consequently, when courts eventually issue judgments, perpetrators frequently avoid paying restitution, while victims remain burdened with lifelong debts incurred from their departure.

Based on the issues outlined above, legal reform or reconstruction has become an urgent necessity that can no longer be postponed. This reconstruction must be firmly rooted in the fundamental value of justice, placing the protection and recovery of victims above all other considerations. The objective of this paper is to formulate a legal solution that integrates the enforcement of cybercrime and human trafficking offenses into a unified legal framework, ensuring that the future of the people is no longer treated as a plaything by criminals operating in cyberspace.

2. Research Methods

This study employs a doctrinal (normative juridical) legal research approach, focusing on examining the validity and weaknesses of the written legal framework. The research adopts a statutory approach combined with a conceptual approach grounded in legal theory. The primary legal materials analyzed include the 1945 Constitution of the Republic of Indonesia, Law Number 21 of 2007 concerning the Eradication of Human Trafficking, and Law Number 11 of 2008 together with all of its amendments concerning Electronic Information and Transactions. These legal materials are critically examined to identify legal loopholes that benefit criminals, followed by the formulation of proposals for legal reconstruction that uphold the value of justice for victims.

3. Results and Discussion

3.1. How Digital Engineering Works in Human Trafficking Recruitment

The crime of human trafficking today has undergone a very real shift in its methods, moving from physical kidnapping to concealed psychological deception. Digital engineering in the recruitment of prospective human trafficking victims is no longer carried out haphazardly; instead, it operates through highly organized planning and the deep application of psychological knowledge. These criminals study the weaknesses of society, understand what their targets need most, and construct deceptions that appear to offer a way out of the hardships currently afflicting the victims.

LICS 2026

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

This change is inseparable from the use of advances in internet connectivity technology, which has reached even remote rural areas. In the initial stage, the perpetrators create fake accounts across various social networking discussion platforms that have many followers among job seekers. These accounts are carefully designed to appear as official representatives of major companies or legitimate employment agencies. They use convincing names and often steal the logos of real companies to conceal their malicious intentions from the general public.

Once the stage for deception has been set, they distribute images that have been altered or edited using computer software. These images depict neatly dressed workers smiling happily against the backdrop of luxurious office buildings in neighboring countries. These fabricated images are deliberately designed to create the illusion of success and a life of prosperity, something highly desired by lower-income communities. All of this false beauty serves as bait to attract as many people as possible.

These fabricated images are continuously distributed to various online groups to attract people who are desperately seeking a livelihood in their hometowns. The criminals fully understand that economic desperation can suppress a person's sense of caution. Income inequality and the difficulty of finding decent employment within the country make overseas job offers with salaries of tens of millions of rupiah seem like a tremendous blessing, when in reality they are gateways to deeply abusive forms of slavery.³

Once a prospective victim responds to the bait, the perpetrators immediately begin the stage of remote persuasion. At this stage, their ability to manipulate language and exploit the victim's psychological condition becomes their primary weapon. They do not immediately resort to coercion but instead behave like compassionate helpers. This approach, centered on false concern, aims to dismantle the victim's suspicions so that they believe they are dealing with a kind-hearted individual.

The perpetrators communicate through voice calls or written messages using very polite language while promising guaranteed departure without requiring any upfront payment. This promise of cost-free departure is the primary means of ensnaring impoverished individuals who genuinely lack financial resources. The criminals claim that all travel expenses will be covered by the company and later deducted from the victim's salary after they begin working. This method

³ Harkristuti Harkrisnowo, *Kriminologi dan Masalah Kejahatan Struktural*, (Jakarta: Kemitraan, 2008), hlm. 55-57.



LICS 2026

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

traps victims in debt before they realize they have entered the cycle of criminal exploitation.

To further convince victims who may still have lingering doubts, the perpetrators often send electronic employment contracts bearing counterfeit official government seals produced using printing technology. These forged documents are created with great precision, complete with fabricated official signatures and the emblems of relevant ministries. For ordinary people living in rural areas, simply seeing a document displaying a state emblem on their mobile phone screen is often enough to eliminate all doubt and fear.

These forged documents ultimately become the primary tool for erasing all hesitation in the victims' minds, leading them to believe completely that the entire process is supervised and guaranteed by the government. The next stage of this scheme involves securing the victims' commitment and preparing for their relocation. The perpetrators immediately send electronic travel tickets along with pickup schedules. Detailed instructions regarding what belongings to bring and what clothing to wear on departure day are conveyed through written messages.

Throughout the entire recruitment process, the most dangerous aspect is that the perpetrators and victims never meet face-to-face. Every instruction, direction, and document exchange takes place exclusively through smartphones. The absence of physical meetings serves as the criminals' primary shield for protecting their identities. If prospective victims are intercepted by security officers at the port before crossing the border, the masterminds can simply disconnect their phone numbers and erase their digital footprints, making arrest virtually impossible.

The final stage of this entire digital deception is only revealed once the victims are trapped within the perpetrators' sphere of control. Upon arrival at the predetermined destination, the reception team, who are members of the criminal organization, immediately confiscate all identity documents and passports. Furthermore, they destroy the victims' smartphones to sever communication with the outside world and confine them in enclosed spaces where they are forced to work under threats of violence.⁴

⁴ Barda Nawawi Arief, *Bunga Rampai Kebijakan Hukum Pidana*, (Jakarta: Kencana Prenada Media Group, 2011), hlm. 112.



LICS 2026

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

3.2. Legal Gaps and Injustice Entrapping Victims

Amid this shift of crime into cyberspace, Indonesia's current criminal law has reached an impasse that gravely disadvantages the oppressed. Existing legislation often lags behind the ingenuity of criminals. While crimes are now committed through networks without physical interaction, the law remains preoccupied with seeking evidence typical of past crimes that required direct eyewitness testimony. This delay in written legal provisions creates a dangerously wide gap in protection for society.

The Law on the Eradication of the Criminal Act of Human Trafficking does state that recruitment through deception constitutes an unlawful act punishable by imprisonment. This legislation was designed to protect every citizen from all forms of deception leading to the exploitation of labor and the deprivation of liberty. However, the wording of the law was formulated before digital engineering became widespread, causing the concept of deception to continue being interpreted narrowly by many law enforcement officers.

The absence of detailed explanations regarding deception based on digital engineering frequently leaves law enforcement officials confused during the evidentiary process. Police investigators often struggle to determine whether written conversations and the transmission of fabricated images are sufficient to satisfy the legal elements of human trafficking. This uncertainty at the investigative stage frequently delays case handling, ultimately giving criminal groups the opportunity to destroy electronic evidence stored on their primary servers.

In court, this legal deadlock is often exploited by defense attorneys to reduce or even eliminate criminal liability for their clients. They commonly argue that there was no element of physical coercion or kidnapping from the outset. They distort the facts by presenting screenshots of conversations showing that victims enthusiastically responded to job offers without coercion, portraying the situation as a voluntary agreement between consenting parties.

Such arguments are deeply misleading because they obscure the distinction between genuine consent and consent obtained through deception. They claim that the victims knowingly and willingly agreed to depart after reading the job offer on their phone screens. Judges who adhere too rigidly to written legal provisions are often influenced by these arguments, leading them to regard the matter merely as an ordinary employment contract dispute rather than a concealed case of human trafficking.

LICS 2026

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

Ultimately, this evidentiary deadlock produces severe injustice in which victims' suffering is frequently regarded as their own fault. Instead of receiving protection and compassion from the state, victims are judged as having been insufficiently cautious when responding to information on social media and are labeled greedy for being tempted by high salaries. Such victim-blaming degrades human dignity and demonstrates that the legal system still lacks a comprehensive understanding of how poverty compels people to make dangerous decisions.⁵

On the other hand, if law enforcement officials attempt to avoid these evidentiary challenges by relying on the Electronic Information and Transactions Law, the outcome remains equally disappointing. The application of this law generally proves only that the perpetrator disseminated false or misleading information. The resulting penalties are relatively light and are typically intended for ordinary fraud involving property, not for crimes involving the deprivation of a person's freedom.

The legal provisions governing electronic information do not provide sufficiently severe criminal sanctions to punish acts that rob people of their liberty. Prison sentences of only a few years are entirely disproportionate to the billions of rupiah in profits earned by these criminals. Consequently, offenders are not deterred from repeating their crimes. After their release, they can easily rebuild their criminal operations and seek new victims under different aliases.

The greatest injustice experienced by victims lies in the destruction of their hope of obtaining compensation for the devastation of their future. Children and women who are successfully rescued return to their families burdened with debt, profound psychological trauma, and physical illness. The current judicial system has demonstrably failed to compel investigators to thoroughly trace where the proceeds of these crimes have been concealed in cyberspace. These funds are often disguised as intangible assets.

Because the confiscation of these concealed assets is rarely undertaken from the very first day of arrest, judges often end up imposing only prison sentences without being able to compel perpetrators to compensate the children or women who became victims. Perpetrators routinely claim they have no money, and the law permits them to substitute this financial obligation with only a brief additional prison sentence. Ultimately, the current legal system functions merely

⁵ Arif Gosita, *Masalah Perlindungan Anak dan Perempuan*, (Jakarta: Akademi Pressindo, 2004), hlm. 43.



LICS 2026

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

as a mechanism for physically punishing criminals while failing to fulfill its noble role of healing victims who are left to endure lifelong suffering.⁶

3.3. Restructuring Legal Rules Based on Restorative Justice

To dismantle this legal deadlock and address victims' suffering, the state must undertake comprehensive and courageous legal reform. This restructuring must not consist merely of minor adjustments to implementing regulations but must reach the very core of the legislation itself. The law must be rebuilt upon the spirit of restorative justice a form of justice that directs the state's full efforts toward restoring victims' sovereignty, dignity, and well-being to their former condition.

The first and most fundamental step legislators must take is to amend the provisions of the Law on the Eradication of the Criminal Act of Human Trafficking. The law must be expanded so that its scope encompasses contemporary forms of crime. The revised legislation should explicitly include digital engineering, the dissemination of fraudulent online job vacancies, and the use of forged electronic employment agreements as recognized means of committing the offense of human trafficking.

Recognizing digital engineering as a form of psychological violence would eliminate uncertainty in courtrooms. With explicit legal wording, law enforcement officers would no longer need to hesitate or rely on other laws carrying weaker penalties. Police and prosecutors would possess a strong legal basis for immediately prosecuting cybercriminals who create fraudulent job advertisements under human trafficking legislation carrying prison sentences of up to more than a decade, thereby creating a genuine deterrent for criminal organizations.

The second equally important step is restructuring the procedures for tracing, freezing, and confiscating criminals' assets from the very first day of arrest. To date, investigators have relied too heavily on perpetrators' verbal confessions while neglecting the movement of criminal proceeds. Revised legal provisions should require police investigators to immediately freeze all bank accounts and electronic money storage reasonably suspected of belonging to criminal organizations without waiting for time-consuming court authorization

This authority to freeze assets immediately is crucial because electronic funds can be transferred abroad within seconds. Criminal assets frozen promptly would

⁶ Undang-Undang Republik Indonesia Nomor 21 Tahun 2007 tentang Pemberantasan Tindak Pidana Perdagangan Orang, Pasal 50.

LICS 2026

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

later serve as guaranteed property to be auctioned by the state after the perpetrators are convicted. The proceeds from these auctions should never be deposited into the state treasury but instead must be transferred entirely to victims to finance psychological treatment, repay travel-related debts, and provide initial capital for rebuilding peaceful lives in their hometowns.⁷

However, the law must also provide a realistic solution if criminal organizations prove exceptionally skilled at concealing their money in forms of virtual wealth that cannot be traced, leaving no assets available for confiscation once the trial concludes. In circumstances so detrimental to victims, the state must not abandon them or allow them to return home empty-handed. The state bears the highest responsibility for protecting its citizens, especially when state authorities have demonstrably failed to safeguard them from fraud.

Therefore, legal reform must explicitly require the government to establish a Victim Recovery Assistance Fund financed directly through the national budget. An independent institution should be established to manage this dedicated fund. If offenders are legally determined to have failed or become unable to pay court-ordered compensation to victims, the state itself must intervene. The government should be obligated to disburse funds from this assistance program to victims without delay.

The existence of such a fund would ensure that no child is forced to leave school and no family loses its home simply because they were deceived by a criminal syndicate. This state guarantee of recovery would help heal victims' emotional wounds and break the cycle of poverty that so often becomes the root cause of repeated victimization. Using public funds to heal victims' suffering represents an honorable form of state responsibility consistent with the ideals of a welfare-oriented rule of law.

This is the true embodiment of restorative justice, where the law genuinely exists to restore people's humanity and uplift the dignity of those who have fallen into the depths of suffering. The law would no longer be a blind and rigid instrument but would instead become a protective mechanism sensitive to the hardships endured by the people. Such reform would guarantee that no impoverished member of society is left devastated because of the state's failure to provide protection and that Indonesia's justice system stands firmly on the side of those who are oppressed.

⁷ Jimly Asshiddiqie, *Konstitusi dan Konstitusionalisme Indonesia*, Jakarta: Konstitusi Press, 2006, hlm. 152.



LICS 2026

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

4. Conclusion

The crime of Human Trafficking (TPPO) has undergone a fundamental transformation from conventional physical methods into cyber-enabled crime through digital manipulation. Criminal syndicates systematically exploit the economic vulnerability of rural communities by using false identities, visual manipulation, and fictitious electronic documents. This shift toward remote, non-face-to-face recruitment blurs the line between malicious persuasion and voluntary consent, ultimately trapping victims in a cycle of slavery and debt before they realize the true nature of the threat. In the face of this evolving form of crime, Indonesia's positive legal framework has proven to suffer from legal gaps and institutional inertia. The lack of synchronization between the Anti-Human Trafficking Law, which remains oriented toward physical evidence, and the Electronic Information and Transactions (ITE) Law, which focuses on civil losses, has created a space of impunity for perpetrators. This legal deadlock results in a double injustice for victims: they are vulnerable to being blamed in court due to biased interpretations of "consent," while at the same time being completely deprived of their right to recovery because the justice system fails to reach, trace, and confiscate the perpetrators' digital assets. The current criminal justice system remains trapped in a retributive paradigm that punishes the offender's physical person while neglecting its restorative function in safeguarding the victims' dignity and sovereignty.

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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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