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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

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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; Prosecution and Human Trafficking; Prosecution.*

1. Introduction

Indonesia is explicitly declared as a state governed by the rule of law (rechtsstaat), wherein legal frameworks must be enforced as equitably, objectively, and justly as possible to serve the public interest and maintain societal balance (Rahardjo, 2020). Within this constitutional framework, criminal law functions as the ultimate instrument (ultimum remedium) regulating acts prohibited by the state under formal legal sanctions. The national criminal justice system is fundamentally designed to uphold substantive justice, protect individual rights, and preserve public order across the archipelago (Widodo, 2021).

The codification governing substantive criminal law in Indonesia has undergone a monumental structural paradigm shift, moving away from the legacy colonial heritage (Wetboek van Strafrecht / WvS) toward a modernized domestic legal architecture. This transformation is officially marked by the enactment of Law Number 1 of 2023 concerning the Criminal Code, which represents a



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decolonization of national law and a reorientation toward Indonesian cultural values and modern human rights standards (Amriyani, 2024).

The new National Criminal Code, which formally entered into full implementation on January 2, 2026, introduces progressive sentencing philosophies that balance retributive justice with restorative and rehabilitative measures (Hiariej, 2023). Within this contemporary penal landscape, the legal apparatus addresses a vast spectrum of infractions occurring within society—ranging from conventional property crimes like blatant or covert theft to complex, organized economic offenses. Although routine criminal enforcement mechanisms deal regularly with standard statutory violations, the legal system faces critical tests when confronting extraordinary crimes that threaten the very existence of the nation (Prasetyo, 2022).

Among these severe transnational and domestic threats, the crime of human trafficking stands out as a complex global problem that endangers society, the nation-state, and the foundational moral values that have long guided Indonesian civilization (Handling of Action et al., 2018). Human beings possess inherent dignity and should always be treated as sovereign legal subjects rather than commodified objects for financial gain. Modern trafficking syndicates operate through sophisticated webs of deception that ruthlessly exploit socioeconomic vulnerabilities, transforming ordinary interactions into traps for unsuspecting victims (Supriyadi, 2025).

Learning from numerous alarming cases widely documented across social media and investigative journalism, human trafficking frequently disguises itself behind fraudulent administrative facades. For instance, deceptive employment agencies advertise attractive domestic or overseas job openings that are, in reality, calculated ploys designed to strip applicants of their freedom and funnel them into illicit underground markets (Follow et al., 2018). Once isolated from their support networks, victims are subjected to devastating forms of commercial sexual exploitation, forced prostitution, involuntary labor, debt bondage, and slavery-like practices (Kusumawati, 2024).

Because these multifaceted crimes subvert both general penal statutes and specialized anti-trafficking regulations, the state must employ a coordinated, multi-layered legislative approach. Specialized laws—most notably Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking (UU TPPO)—operate in tandem with the National Criminal Code to ensure that perpetrators face severe punitive consequences commensurate with the gravity of their offenses (Maerani, 2025). Robust law enforcement requires clear



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statutory definitions to capture evolving recruitment techniques and transnational criminal networks.

Driven by these urgent legal and humanitarian imperatives, this research aims to comprehensively investigate the specific statutory regulations governing the crime of human trafficking in Indonesia and evaluate the exact criminal charges and penalties that can be legally imposed on perpetrators. By examining these legal mechanisms in depth, this study seeks to provide a broader, more rigorous understanding of how the national legal apparatus combats this egregious crime against humanity and safeguards vulnerable populations from exploitation.

2. Research Methods

This research employs a qualitative legal research method coupled with a normative juridical approach, designed to examine statutory frameworks and legal principles in depth. The normative approach allows the author to systematically analyze primary legal materials, including relevant national legislation and international conventions, alongside secondary sources such as academic literature, legal journals, and documented case studies related to human trafficking.

To ensure a comprehensive analysis, the study integrates previously researched legal articles and doctrinal viewpoints concerning the prosecution of human trafficking crimes (Tindak Pidana Perdagangan Orang - TPPO) in Indonesia. By juxtaposing statutory provisions such as those found 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 with established legal scholarship, the research methodology bridges abstract normative rules with practical enforcement challenges.

Ultimately, utilizing this dual framework of statutory and literature-based analysis yields a more robust, multi-dimensional evaluation of the Indonesian criminal justice system. It enables the author to critically assess how legal regulations are structured, how penal sanctions and prosecutorial mechanisms are applied against perpetrators, and what systemic improvements are necessary to safeguard vulnerable populations from modern forms of human exploitation.

3. Results and Discussion

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



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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.¹

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.²

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.³

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

¹ 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.

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

³ By Paul Sinlaeloe, 'Human Trafficking Crime 1)', 2014, pp. 1–10.



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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.⁴

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.⁵

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, 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.⁶

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

⁴ Human Trafficking and Indonesia, 'Comparison of Legal Regulations on the Crime of Human Trafficking in Indonesia and Malaysia', 2021.

⁵ Journal of Sovereignty and Law Volume, 'Nation And Character Building) 138', 1.1 (2018), pp. 138-56.

⁶ '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.



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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.⁷

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).⁸

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 of human trafficking.⁹ 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

⁷ '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)'.

⁸ Sinlaeloe, 'Crime of Human Trafficking 1)'.

⁹ Rizqita, Putri, and Arifin, 'FOR VICTIMS OF HUMAN TRAFFICKING CRIME IN INDONESIA (Legal Protection for Victims of Human Trafficking Crimes in Indonesia)'.



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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.¹⁰

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 unlawfully¹¹

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 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).¹²

¹⁰ 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.

¹¹ Follow and others, 'De Jure De Jure'.

¹² 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'.



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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.¹³

4. Conclusion

From the comprehensive research results and discussion, it is evident that the crime of human trafficking (Tindak Pidana Perdagangan Orang - TPPO) in Indonesia is robustly regulated under a dual statutory framework consisting of Law Number 1 of 2023 concerning the Criminal Code (KUHP Nasional) and Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking (UU TPPO). Within the modernized penal architecture of the new Criminal Code, offenses related to human trafficking are systematically codified under Chapter XXI, spanning Articles 555 through 570, which work in tandem with the specialized provisions of Law Number 21 of 2007 to establish clear legal parameters, prohibited acts, and rigorous prosecutorial mechanisms. These legislative instruments strictly outline the mechanisms for investigating, trying, and penalizing perpetrators who engage in the illicit recruitment, transportation, harboring, or exploitation of vulnerable individuals. Specifically, under the specialized anti-trafficking statute, perpetrators face stringent penal sanctions, including mandatory imprisonment ranging from a minimum of 3 years to a maximum of 15 years, alongside substantial statutory fines reaching up to 600 million rupiah. By integrating these general criminal code provisions with *lex specialis* anti-trafficking laws, the Indonesian legal system provides a structured framework designed to hold offenders accountable and deter transnational syndicates. Ultimately, this dual regulatory approach ensures that law enforcement agencies and judicial authorities possess the necessary statutory instruments to prosecute traffickers effectively while reinforcing the state's constitutional obligation to protect human dignity. However, as demonstrated throughout the study, eradicating this extraordinary crime requires more than strict statutory penalties; it demands seamless coordination among law enforcement institutions, active judicial enforcement, and heightened public vigilance to dismantle the socioeconomic and cultural conditions that enable modern exploitation to persist.

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