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

Combating Human Trafficking and Enhancing Protection of Women and Children

Rachmat Ade Putra

Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia,
E-mail: rachmatadep@gmail.com

Abstract. Human trafficking remains one of the most serious transnational crimes, disproportionately affecting women and children through sexual exploitation, forced labor, forced marriage, and other forms of abuse. Despite the existence of international legal instruments and national legislation, trafficking networks continue to exploit legal loopholes, weak law enforcement, and socio-economic vulnerabilities. This paper aims to examine the effectiveness of existing legal frameworks in combating human trafficking and strengthening the protection of women and children, with particular emphasis on the Indonesian context. Using a normative juridical research method, the study analyzes primary legal materials, including international conventions and national legislation, supported by secondary sources such as scholarly articles, official reports, and legal commentaries. The findings indicate that while Indonesia has established a comprehensive legal framework to address human trafficking, significant challenges remain in law enforcement, victim identification, cross-border cooperation, and the provision of comprehensive rehabilitation services. The study emphasizes the importance of adopting a victim-centered approach, strengthening institutional coordination, enhancing international cooperation, and increasing public awareness to prevent trafficking and ensure effective protection for vulnerable groups. Strengthening legal implementation and collaborative governance is essential to achieving sustainable protection for women and children and to effectively combating human trafficking.

Keywords: Human Trafficking; Indonesia; Legal Protection; Victim-Centered Approach; Women and Children.



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1. Introduction

Human trafficking is one of the most serious transnational crimes and a grave violation of human rights. It affects millions of people worldwide, particularly women and children, who are the most vulnerable to exploitation. Victims of human trafficking are commonly subjected to forced labor, sexual exploitation, forced marriage, domestic servitude, child labor, and other forms of abuse. The rapid development of globalization, migration, digital technology, and transnational criminal networks has increased the complexity of human trafficking, making it more difficult for governments to prevent, detect, and prosecute offenders.

According to the United Nations Office on Drugs and Crime (UNODC), women and girls account for the majority of detected trafficking victims worldwide, while children continue to represent a significant proportion of victims, particularly in low- and middle-income countries. Poverty, unemployment, gender inequality, limited access to education, armed conflicts, and weak law enforcement are among the major factors contributing to human trafficking. These conditions create opportunities for organized criminal groups to recruit and exploit vulnerable individuals through deception, coercion, or abuse of power.

Indonesia is both a source and destination country for human trafficking. Despite the enactment of Law Number 21 of 2007 concerning the Eradication of the Criminal Act of Human Trafficking and Indonesia's commitment to international legal instruments such as the Palermo Protocol, trafficking cases continue to occur across various regions. The increasing use of digital platforms for recruitment and exploitation further complicates efforts to combat trafficking and protect victims, especially women and children.

Previous studies have primarily focused on criminal law enforcement, victim assistance, or international cooperation in addressing human trafficking. Although these studies have contributed significantly to understanding trafficking issues, many have examined these aspects separately. Limited research integrates legal enforcement with comprehensive protection mechanisms for women and children through a victim-centered and human rights-based approach. This paper seeks to address that gap by analyzing both legal measures to combat trafficking and strategies to strengthen protection for vulnerable groups within a unified legal framework.



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The novelty of this paper lies in its integrated analysis of prevention, prosecution, victim protection, rehabilitation, and multi-stakeholder cooperation in combating human trafficking. Rather than focusing solely on criminal sanctions, this study emphasizes the importance of strengthening legal implementation alongside social protection and institutional collaboration to ensure sustainable protection for women and children.

Therefore, this paper aims to analyze the effectiveness of the existing legal framework in combating human trafficking and enhancing the protection of women and children. Specifically, the study addresses the following research questions:

1. How effective is the current legal framework in combating human trafficking involving women and children?
2. What challenges hinder the implementation of legal protection for women and children who become victims of human trafficking?
3. What legal and policy strategies can strengthen the prevention of human trafficking and improve protection for women and children in Indonesia?

The findings of this study are expected to contribute to the development of legal policies, strengthen law enforcement, and support the formulation of more effective victim protection mechanisms. Furthermore, the study provides recommendations for improving national and international cooperation in combating human trafficking while promoting the protection of fundamental human rights.

2. Research Methods

This study employs a normative juridical (doctrinal) legal research method to examine the legal framework for combating human trafficking and enhancing the protection of women and children. Normative legal research focuses on the analysis of legal norms, principles, legislation, and legal doctrines governing human trafficking at both the international and national levels .

The research adopts a statutory approach, a conceptual approach, and a comparative approach. The statutory approach examines relevant legal instruments, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC), the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP), and Law Number 21 of 2007 concerning the Eradication of the Criminal Act of Human Trafficking in



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Indonesia . The conceptual approach analyzes legal theories and human rights principles related to victim protection, while the comparative approach reviews international best practices to identify strategies that may strengthen Indonesia's legal framework.

The data used in this study consist of primary legal materials, including international conventions, national legislation, and judicial regulations, as well as secondary legal materials, such as books, peer-reviewed journal articles, official reports, and publications from international organizations, including the United Nations Office on Drugs and Crime (UNODC), the International Labour Organization (ILO), and the International Organization for Migration (IOM). Relevant legal commentaries and academic literature are also utilized to support the analysis.

Data are analyzed using qualitative descriptive analysis. Legal materials are systematically examined, interpreted, and compared to evaluate the effectiveness of existing legal provisions in preventing human trafficking, prosecuting offenders, and protecting victims. The analysis further identifies legal challenges and policy gaps while proposing recommendations to improve legal enforcement, institutional coordination, and victim-centered protection mechanisms for women and children.

3. Results and Discussion

3.1. Human Trafficking as a Serious Human Rights Violation

Human trafficking is widely recognized as one of the most severe violations of human rights because it deprives individuals of their freedom, dignity, and fundamental rights. Women and children remain the groups most vulnerable to trafficking due to gender inequality, poverty, limited educational opportunities, unemployment, and social discrimination. Trafficking victims are often exploited for forced labor, sexual exploitation, domestic servitude, forced marriage, child labor, and other forms of modern slavery. Criminal networks increasingly utilize digital platforms and social media to recruit victims, making trafficking more difficult to detect and prevent¹.

International law classifies trafficking in persons as a transnational organized crime requiring comprehensive cooperation among states. The Palermo Protocol provides the internationally accepted definition of trafficking and emphasizes three essential elements: the act, the means, and the purpose of exploitation.

¹ ILO, W. F. (2022). IOM: Global Estimates of Modern Slavery: Forced Labour and Forced Marriage.



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This legal framework serves as the foundation for many national anti-trafficking laws, including Indonesia's legislation.

3.2. Indonesia's Legal Framework in Combating Human Trafficking

Indonesia has demonstrated its commitment to combating human trafficking through the enactment of Law Number 21 of 2007 concerning the Eradication of the Criminal Act of Human Trafficking². The law criminalizes trafficking activities, establishes criminal sanctions, and recognizes the rights of victims to protection, restitution, rehabilitation, and social reintegration³. Indonesia has also ratified several international human rights instruments, including the Palermo Protocol, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the Convention on the Rights of the Child (CRC), which strengthen the country's legal obligations to prevent trafficking and protect vulnerable groups.

Despite these legal developments, the implementation of anti-trafficking laws continues to face significant challenges. Weak coordination among government institutions, limited law enforcement capacity, inadequate victim identification procedures, and insufficient rehabilitation services often reduce the effectiveness of legal protection. Furthermore, cross-border trafficking cases require stronger international cooperation in investigation, prosecution, and victim repatriation.

3.3. Challenges in Protecting Women and Children

Women and children experience unique vulnerabilities that require specialized legal protection. Many victims are recruited through false promises of employment, education, or marriage before being subjected to exploitation. Fear of retaliation, psychological trauma, social stigma, and limited access to legal assistance often discourage victims from reporting trafficking crimes⁴.

Child victims require particular attention because trafficking severely affects their physical, psychological, and social development. Effective child protection should prioritize the best interests of the child, ensure access to education and healthcare, provide psychological counseling, and support family reintegration whenever possible. Similarly, women who experience trafficking require comprehensive recovery services, including legal aid, healthcare, vocational

² Oktavian, A. (2024). International law and human trafficking: Prevention and control in Indonesia. *Russian Law Journal*, 12(1), 577-585.

³ Islam, F. (2024). Human trafficking law enforcement over the victims and offenders: The perspective of anti-trafficking stakeholders. *Victims & Offenders*, 19(8), 1512-1540.

⁴ Nair, P. M., & Sen, S. (2005). *Trafficking in women and children in India*. Orient Blackswan.



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training, and economic empowerment programs to reduce the risk of re-trafficking.

3.4. Strengthening Legal Protection and Prevention Strategies

Combating human trafficking requires an integrated approach involving prevention, prosecution, protection, and partnership. Preventive measures should include public awareness campaigns, poverty reduction programs, improved access to education, safe migration mechanisms, and digital literacy initiatives to reduce vulnerability to trafficking recruitment.

Law enforcement agencies should strengthen investigations through specialized training, victim-sensitive interviewing techniques, and greater cooperation with international organizations. Judicial processes should prioritize victim protection while ensuring that perpetrators receive effective criminal sanctions proportional to the seriousness of their crimes (International Labour Organization, 2022).

Institutional coordination among government agencies, civil society organizations, international organizations, and local communities is equally important. Collaboration enables better victim identification, information sharing, rehabilitation services, and cross-border investigations. Furthermore, technological innovation may support trafficking prevention through improved data collection, digital monitoring, and early warning systems.

Overall, Indonesia possesses a relatively comprehensive legal framework to combat human trafficking. However, effective implementation depends on stronger institutional capacity, consistent law enforcement, victim-centered protection mechanisms, and sustained cooperation among national and international stakeholders.⁵ Only through a holistic and coordinated approach can the protection of women and children be significantly strengthened while reducing the prevalence of human trafficking.

4. Conclusion

Human trafficking remains a complex transnational crime and a serious violation of human rights that disproportionately affects women and children. Although Indonesia has established a comprehensive legal framework through Law Number 21 of 2007 and has ratified major international instruments such as the Palermo Protocol, CEDAW, and the Convention on the Rights of the Child, significant challenges persist in the effective implementation of these legal

⁵ Harsya, R. M. K., & Zuwanda, Z. S. (2024). The Legal Framework in Addressing Modern Slavery and Human Trafficking a Focus on Indonesia. *The Easta Journal Law and Human Rights*, 2(02), 68-79.



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provisions. Weak institutional coordination, limited victim identification, insufficient rehabilitation services, and the increasing use of digital platforms by trafficking networks continue to hinder efforts to eradicate human trafficking. This study concludes that legal measures alone are insufficient to address the complexity of human trafficking. An effective response requires a comprehensive and victim-centered approach that integrates prevention, prosecution, protection, rehabilitation, and national as well as international cooperation. Strengthening law enforcement capacity, improving coordination among stakeholders, expanding public awareness, and ensuring accessible support services for victims are essential to enhancing the protection of women and children. By combining effective legal implementation with sustainable social protection policies, Indonesia can make significant progress in preventing human trafficking and safeguarding the fundamental rights and dignity of vulnerable populations. Recommendations Based on the findings of this study, several recommendations are proposed to strengthen efforts in combating human trafficking and enhancing the protection of women and children. First, the Government of Indonesia should strengthen the implementation of existing anti-trafficking laws by improving coordination among law enforcement agencies, judicial institutions, immigration authorities, and social service providers. Capacity-building programs should be conducted regularly to enhance the skills of law enforcement officers in victim identification, investigation, and prosecution of trafficking cases. Second, greater emphasis should be placed on victim-centered protection mechanisms. Comprehensive services, including legal assistance, medical care, psychological counseling, temporary shelters, education, vocational training, and economic empowerment programs, should be made more accessible to trafficking survivors. Special attention should be given to women and children, considering their unique vulnerabilities and recovery needs. Third, preventive measures should be strengthened through public awareness campaigns, community education, poverty alleviation programs, and the promotion of safe migration practices. The government should also enhance digital monitoring and cybercrime prevention strategies to address the increasing use of online platforms for trafficking recruitment and exploitation. Fourth, international and regional cooperation should be expanded through information sharing, joint investigations, mutual legal assistance, and cross-border victim protection. Collaboration with international organizations, non-governmental organizations, and ASEAN member states is essential to effectively combat transnational trafficking networks. Finally, future research should explore the effectiveness of victim rehabilitation programs, the role of digital technology in preventing human trafficking, and comparative legal approaches adopted by other countries. Such studies can contribute to the development of more comprehensive legal policies and evidence-based



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strategies to strengthen the protection of women and children from human trafficking.

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