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Maritime Law and Human Trafficking at Sea: Protection, Law Enforcement, and Transnational Challenges

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Abstract. Human trafficking at sea is a form of transnational crime that continues to develop along with increasing global maritime activity, cross-border migration, and international trade. Indonesia, as the world's largest archipelagic country with a strategic position on international shipping routes, faces high vulnerability to human trafficking practices that occur through the shipping, fisheries, and illegal migration sectors. Although various national and international legal instruments have been implemented, the effectiveness of victim protection and law enforcement against perpetrators of human trafficking in maritime areas still faces various obstacles, such as limited maritime surveillance, the complexity of cross-border jurisdiction, weak inter-agency coordination, and the involvement of transnational organized crime networks. This study aims to analyze the influence of the effectiveness of maritime law on the protection of victims and law enforcement of the crime of human trafficking at sea, and examine the role of international cooperation in strengthening efforts to eradicate this crime. This study uses a quantitative approach with a survey method of law enforcement officials, relevant government agencies, academics, and practitioners related to maritime law and human trafficking issues. Primary data was obtained through questionnaires, while secondary data was obtained from laws and regulations, international organization reports, and relevant scientific publications. Data analysis was conducted using descriptive and inferential statistics to examine the relationship between the effectiveness of maritime law, victim protection, law enforcement, and international cooperation. The results of the study are expected to show that the effectiveness of maritime law has a positive and significant influence on improving victim protection and the success of law enforcement against the crime of human trafficking at sea. In addition, international cooperation is expected to play a supporting role in strengthening the effectiveness of prevention, protection, and prosecution efforts against transnational human trafficking networks. Theoretically, this study



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contributes to the development of maritime law studies and international criminal law related to the crime of human trafficking. Practically, the results of the study are expected to form the basis for recommendations for the government, law enforcement officials, and other stakeholders in formulating more effective policies and strategies to strengthen human rights protection and national maritime security.

Keywords: *Human Trafficking at Sea; International Cooperation; Law Enforcement; Maritime Law; Transnational Crime.*

1. Introduction

Human trafficking is one of the most alarming forms of transnational crime in the development of modern international law. This crime not only violates human rights but also threatens global security, social stability, and economic governance. According to a report by the United Nations Office on Drugs and Crime (UNODC), the number of identified victims of human trafficking globally has increased significantly since the COVID-19 pandemic, with an increase of approximately 25% compared to the pre-pandemic period. Victims of human trafficking are exploited not only for sexual purposes but also for forced labor, including in the fishing and shipping sectors.

In the maritime context, human trafficking has distinct characteristics compared to trafficking on land. The sea is often difficult to monitor, providing opportunities for perpetrators to recruit, transport, and exploit victims without detection by state authorities. The report of the United Nations Special Rapporteur on human trafficking and protection at sea affirms that states, shipping companies, and other maritime actors have an obligation to prevent human trafficking and provide effective protection to victims found in territorial waters.

The phenomenon of human trafficking at sea is often found in the commercial fishing sector. Various studies have shown that migrant fishing crews often experience forced labor, document confiscation, physical violence, and restrictions on freedom of movement. Recent studies in maritime studies indicate that labor exploitation on fishing vessels remains a serious problem in various regions of Asia, including Indonesia.

Indonesia enjoys a highly strategic position, situated between the Indian and Pacific Oceans, and serves as a hub for various international trade routes. This geographical location offers significant economic advantages, but also increases



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the risk of human trafficking by sea. Indonesia's vast territorial waters and numerous ports present challenges in monitoring maritime activity. Various studies have shown that Indonesia's coastal and border areas are vulnerable to being used as transit routes and destinations for human trafficking.

From a legal perspective, Indonesia has several instruments that can be used to address human trafficking, including Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking, Law Number 17 of 2008 concerning Shipping, and various regulations related to the protection of migrant workers and maritime security. At the international level, Indonesia is also bound by various instruments such as the 1982 United Nations Convention on the Law of the Sea (UNCLOS) and the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol).

However, the implementation of these legal norms still faces various obstacles. The main challenges include difficulties in identifying victims at sea, jurisdictional conflicts between countries, limited capacity of law enforcement officials, and minimal coordination in the rescue and recovery process. These conditions demonstrate that the existence of regulations alone is insufficient to ensure effective legal protection for victims of human trafficking at sea.

Previous research has focused more on the criminal aspects of human trafficking and human rights protection in general. Studies on the relationship between maritime law, victim protection, and transnational challenges are relatively limited. Therefore, this study offers novel value in examining human trafficking at sea from the perspective of maritime law and international cooperation.

Based on this description, this study aims to analyze the forms of legal protection for victims of human trafficking at sea, evaluate the effectiveness of maritime law enforcement, and identify transnational challenges that influence efforts to eradicate human trafficking in the maritime context.

2. Research Methods

This research uses a normative legal method with a statute approach, a conceptual approach, and an international legal approach. Primary legal materials consist of UNCLOS 1982, the Palermo Protocol 2000, Law Number 21 of 2007, Law Number 17 of 2008, and Law Number 32 of 2014 concerning Maritime Affairs. Secondary legal materials are obtained from scientific journals, reports from UNODC, ILO, IOM, and maritime law literature.



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3. Results and Discussion

3.1. Legal Protection for Victims of Human Trafficking at Sea

Human trafficking at sea is a form of transnational crime with unique characteristics because it occurs in maritime areas, often beyond the reach of effective state oversight. Victims of human trafficking at sea are generally vulnerable groups, such as migrant workers, fishermen, fishing vessel crews, women, and children, recruited through deception, abuse of vulnerable positions, or forced labor in exploitative conditions. In many cases, victims experience forced labor, physical and psychological violence, confiscation of identity documents, restrictions on freedom of movement, and lack of adequate wages. Therefore, legal protection for victims of human trafficking at sea is a crucial aspect of both national and international legal systems.

Internationally, protection for victims of human trafficking is regulated in various legal instruments, including: which regulate the protection of migrant workers and workers in the fisheries sector. These instruments position victims as subjects who must receive human rights protection, not merely as evidence in criminal justice proceedings. Therefore, the state has an obligation to guarantee the safety, recovery, and fulfillment of victims' rights from the identification process through social reintegration.

In the Indonesian context, legal protection for victims of human trafficking is regulated comprehensively through Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking. This law not only regulates criminal sanctions against perpetrators but also provides special rights for victims, including the right to rehabilitation, restitution, psychological recovery, legal aid, and protection during the judicial process. Furthermore, protection for victims working in the maritime sector is strengthened through Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers, Law Number 17 of 2008 concerning Shipping, as well as various technical regulations governing the safety and welfare of ship crews.

Legal protection for victims of human trafficking at sea can be divided into two main forms, namely: preventive protection and repressive protection. Preventive protection aims to prevent human trafficking before the crime occurs, while repressive protection is implemented after the victim has experienced a human trafficking crime. These two forms of protection must be implemented in an integrated manner to ensure effective protection for victims.

Preventive protection is implemented through various prevention efforts involving the government, communities, international organizations, and the



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private sector. One important form of preventive protection is increased oversight of the maritime labor recruitment process. Many victims of human trafficking are recruited through illegal labor agencies that promise high-paying jobs but, in reality, place workers in exploitative conditions. Therefore, the government needs to strengthen the licensing and oversight system for crew recruitment companies and ensure that all workers receive adequate information about their rights before departure.

In addition to recruitment monitoring, preventive protection is also implemented through increased port surveillance, travel document checks, and maritime patrols in areas prone to human trafficking. In this context, collaboration between the Indonesian National Police, the Indonesian Navy, the Maritime Security Agency (Bakamla), the Directorate General of Immigration, and the Ministry of Maritime Affairs and Fisheries is crucial. Strengthening the capacity of authorities to identify indications of human trafficking is also necessary so that victims can be found and rescued before they experience more severe exploitation.

Furthermore, education and raising public awareness are essential components of preventive protection. Many victims of human trafficking come from areas with low levels of education and economic well-being, making them vulnerable to illegal recruitment practices. Legal counseling programs, migrant worker rights education, and anti-trafficking campaigns can help reduce communities' vulnerability to exploitation. This preventive approach aligns with the principles of human rights protection, which prioritize prevention as a primary step in reducing the risk of victims' rights violations.

Meanwhile, repressive protection is provided after the victim has been successfully identified and rescued from human trafficking. Repressive protection includes victim rescue, legal assistance, protection during the judicial process, and physical and psychological recovery. In practice, the process of identifying victims at sea often faces various obstacles due to the remoteness of the incident location from land, limited communication access, and the complexity of human trafficking networks involving multiple countries. Therefore, an effective victim identification mechanism based on the principles of human rights protection is needed.

One very important form of repressive protection is the provision of restitution to the victim. Restitution is compensation imposed on the perpetrator as a form of accountability for the losses suffered by the victim. Based on Article 48 of Law Number 21 of 2007, victims of human trafficking are entitled to restitution, which includes loss of wealth or income, suffering, medical costs, and other



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losses arising from the crime. Restitution plays an important role because it not only provides financial compensation to the victim but also reflects the state's recognition of the losses suffered by the victim.

However, the implementation of restitution still faces various obstacles. Many human traffickers lack the financial capacity to pay compensation or conceal assets obtained from their crimes. Furthermore, victims often struggle to access legal mechanisms to file restitution claims. Therefore, strengthening restitution implementation mechanisms through collaboration between law enforcement agencies, witness and victim protection agencies, and the courts is crucial.

In addition to restitution, victims of human trafficking also have the right to receive rehabilitation. Rehabilitation is the process of restoring the physical, psychological, and social condition of victims after exploitation. Victims of human trafficking at sea often experience severe trauma due to violence, threats, torture, and inhumane working conditions while on board. Therefore, rehabilitation services must include medical assistance, psychological counseling, social support, and mental health recovery. The success of rehabilitation is crucial for victims' ability to return to a normal and productive life after exploitation.

Furthermore, protection of victims must include the process social reintegration. Social reintegration is an effort to return victims to their families and communities while ensuring their safety and well-being. In many cases, victims of human trafficking face social stigma, discrimination, and even rejection from their communities after returning from their places of exploitation. Therefore, reintegration programs must be implemented comprehensively through economic empowerment, job skills training, access to education, and ongoing social support.

From an international legal perspective, protecting victims of human trafficking at sea is not only the responsibility of the victim's country of origin, but also of transit and destination countries. Shared responsibility emphasizes that all countries involved in the human trafficking chain have an obligation to provide protection to victims. Therefore, international cooperation is crucial in ensuring effective victim protection, particularly in terms of repatriation, information exchange, and the restoration of victims' rights across borders.

Thus, legal protection for victims of human trafficking at sea must be understood as a continuous and multidimensional process, encompassing prevention, rescue, recovery, and social reintegration. The effectiveness of this protection depends heavily on the synergy between national regulations, international legal instruments, the capacity of law enforcement officials, and international



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cooperation. Without comprehensive protection, victims of human trafficking will remain vulnerable and potentially subject to re-exploitation, thus preventing the law's primary objective of protecting human dignity and rights from being optimally achieved.

3.2. Effectiveness of Maritime Law Enforcement against Human Trafficking

Human trafficking at sea is a complex form of transnational crime, involving multiple national jurisdictions, cross-border actors, and evolving modus operandi in line with increasing international shipping and trade activity. In this context, effective maritime law enforcement is a crucial factor in determining a country's success in preventing, identifying, and prosecuting human trafficking perpetrators while providing protection to victims. Effective law enforcement depends not only on adequate regulations but also on the capacity of law enforcement officials, inter-agency coordination, clear jurisdiction, and support for international cooperation.

According to Soerjono Soekanto's law enforcement theory, successful law enforcement is influenced by five main factors: legal substance, law enforcement officers, facilities and infrastructure, society, and legal culture. In the case of human trafficking at sea, these five factors are interrelated and determine the effectiveness of maritime law implementation. Although Indonesia has various legal instruments governing the eradication of human trafficking, several obstacles remain that prevent law enforcement from being optimal.

The first aspect that determines the effectiveness of maritime law enforcement is authority of law enforcement officers. In the Indonesian legal system, handling human trafficking crimes in maritime areas involves various institutions with different authorities. The Indonesian National Police (Polri) plays the role of the primary investigator in human trafficking crimes based on Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking. In addition, the Indonesian Navy has the authority to maintain maritime security and take action against certain legal violations in Indonesian waters. The Maritime Security Agency (Bakamla), the Directorate General of Immigration, the Ministry of Maritime Affairs and Fisheries, and the Directorate General of Customs and Excise also have supervisory functions related to maritime activities.

The involvement of these numerous institutions demonstrates the state's commitment to maritime security, but on the other hand, it often creates coordination issues and overlapping authority. In some cases, differences in operational procedures and information exchange mechanisms render the process of addressing human trafficking ineffective. For example, a vessel suspected of carrying trafficking victims may be under the surveillance of more



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than one agency, but prompt action may not be taken due to differing interpretations of law enforcement authority. Therefore, an integrated coordination system and strengthened inter-agency cooperation mechanisms are needed to ensure swift and effective law enforcement.

Apart from the authority of the authorities, jurisdictional issues is a major challenge in maritime law enforcement against human trafficking. Unlike crimes occurring on land, human trafficking at sea often involves multiple countries, including the country of origin, transit, and destination. Vessels used to transport victims may fly the flag of a particular country, operate in the waters of other countries, and carry victims of various nationalities. This situation creates legal complexity regarding which country has the authority to investigate, prosecute, and prosecute perpetrators.

In international law, the jurisdiction of states at sea is regulated through United Nations Convention on the Law of the Sea (UNCLOS) 1982 UNCLOS divides maritime territory into several zones: territorial seas, contiguous zones, exclusive economic zones, continental shelves, and high seas. Each zone has different legal consequences for the authority of coastal states. In territorial waters, states have full sovereignty to enforce their national laws. However, when criminal acts occur in the exclusive economic zone or high seas, a state's authority becomes more limited, necessitating cooperation with other states.

Jurisdictional issues become increasingly complex when human trafficking is carried out by foreign vessels operating outside a country's sovereign territory. flag state jurisdiction International maritime law grants flag states primary authority to monitor and enforce laws against vessels registered in their country. However, in practice, not all flag states have the capacity or political will to prosecute human traffickers operating on their flagged vessels. As a result, many cases of human trafficking at sea are difficult to prosecute due to jurisdictional gaps or conflicts.

The effectiveness of law enforcement is also greatly influenced by aspects of proof. Proving human trafficking at sea is much more difficult than in cases occurring on land. One of the main obstacles is limited access to the scene and the lack of witnesses to provide information. Victims are often on board ships for months or even years without access to outside communication. Furthermore, perpetrators often use various methods to cover the traces of the crime, such as moving victims between ships, falsifying identity documents, or changing shipping routes to avoid surveillance.

Evidence difficulties also arise because many victims experience psychological trauma that makes them reluctant or unable to provide consistent testimony. In



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some cases, victims are even afraid to provide information due to threats from human trafficking networks. Therefore, a victim-centered approach (*victim-centered approach*) is crucial in the investigation and prosecution process. Law enforcement officials need to ensure that victims receive protection, legal assistance, and psychological support so they can provide information safely and without pressure.

Advances in information technology and maritime monitoring systems actually provide opportunities to increase the effectiveness of evidence. **Automatic Identification System (AIS)** Satellite-based ship monitoring systems, and digital forensic technology can help authorities track the movements of vessels suspected of human trafficking. Furthermore, cooperation in data exchange between countries allows for faster and more accurate investigations. However, the use of these technologies still faces limitations, particularly related to human resources, budgets, and interoperability of systems between agencies.

From a national legal perspective, Indonesia has a strong legal basis for combating human trafficking. Law No. 21 of 2007 provides a clear definition of the crime of human trafficking and stipulates relatively severe criminal sanctions for perpetrators. This regulation is reinforced by Law No. 17 of 2008 concerning Shipping and Law No. 32 of 2014 concerning Maritime Affairs, which provide the basis for monitoring maritime activities. Furthermore, Indonesia has ratified various relevant international instruments, including Palermo Protocol 2000, so that it has an obligation to harmonize national laws with international standards.

Although a regulatory framework is in place, its implementation still faces various challenges. One major obstacle is limited oversight of Indonesia's vast territorial waters. With over 17,000 islands and one of the longest coastlines in the world, monitoring all maritime activities requires significant resources. This situation is often exploited by human trafficking networks to conduct their activities in areas difficult for law enforcement to reach.

At the international level, effective law enforcement relies heavily on cooperation between countries. Human trafficking is a crime that cannot be eradicated through a national approach alone, as perpetrators and victims often cross national borders. Therefore, mechanisms such as Mutual Legal Assistance (MLA), extradition, exchange of intelligence information, joint patrols, and regional cooperation are important instruments in supporting law enforcement. In the Southeast Asian context, the existence of ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP) provides a framework that ASEAN member states can use to strengthen coordination in combating human trafficking.



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Thus, the effectiveness of maritime law enforcement against human trafficking is determined not only by the existence of adequate regulations, but also by the state's ability to integrate the authority of its authorities, resolve jurisdictional issues, strengthen evidentiary mechanisms, and optimize the implementation of national and international laws. Effective law enforcement must be able to balance maritime security with human rights protection so that the primary goal of eradicating human trafficking, namely protecting victims and prosecuting perpetrators fairly, can be optimally achieved.

3.3. Transnational Challenges in Combating Human Trafficking at Sea

Human trafficking at sea is one of the most complex forms of transnational crime in the era of globalization. Unlike conventional crimes, which generally occur within a single country's jurisdiction, human trafficking at sea involves multiple actors, territories, and legal systems that cross national borders. These characteristics make prevention, prosecution, and victim protection efforts far more complex than domestic crimes. In the maritime context, the sea not only serves as a vital international trade route but also serves as a space frequently exploited by organized crime groups to exploit human beings through mechanisms that are difficult for law enforcement to detect.

One of the main challenges in combating human trafficking at sea is the existence of transnational organized crime networks. These networks generally have complex structures and involve various parties performing different functions, ranging from recruiters and transporters to providers of false documents, ship owners, and even those who exploit victims. These criminal organizations operate systematically, exploiting legal loopholes and weak oversight in various countries to gain significant economic profits. According to the United Nations Office on Drugs and Crime (UNODC), human trafficking is a form of transnational crime that generates billions of dollars in profits annually and is often linked to other crimes such as migrant smuggling, money laundering, corruption, and cybercrime.

In practice, maritime human trafficking networks often exploit labor recruitment companies that lack official permits or operate illegally. Victims are recruited with promises of decent jobs as crew members or fisheries workers, but once on board, they experience various forms of exploitation. Many victims are forced to work long hours without adequate wages, experience physical abuse, and are denied access to their home countries. The complexity of these networks makes it difficult for law enforcement officials to identify the main perpetrators, as each actor only knows a small portion of the overall human trafficking operation.



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Furthermore, the transnational nature of organized crime networks makes it impossible to effectively enforce the law if it relies solely on national legal mechanisms. For example, recruitment may occur in Indonesia, transportation through the territorial waters of another country, while exploitation of the victim occurs on a vessel flying the flag of a different country. This situation creates significant challenges in determining the jurisdiction and legal responsibility of each country involved. Therefore, combating human trafficking at sea requires an integrated approach through strong international cooperation.

Another challenge is the differences in legal systems between countries. Each country has different rules, definitions, and enforcement mechanisms regarding human trafficking. Although the 2000 Palermo Protocol provided an international definition of human trafficking, its implementation in national laws is not always uniform. Some countries adopt a broad definition and provide comprehensive protection to victims, while others still have limited regulations or have not fully aligned their national laws with international standards.

These differences in legal systems often create obstacles in the investigation and prosecution process. For example, an act categorized as human trafficking in one country may not be classified the same way in another. Consequently, coordination in handling cases becomes more difficult due to differing legal perceptions regarding the elements of the crime, standards of proof, and types of sanctions that can be imposed. Furthermore, some countries still face limited institutional capacity, making them unable to effectively enforce the law against human traffickers operating within their jurisdictions.

Differences in legal systems also impact victim protection. In some countries, victims of human trafficking have the right to rehabilitation, restitution, and adequate legal assistance. However, in other countries, victims are still often treated as immigration violators for entering the country illegally. These differing approaches can hinder victim recovery efforts and even increase the risk of re-victimization. Therefore, harmonizing national regulations with international standards is a crucial step in increasing the effectiveness of combating human trafficking at sea.

In addressing cross-jurisdictional challenges, the existence of a Mutual Legal Assistance (MLA) mechanism is crucial. Mutual Legal Assistance is a form of legal cooperation between countries that enables the exchange of information, the collection of evidence, the examination of witnesses, the confiscation of assets obtained from crime, and various other legal actions necessary for the investigation and prosecution process. Through the MLA mechanism, countries



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can assist each other in handling human trafficking cases involving more than one jurisdiction.

For Indonesia, cooperation through Mutual Legal Assistance plays a strategic role, given that many cases of human trafficking at sea involve Indonesian citizens exploited on foreign vessels or in foreign waters. With MLA, law enforcement officials can obtain evidence abroad, trace the flow of criminal funds, and identify perpetrators operating internationally. However, the implementation of MLA still faces various obstacles, including differences in legal systems, lengthy bureaucratic procedures, and limited technical capacity for inter-country coordination.

In addition to the MLA, extradition mechanisms also play a crucial role in ensuring that human traffickers cannot evade legal accountability by moving to another country. However, the effectiveness of extradition is often influenced by diplomatic relations between countries and the existence of extradition treaties governing such cooperation. Not all countries have extradition treaties with Indonesia, so in some cases, traffickers can exploit legal loopholes to avoid justice.

In the context of the Southeast Asian region, ASEAN regional cooperation is a key instrument in combating human trafficking. The ASEAN region boasts high levels of human mobility and a highly active maritime trade network, making it vulnerable to human trafficking practices. Recognizing this threat, ASEAN member states adopted the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP) in 2015 as a regional legal framework to strengthen cooperation in the prevention, protection of victims, and law enforcement of human trafficking.

ACTIP provides a foundation for ASEAN countries to enhance coordination in information exchange, law enforcement capacity building, victim protection, and national policy harmonization. Furthermore, ASEAN is developing various collaborative programs involving police, immigration, and other relevant agencies to enhance detection and enforcement capabilities against human trafficking networks. In the maritime context, cooperation on maritime patrols and the exchange of intelligence information are crucial for identifying vessels suspected of human trafficking activities.

However, the effectiveness of ASEAN cooperation still faces several challenges. The principle of non-interference, one of ASEAN's key characteristics, often limits the scope for intervention in member states' domestic affairs. Furthermore, differences in institutional capacity and resources across ASEAN countries impact their ability to implement regional commitments. Some countries have relatively



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advanced victim protection and law enforcement systems, while others still face various regulatory and institutional limitations.

Furthermore, advances in digital technology have created new challenges for human trafficking at sea. Criminal networks now utilize social media, digital platforms, and encrypted communication apps to recruit victims and coordinate their activities. This increasingly sophisticated *modus operandi* demands closer cross-border cooperation in cybersecurity and intelligence exchange. Without adapting to technological developments, law enforcement will struggle to keep up with the dynamics of evolving human trafficking networks.

Based on the above description, it can be understood that combating human trafficking at sea faces various interrelated transnational challenges, ranging from the existence of organized crime networks, differences in legal systems between countries, limitations in the implementation of Mutual Legal Assistance, to the effectiveness of ASEAN regional cooperation. Therefore, a multidimensional approach is needed that integrates legal aspects, security, diplomacy, and human rights protection. Strengthening international cooperation, harmonizing regulations, increasing the capacity of law enforcement officers, and optimizing regional cooperation mechanisms are strategic steps that must be taken to increase the effectiveness of eradicating human trafficking at sea and provide better protection for victims. Top of Form
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3.4. Maritime Law Strengthening Model in Preventing Human Trafficking

Human trafficking at sea is a transnational crime that exploits the complexity of maritime territories, the high mobility of people, and the limitations of cross-border surveillance. The characteristics of this crime demonstrate that a repressive approach alone is insufficient to address it. A preventive, integrative, and collaborative maritime law enforcement model is needed to reduce the opportunities for human trafficking from the recruitment stage to the exploitation of victims. This strengthening model must include regulatory harmonization, increased joint patrols, enhanced port oversight, and more comprehensive protection for maritime migrant workers.

a. Harmonization of National and International Regulations

One factor that makes it difficult to eradicate human trafficking at sea is the difference in regulations between countries. Although various international instruments such as United Nations Convention on the Law of the Sea (UNCLOS) 1982, United Nations Convention against Transnational Organized Crime (UNTOC) 2000, And Palermo Protocol 2000 While the U.N. has provided an international



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legal framework, its implementation in national laws still shows significant variation. Differences in definitions of human trafficking, victim protection mechanisms, and law enforcement procedures often present obstacles in handling cases involving more than one country.

In the Indonesian context, regulatory harmonization needs to be carried out through synchronization between Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking, Law Number 17 of 2008 concerning Shipping, Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers, And Law Number 32 of 2014 concerning Maritime Affairs This synchronization aims to create a more integrated legal system to prevent human trafficking in the maritime sector.

In addition to harmonization at the national level, Indonesia needs to strengthen legal cooperation with destination and transit countries for migrant workers through bilateral and regional agreements. Unified legal standards will facilitate victim identification, investigation, extradition of perpetrators, and implementation of restitution and victim rehabilitation. Therefore, regulatory harmonization is a key foundation for building an effective human trafficking prevention system in the maritime region.

b. Strengthening Joint Patrols and Maritime Security

Indonesia's vast maritime territory presents a unique challenge in preventing human trafficking. Many cases of human trafficking occur via vessels operating in border areas or international shipping lanes, which are difficult to monitor effectively. Therefore, strengthening maritime patrols is a crucial element in the human trafficking prevention model.

Maritime patrols not only serve to safeguard national sovereignty but also serve as an early detection tool for human trafficking activities. In this context, synergy between the Indonesian Navy, the Maritime Security Agency (Bakamla), the Maritime Police, the Directorate General of Immigration, and the Ministry of Maritime Affairs and Fisheries must be strengthened through an integrated operational system. Integrating data and information between agencies will enhance the state's ability to identify vessels suspected of human trafficking.

At the regional level, joint patrols between countries are a strategic step to address the transnational nature of this crime. Southeast Asia has several shipping lanes vulnerable to human trafficking, such as the Strait of Malacca, the Sulawesi Sea, and the Andaman Sea. Therefore, cooperation on joint patrols between Indonesia, Malaysia, Thailand, the Philippines, and other ASEAN countries needs to be continuously strengthened. Through joint patrols,



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intelligence can be exchanged more quickly, allowing for the detection of potential human trafficking before victims experience more severe exploitation.

In addition to conventional patrols, the use of modern technology such as Automatic Identification System (AIS) Maritime surveillance satellites, maritime surveillance drones, and artificial intelligence-based data analysis systems can improve the effectiveness of maritime surveillance. Utilizing these technologies allows authorities to monitor suspicious vessel movements in real time and reduce reliance on resource-limited manual surveillance.

c. Strengthening Port Supervision as a Prevention Point

Ports are one of the most strategic points in the maritime human trafficking chain. Many victims are recruited and transported through ports before being exploited on fishing vessels or merchant vessels. Therefore, strengthening port surveillance must be an integral part of any human trafficking prevention model.

Port oversight can be implemented through increased inspection of travel documents, verification of crew members' employment contracts, and identification of indications of human trafficking in prospective migrant workers. Immigration officials, harbor masters, and related agencies need to have clear operational standards for detecting potential human trafficking. Furthermore, ports must be equipped with a reporting system that allows victims or others to safely and promptly report suspected human trafficking.

Risk-based approach (*risk-based approach*) also needs to be implemented in port surveillance. Vessels originating from areas prone to human trafficking or with a history of violations should be prioritized for inspection. The use of an integrated database that connects immigration, employment, and maritime security information will help authorities conduct more accurate risk analysis.

Furthermore, port oversight must involve collaboration with the private sector, particularly shipping companies and port operators. Companies should be required to implement the principles *due diligence* in the recruitment and placement process of ship crews to ensure that there are no elements of human trafficking in their operational chain.

d. Protection of Migrant Workers in the Maritime Sector

Migrant workers are the most vulnerable group to human trafficking at sea. Many are recruited through unofficial channels, placed without clear employment contracts, or forced to work in inhumane conditions. Therefore, the protection of migrant workers must be a primary focus of any maritime law enforcement model.



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Protection efforts can begin at the pre-placement stage by improving education and training for prospective migrant workers. The government needs to ensure that all workers understand their rights, the contents of their employment contracts, and the complaint mechanisms for violations. Furthermore, oversight of labor recruitment companies must be tightened to prevent fraud and exploitation.

At the placement stage, countries must ensure that migrant workers have access to legal protection, consular services, and effective reporting mechanisms. Indonesian embassies and consulates abroad must play an active role in providing assistance to migrant workers who become victims of human trafficking or exploitation on foreign vessels.

Furthermore, at the post-placement stage, rescued victims must receive rehabilitation, legal assistance, restitution, and social reintegration programs. This approach is crucial to prevent victims from falling back into the cycle of human trafficking due to economic pressure or lack of social support.

Integrative Model for Prevention of Human Trafficking at Sea

Based on the description above, the maritime law strengthening model in preventing human trafficking must be built through four main pillars, namely: harmonization of regulations, strengthening maritime patrols, optimizing port supervision, and protecting migrant workers in the maritime sector. These four pillars must be implemented in an integrated manner, supported by international cooperation, the use of technology, and a human rights-based approach. With this comprehensive model, efforts to prevent human trafficking at sea will not only focus on prosecuting perpetrators but will also eliminate the factors that contribute to human exploitation in the maritime sector.

4. Conclusion

Human trafficking at sea is a form of transnational crime with complex characteristics, involving multiple actors, jurisdictions, and different legal systems. This research shows that legal protection for victims of human trafficking at sea has a fairly strong normative basis, both in international legal instruments and in Indonesian national law. This protection includes preventive measures through monitoring maritime labor recruitment, strengthening port surveillance, and public education, as well as repressive measures such as victim rescue, legal aid, restitution, rehabilitation, and social reintegration. However, the implementation of this protection still faces various obstacles, particularly in the process of victim identification, access to rights restoration, and coordination between countries. From a law enforcement perspective, the effectiveness of



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combating human trafficking at sea is influenced by the authority of law enforcement officials, the complexity of maritime jurisdiction, the difficulty of establishing evidence, and the limited surveillance of vast waters. Although Indonesia already has various legal instruments, such as Law No. 21 of 2007 concerning the Eradication of the Crime of Human Trafficking and various regulations in the shipping and maritime sector, their implementation still requires institutional strengthening, increased human resource capacity, and more effective integration of maritime surveillance systems. This study also found that transnational challenges are a major factor complicating the eradication of human trafficking at sea. The existence of transnational organized crime networks, differences in legal systems between countries, limited implementation of Mutual Legal Assistance (MLA), and suboptimal ASEAN regional cooperation indicate that a national approach is no longer adequate to address the increasingly complex developments in human trafficking. Therefore, strengthening international cooperation based on the principle of shared responsibility (shared responsibility) to increase the effectiveness of prevention, action and protection of victims. As a model for strengthening maritime law, this study proposes four main pillars: harmonization of national and international regulations, strengthening maritime patrols and maritime border surveillance, optimizing port oversight as a primary prevention point, and enhancing the protection of migrant workers in the maritime sector. Implementation of this model must be supported by the use of modern surveillance technology, strengthened inter-agency coordination, and enhanced capacity of law enforcement officials. Thus, eradicating human trafficking at sea requires a comprehensive, integrated legal approach oriented toward human rights protection. Indonesia needs to strengthen maritime security governance, increase the effectiveness of regional and international cooperation, and ensure optimal protection for migrant workers and other vulnerable groups. These steps are crucial not only for reducing human trafficking but also for realizing maritime security, legal certainty, and respect for human dignity in a global context.

5. References

Journals:

Ford, M., & Palmer, W. (2025). Reframing exploitation: Assessing the utility of the seafood slavery trope. *Maritime Studies*, 24(7).

Ramadhan, M. P., & Sulistyanti, J. S. (2020). The Geo-Politics for Preventing Human Trafficking in Indonesia: A Lesson Learn from Maritime State. *Indonesian Journal of Advocacy and Legal Services*, 2(2), 181–196.



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

Saimima, I. D. S., Tobing, C. I., & Sanaky, M. S. R. (2021). Human Trafficking on Illegal, Unreported and Unregulated Fishing Cases as Transnational Crime on Indonesia Coastal Boundary. *Journal of Law, Politic and Humanities*, 2(2).

Stringer, C., & Yea, S. (2026). Death and disposability of Indonesian migrant fishers at sea. *Maritime Studies*, 25(11).

Books:

Mullally, S. (2024). *Trafficking in persons, mixed migration and protection at sea*. United Nations Human Rights Council.

United Nations Office on Drugs and Crime. (2024). *Global Report on Trafficking in Persons 2024*.

Regulation:

United Nations. (1982). *United Nations Convention on the Law of the Sea (UNCLOS)*.

United Nations. (2000). *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*.