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

Reconstruction of Cyber Law in Combating Online Human Trafficking of Women and Children

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Abstract. *Online human trafficking of women and children has evolved into an organized transnational crime that utilizes cyberspace as a means of recruitment, exploitation, and laundering of criminal proceeds, while national legal instruments still rely on conventional paradigms oriented towards physical space. This study aims to analyze the structural weaknesses of cyber law regulations in combating online human trafficking and formulate a reconstruction of norms based on the protection of women and children. A normative juridical approach is used by examining primary and secondary legal materials in a prescriptive manner. Based on the research results, it can be concluded that the fragmentation between the Law on the Eradication of the Crime of Trafficking in Persons, the Law on Information and Electronic Transactions, and child protection instruments creates gaps and overlapping norms, so that a reconstruction is needed that integrates the criminalization of cyber modus, strengthening digital evidence, cross-jurisdictional cooperation, and an orientation towards victim recovery that aligns with the maqāṣid al-syarī'ah.*

Keywords: *Children; Cyber Law; Human Trafficking; Reconstruction; Women.*

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1. Introduction

The massive digital transformation has transformed the landscape of crimes against humanity, particularly human trafficking, which has now migrated from physical spaces to the near-borderless cyberspace. Women and children are particularly vulnerable, becoming primary targets for recruitment through social media, instant messaging apps, and fake job platforms promising false prosperity. This reality highlights the gap between the ideal of comprehensive legal protection and the reality of a weak normative response to technology-based *modus operandi*.¹

The phenomenon of online fraud leading to forced labor, as revealed in the trafficking case of Indonesian citizens to Southeast Asia, confirms that online recruitment has become a systematic pattern. Victims are lured by high-paying job offers and then exploited in a transnational fraud network that is difficult to reach under national law. This shift in *modus operandi* demands a renewal of the legal framework, which has historically focused on territorial boundaries.²

Children's vulnerability in the digital space is increasingly apparent as internet penetration increases, despite inadequate digital literacy. Online child sexual exploitation, from recruitment and trafficking to content distribution, occurs in an anonymous and cross-border ecosystem. This situation presents child protection in the cyber realm as a challenge that demands a holistic approach and adaptive regulation.³

Normatively, Indonesia already has Law No. 21 of 2007 concerning the Eradication of the Crime of Human Trafficking as its primary instrument. However, its formulation of elements still presupposes the physical movement of victims and does not fully address the stages of the crime, which occur entirely in cyberspace. As a result, several digital exploitation methods are difficult to effectively address if they rely solely on conventional human trafficking constructs.⁴

On the other hand, Law No. 1 of 2024 concerning the Second Amendment to the Electronic Information and Transactions Law regulates acts in the electronic realm, but has not been specifically designed to address online human trafficking. Overlapping and gaps in norms between instruments on human trafficking, child protection, sexual violence, and electronic information create uncertainty in law enforcement practices, particularly regarding the qualifications of crimes and the authority to investigate digital crimes.⁵

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The reform of criminal law through Law No. 1 of 2023 concerning the Criminal Code opens up space for a more responsive reorientation of criminal policy. However, the harmonization of the new codification with specific laws on human trafficking and cybercrime has not been coherently organized. This lack of a unified framework makes cyber law reconstruction an urgent need to close the protection gap for women and children.⁶

Based on this description, this study aims to analyze the structural weaknesses of cyber legal regulations in combating online human trafficking and formulate a reconstruction of norms oriented towards the protection of women and children.

2. Research Methods

This research employs a normative juridical approach, positioning law as a norm studied prescriptively. The research specification is descriptive and analytical in nature, intended to describe and analyze cyber legal regulations in combating online human trafficking. Legal materials were collected through a literature review of primary legal materials in the form of laws and international instruments, secondary legal materials in the form of journals and literature, and tertiary legal materials. Data analysis was conducted qualitatively by interpreting and connecting legal materials to formulate prescriptive conclusions.

¹Niken Nugrahaningsih, Hardi Alunaza, and Reza Zaki Lutfie, "The Role of the International Organization for Migration in Handling Human Trafficking in Sambas Regency," *Journal of International Relations* 9, no. 1 (2020): 4. <https://doi.org/10.18196/hi.91163>.

²Hesti Widya Sari Pratiwi and Rendro Sukandar, "Indonesia's Strategy in ASEAN in Handling the Issues of Human Trafficking in Cambodia," *Jurnal Mantik* 8, no. 1 (2024): 314. <https://doi.org/10.35335/mantik.v8i1.4895>.

³Devi Zahrotus Solihah et al., "Child Protection from Cyber Exploitation: The Effectiveness of Law Enforcement in Indonesia," *Perkara: Journal of Law and Political Science* 2, no. 4 (2024): 606.

⁴Gede Agus Sukawantara, Anak Agung Sagung Laksmi Dewi, and Luh Putu Suryani, "Children as Victims of Human Trafficking Crimes according to Law No. 35 of 2014," *Journal of Legal Construction* 1, no. 1 (2020): 223. <https://doi.org/10.22225/jkh.1.1.2138.220-226>.

⁵Hardianto Djanggih, "Concept of Legal Protection for Children as Victims of Cybercrime," *Law Forum* 30, no. 2 (2018): 325.

⁶Sri Endah Wahyuningsih, "Principles of National Criminal Law Reform in the New Criminal Code," *Journal of Legal Reform* 1, no. 1 (2014): 11.

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3. Results and Discussion

3.1. Structural Weaknesses of Cyber Law Regulations in Combating Online Human Trafficking

Combating online human trafficking in Indonesia faces a fundamental problem of regulatory fragmentation. The Law on the Eradication of the Crime of Human Trafficking was designed with the assumption of physical recruitment, transportation, and harboring, making the element of "movement" the backbone of the proof. When the entire chain of conduct takes place in cyberspace, from introduction to recruitment to extortion, this normative construction becomes inadequate.⁷

The perpetrators' modus operandi continues to adapt to technology, as seen in cyber recruitment practices that utilize social media algorithms to map potential victims based on economic vulnerability. Patterns ranging from love scams, pig butchering, to fictitious job postings demonstrate that online recruitment has become a primary entry point for exploitation. Laws that fail to recognize this digital stage will lose preventative momentum at the earliest stage.⁸

The issue of digital evidence is another structural weakness. The cross-border and anonymous nature of cyberspace makes it difficult for law enforcement to trace the identity of perpetrators, secure electronic evidence, and maintain the integrity of digital evidence. Without adequate regulations regarding the integrity and chain of custody of electronic evidence, many cases stall at the investigation stage.⁹

These weaknesses are exacerbated by the lack of harmonization between the Electronic Information and Transactions Law, the Child Protection Law, and the Sexual Violence Crimes Law. Each instrument has a different criminalization logic, so a single online trafficking incident can be subject to multiple legal regimes

⁷Fadel Surya Saputra and Kristian Karunia Lawoleba, "Modus Operandi of Online Scams in Human Trafficking Crimes from the Perspective of New Dimensions of Crime," *Proceedings of the National Conference on Law Studies* 6, no. 1 (2024): 5.

⁸Putri Aliyah et al., "Legal Analysis of the Implementation of Protection for Victims of Human Trafficking in Cambodia," *Democracy: Journal of Legal, Social and Political Science Research* 2, no. 2 (2025): 77. <https://doi.org/10.62383/demokrasi.v2i2.866>.

⁹Hari Sutra Disemadi, "The Urgency of Special Regulations and the Utilization of Artificial Intelligence in Realizing Personal Data Protection in Indonesia," *Jurnal Wawasan Yuridika* 5, no. 2 (2021): 188. <https://doi.org/10.25072/jwy.v5i2.460>.

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simultaneously without clear guidelines for resolving concurrent issues. As a result, prosecutions are inconsistent and prone to disparities.¹⁰

Comparatively, the 2000 Palermo Protocol broadly defined the elements of human trafficking, encompassing means of exploiting vulnerability without limiting it to physical movement. Similarly, the Convention on the Rights of the Child demands comprehensive protection against all forms of exploitation. This international standard should serve as a reference for closing normative gaps in national law, particularly in recognizing cyberspace as a distinct form of exploitation.¹¹

Table 1. Regulatory Fragmentation and Normative Gaps in Combating Online Human Trafficking

Legal Instruments	Focus Settings	Loopholes in Cyber Mode
Law 21/2007 (TPPO)	Physical displacement & exploitation	Not yet reaching pure online recruitment and exploitation
Law 1/2024 (ITE)	Electronic acts & transactions	Not specifically designed for human trafficking
Law 35/2014 (Children)	General child protection	Lack of technical norms for digital evidence
Law 12/2022 (TPKS)	Sexual violence	Overlapping qualifications with online TPPO

Source: Processed from statutory regulations, 2026.

3.2. Reconstruction of Cyber Legal Norms Oriented to the Protection of Women and Children

Cyber law reform must begin with an expansion of criminalization that explicitly recognizes online trafficking as a complete form of human trafficking, without requiring physical movement. The formulation of the offense should establish the abuse of vulnerability through electronic means as a separate element, in line with

¹⁰Indah Anggraeny and Wardah Yuspini, "Cyber Crime Formulation Policy in Indonesian Criminal Law Reform," *De Jure Legal Research Journal* 22, no. 1 (2022): 9.

¹¹Siti Rumliah, "Efforts to Handle Human Trafficking Victims in Indonesia," *Jejak: Journal of History & History Education* 1, no. 2 (2022): 94. <https://doi.org/10.22437/jejak.v1i2.17771>.

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the broad definition in the Palermo Protocol. This way, cyber recruitment can be intercepted early, before exploitation occurs.¹²

Strengthening digital evidence law is the second pillar of reconstruction. Norms are needed to regulate the validity, integrity, and chain of custody of electronic evidence, including the authority to seize data across service providers. This regulation aligns with the need for personal data protection so that law enforcement processes continue to respect human rights as guaranteed by Law No. 39 of 1999.¹³

The third pillar is strengthening cross-jurisdictional cooperation. Because online human trafficking is transnational, norm reconstruction must accommodate mechanisms for mutual legal assistance, extradition, and cooperation with global platform providers. Without a robust cooperation framework, domestic law enforcement will consistently lag behind the mobility of perpetrators in cyberspace.¹⁴

The fourth pillar places victims at the center of policy through a recovery orientation. Reconstruction must ensure the non-criminalization of victims forced to commit crimes, psychosocial recovery, restitution, and the protection of women's and children's identities from re-victimization in cyberspace. This approach combines the spirit of the Sexual Violence Crimes Law with the principles of child protection.¹⁵

From the perspective of the *maqāṣid al-syarī'ah* (Islamic principles), this reconstruction finds a strong philosophical foundation. Protection of the soul (*ḥifẓ al-naḥs*), lineage and honor (*ḥifẓ al-naṣl wa al-'ird*), and reason (*ḥifẓ al-'aql*) requires the state to shut down all means that lead women and children into exploitation. The principle of *sadd al-dzarī'ah* justifies the criminalization of cyber recruitment as a preventative measure to block the path to greater harm.¹⁶

¹²Barda Nawawi Arief, "Criminal Justice System Reform in Indonesia from the Perspective of Criminal Law Policy," *Legal Issues* 41, no. 4 (2012): 484.

¹³Nunung Mahmudah, "Legal Protection for Female Victims of Human Trafficking through Online Media," *Journal of Law and Development* 51, no. 3 (2021): 666.

¹⁴Hidayatullah and Melisa, "The Phenomenon of Human Trafficking Crimes," *Al-Manhaj: Journal of Islamic Law and Social Institutions* 4, no. 2 (2022): 395. <https://doi.org/10.37680/almanhaj.v4i2.1630>.

¹⁵Silvia Riski Juwita et al., "Representation of Sexism in Child Sexual Abuse Victims in Cyber Media Reporting in Indonesia," *Interaction: Journal of Communication Studies* 13, no. 1 (2024): 88. <https://doi.org/10.14710/interaksi.13.1.80-93>.

¹⁶Akhmad Khisni, *Development of Islamic Legal Thought* (Semarang: UNISSULA Press, 2015), 123.

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The integration of the theories of justice, legal certainty, and expediency strengthens the reconstruction argument. Justice demands recognition of victims as protected subjects, certainty demands a clear formulation of cyber crimes, while expediency demands effective prevention. These three values align with the idea of national criminal law reform, which prioritizes balance.¹⁷

Thus, the reconstruction of cyber law cannot be achieved through partial revisions, but rather through the establishment of an integrated criminal policy that harmonizes laws on human trafficking, electronic information, child protection, and sexual violence into a single, coherent framework. This arrangement is a prerequisite for a just and sustainable protection system for women and children.¹⁸

4. Conclusion

Cyber law regulations in combating online human trafficking against women and children still contain structural weaknesses in the form of regulatory fragmentation, incomplete elements of physically oriented crimes, weak digital evidence laws, and the lack of harmonization between instruments, so that reconstruction needs to be carried out by integrating the expansion of cyber mode criminalization, strengthening electronic evidence, cross-jurisdictional cooperation, and victim recovery orientation in an integrated criminal policy framework based on justice and *maqāṣid al-syarī'ah* in order to realize sustainable protection for women and children.

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¹⁷Muladi and Barda Nawawi Arief, *Criminal Theories and Policies* (Bandung: Alumni, 2010), 148.

¹⁸Satjipto Rahardjo, *Legal Science* (Bandung: Citra Aditya Bakti, 2014), 53.



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