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Cyber Law Reconstruction in Preventing Human Trafficking Recruitment Through Digital Manipulation (Grooming) Based on the Value of Justice

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Abstract. *The development of information and communication technology in the digital era has created disruptions across various dimensions of life, including the modus operandi of transnational crimes. Human Trafficking (TPPO) which traditionally relied on physical recruitment has now mutated into cyberspace through digital manipulation techniques or grooming. This method is highly dangerous because perpetrators use fake identities, social engineering, and fictitious job offers or romantic relationships to build trust, isolate, and psychologically exploit victims before ultimately trapping them within human trafficking syndicates. Unfortunately, Indonesia's positive legal regime, both the Human Trafficking Law and the Electronic Information and Transactions (ITE) Law, still contains a normative vacuum in addressing this early stage of manipulative recruitment, considering that psychological engineering often creates an illusion of victim consent that obscures the element of coercion within the criminal act. This study aims to analyze the anatomy of human trafficking recruitment through digital grooming, evaluate the weaknesses of existing cyber regulations, and formulate a cyber law reconstruction based on substantive justice values. The method used is normative (doctrinal) legal research employing both a statutory approach and a conceptual approach. The research findings emphasize the need to deconstruct the conventional understanding of the element of "threats of violence or coercion" in the Human Trafficking Law so that it is expanded to include psychological coercion through digital manipulation in cyberspace. A justice-based cyber law reconstruction requires the specific criminalization of grooming as a preparatory or initial offense of human trafficking, a shift in the burden of proof in favor of victims, and the imposition of legal responsibility (duty of care) on digital platforms. Through this reconstruction, the law functions not only as a reactive punitive instrument but also as a preventive shield that protects human dignity and restores the imbalance of power relations between*



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cybercrime syndicates and vulnerable communities in accordance with the values of Social Justice.

Keywords: *Cyber Law; Grooming; Human Trafficking; Value of Justice.*

The currents of globalization and digitalization that have swept across the world in the 21st century have radically transformed the landscape of human civilization, shifting social and economic interactions from the physical world into a borderless virtual dimension. However, this technological progress is a double-edged sword; on one hand, it offers the convenience of global connectivity, while on the other, it opens dark spaces for the evolution of transnational organized crime. One particularly heinous crime exploiting this technological gap is Human Trafficking (TPPO). Human trafficking syndicates no longer depend on kidnapping or direct recruitment methods in villages, which involve high costs and risks, but have instead utilized the efficiency of cyberspace to reach millions of potential victims through nothing more than a smartphone screen.

The transformation of human trafficking recruitment into the digital realm has given rise to a highly structured, systematic, and manipulative modus operandi known as digital grooming. Terminologically, grooming was previously more closely associated with child sexual abuse crimes, where perpetrators build emotional closeness before committing abuse. However, in the context of modern human trafficking, grooming has been adopted and modified as a primary psychological weapon to recruit both adults and children into forced labor, cyber scamming, and commercial sexual exploitation. This method operates under the radar of suspicion because it is packaged as high-paying overseas job offers, fictitious scholarships, or even romance scams.

The success of this digital manipulation method largely depends on the exploitation of structural vulnerabilities experienced by society. Human trafficking syndicates carefully map their targets on social media using algorithms and social engineering techniques. They seek individuals facing financial difficulties, unemployment, job termination, or those who feel emotionally lonely and crave validation. This is where the greatest danger of digital grooming lies: it does not attack physically but instead hacks the victim's psychology. Perpetrators gradually build narratives of sympathy, offer escape routes from poverty, and eventually persuade victims to voluntarily surrender personal data, passports, and agree to travel across national borders without realizing the dangers awaiting them.

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In facing this mutation of exploitative crime, Indonesia's positive legal instruments appear to be lagging behind. Law No. 21 of 2007 concerning the Eradication of Human Trafficking, although progressive for its time, was formulated under the paradigm of conventional crime. This law requires elements such as "threats of violence, use of violence, kidnapping, confinement, forgery, fraud, abuse of power or vulnerable position, debt bondage" as methods of recruitment. A doctrinal obstacle arises when psychological engineering in grooming is so subtle that victims feel they are acting based on full consent. Proving the existence of coercion or fraud during the initial stage thus becomes legally very difficult.

Meanwhile, the national cyber law regime governed by the Electronic Information and Transactions Law (ITE Law), including its amendments (Law No. 1 of 2024), focuses primarily on content-related crimes such as defamation, dissemination of hoaxes, morality offenses, or computer-related crimes such as system hacking. The ITE Law does not yet contain a specific provision criminalizing social engineering and digital grooming as a preparatory offense for human trafficking. This normative vacuum provides immunity gaps for cyber recruiters operating in gray areas, where law enforcement often can only act once victims have already been smuggled and physical exploitation has actually occurred.

This legal vacuum and inability to address recruitment at its earliest stage undermine the essence of justice in a state governed by law. Discussing human trafficking means discussing the deprivation of the most fundamental form of freedom a modern form of slavery that destroys human dignity. Leaving victims' fate dependent on rigid procedural law that demands physical proof of coercion constitutes a distortion of justice. Justice requires that the law recognize the imbalance of power relations between organized cybercrime syndicates shielded by technological anonymity and ordinary people who are innocent, poor, and structurally powerless.

Therefore, the idea of cyber law reconstruction must be grounded in the values of substantive justice rather than merely procedural justice. Substantive justice recognizes that consent given by victims of human trafficking due to digital grooming is a vitiated consent. The law must be reconstructed to explicitly declare that all forms of psychological exploitation, manipulation of hope, and identity engineering in cyberspace intended to lure individuals into exploitation constitute a complete criminal act punishable by law. The state has a moral and constitutional obligation to intervene protectively from the moment the crime still exists in the form of manipulative conversations on digital platforms.

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Furthermore, existing legal literature and studies remain highly sectoral. There is a dichotomy between cyber law experts focusing on technology-related crimes and criminal law experts focusing on physical human trafficking issues. Very few comprehensive academic studies bridge the intersection between human trafficking, forensic psychology (grooming), and cyber justice. This condition has slowed the development of jurisprudence and penal policies specifically targeting international scamming syndicates that have turned Southeast Asia, including Indonesia, into an epicenter of recruitment and operations for digital slavery.

Responding to the urgency of this increasingly massive humanitarian threat, this paper seeks to fill a gap in contemporary criminal law discourse. A critical evaluation of the existing legal architecture serves as the starting point before formulating prescriptive solutions. Reform cannot be achieved merely by patching old provisions but must proceed through philosophical deconstruction and normative reconstruction that integrate the strengths of the Human Trafficking Law, the ITE Law, and the spirit of human rights protection.

Based on these ontological, epistemological, and axiological foundations, this article examines and analyzes in depth three primary dimensions. First, it explores the anatomy and modus operandi of digital grooming within the framework of cyber-era human trafficking. Second, it analyzes legal gaps and regulatory weaknesses that hinder justice for victims. Third, it formulates a prescriptive framework for cyber law reconstruction and penal policy based on justice values, serving as a strategic protective barrier to break the chain of human trafficking recruitment in Indonesia.

2. Research Methods

This study employs a normative (doctrinal) legal research method, which views law as a system of norms consisting of principles, fundamental rules, legislation, and doctrines. The analysis focuses on examining and synchronizing national legal instruments in responding to the phenomenon of human trafficking recruitment through digital manipulation.

The research approaches used include:

- a) **Statutory Approach:** Conducted by examining the hierarchy, synchronization, and substance of regulations related to criminal law, cybercrime, and the eradication of human trafficking.



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- b) Conceptual Approach: Applied by exploring doctrines of modern criminal law, theories of substantive justice, social engineering, and the philosophy of cyber law formation.

Primary Legal Materials:

- a. The 1945 Constitution of the Republic of Indonesia.
- b. Law No. 1 of 2023 concerning the Criminal Code (National Criminal Code).
- c. Law No. 1 of 2024 concerning the Second Amendment to the ITE Law.
- d. Law No. 21 of 2007 concerning the Eradication of Human Trafficking.
- e. Law No. 27 of 2022 concerning Personal Data Protection (PDP Law).

Secondary legal materials consist of criminal law textbooks, criminology literature, and scientific legal journals relevant to the discussion of cyber exploitation.

3. Results and Discussion

3.1. Anatomy and Modus Operandi of Digital Manipulation (Grooming) in the Construction of Human Trafficking Crimes in the Cyber Era

Understanding the anatomy of human trafficking recruitment in the cyber era requires a deconstruction of how transnational criminal syndicates now operate like multinational technology companies. Digital transformation has changed the face of human trafficking from forced abductions in physical spaces into voluntary entrapment in virtual spaces. This modus operandi relies on a sophisticated psychological manipulation method known as digital grooming. While grooming was traditionally associated with pedophilia, in the context of modern human trafficking, its targets are much broader, including job-seeking youth, university students, and professionals experiencing economic instability in the post-pandemic period. Cyberspace provides perfect anonymity for perpetrators to conceal their real identities behind avatars, fictitious company profiles, or convincing online personas.

The first stage in this digital grooming anatomy is targeting and digital profiling. Human trafficking syndicates exploit digital footprints left on social media, job-seeking forums (such as LinkedIn and Facebook groups), and online dating applications. Through Open Source Intelligence (OSINT) techniques, perpetrators analyze the psychological and economic vulnerabilities of potential victims. They target individuals who frequently complain about financial problems, post job-seeking statuses, or express loneliness. This precise mapping enables syndicates

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to design hyper-personalized manipulation scenarios, offering false solutions that appear to answer the hopes and desperation of prospective victims.

Once a target is identified, the second stage is trust building. During this phase, perpetrators approach victims not with threats but with extraordinary empathy and friendliness. In fictitious job-vacancy schemes (job scam grooming), perpetrators impersonate recruiters from reputable overseas companies, offering positions such as customer service representatives, data-entry operators, or marketing staff in countries such as Cambodia, Myanmar, or the Philippines, complete with free airfare and accommodation. In romance scam grooming, perpetrators create virtual lover personas who provide endless affection, often known as love bombing. The primary objective of this phase is to lower the victim's logical defenses, making them feel special, appreciated, and ultimately indebted to the perpetrator.

Entering the third stage, perpetrators launch a strategy of psychological isolation. Once strong trust has been established, perpetrators begin manipulating victims into distancing themselves from their social support networks, including family members, friends, and state authorities. They implant narratives that the opportunity (whether employment or romance) is an "exclusive secret" that should not be shared with others lest it be taken away, or they indoctrinate victims into believing that their families will not understand the path to success they are pursuing. This isolation is crucial in the grooming process because, without second opinions from trusted individuals, victims become entirely dependent on the information, instructions, and false reality constructed by the syndicate through their devices.

The fourth stage represents the critical transition from the virtual world into physical exploitation, known as the operational trapping phase. Once victims are isolated and fully obedient to the perpetrators' instructions, they are directed to obtain passports, submit identification documents, and travel through official or unofficial routes. Syndicates cover all initial expenses tickets, tourist visas, lodging, which victims do not realize are recorded as high-interest debts debt bondage. Throughout the journey, psychological manipulation is maintained, with perpetrators providing real-time instructions to help victims avoid immigration inspections under the pretense that they are merely traveling for leisure.

Upon arrival in the destination country, the illusion created through digital grooming collapses instantly, ushering victims into the fifth stage: absolute exploitation. Victims' passports and communication devices are confiscated by armed syndicate members. Those who were promised customer service positions

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are forced to become cyber-scramming operators such as online gambling, fraudulent investments, or pig butchering scams), working 16–18 hours per day to deceive people worldwide. Failure to meet financial fraud targets results in physical torture, electric shocks, wage deductions, or being sold to other trafficking syndicates like commodities. At this point, grooming has successfully delivered victims into the hell of modern slavery.

The extraordinary success of this modus operandi is inseparable from the use of artificial intelligence (AI) and deepfake technologies. Syndicates no longer rely solely on fake photographs but can conduct video calls using highly realistic fabricated faces to convince victims. They also create fake corporate websites, digital employment contracts bearing forged official stamps, and fabricated flight itineraries. The sophistication of visual and audio deception technologies creates an illusionary barrier that is nearly impossible for ordinary digital literacy in developing countries to penetrate, making grooming traps appear entirely legitimate and professionally lawful.

The overall anatomy of digital grooming in human trafficking demonstrates a form of faceless crime that blurs the boundary between voluntariness and coercion. Perpetrators in one country use servers in a second country to groom victims in a third country before exploiting them in a fourth country. Sociologically and victimologically, this modus operandi challenges traditional legal reasoning. Victims' suffering does not begin with a weapon pointed at them but with a warm greeting in a chat box that ultimately results in the loss of personal freedom. A deep understanding of this anatomy of manipulation is an absolute prerequisite before evaluating the inadequacy of existing cyber regulations.

3.2. Legal Vacuum (Vacuum of Norm) and Weaknesses of Existing Cyber Regulations in Addressing Grooming Practices

Faced with the complexity and sophistication of digital manipulation in human trafficking recruitment, Indonesia's current legal architecture demonstrates significant structural weaknesses and normative gaps (vacuum of norm). Although Indonesia possesses Law No. 21 of 2007 concerning the Eradication of Human Trafficking (Anti-Trafficking Law), the formulation of offenses within the regulation remains heavily influenced by conventional physical-crime paradigms. Article 1 paragraph 1 defines recruitment methods through "threats of violence, use of violence, abduction, confinement, forgery, fraud, abuse of power or a position of vulnerability, debt bondage, or giving payments or benefits." Although "fraud" is included, its application in digital grooming cases is often constrained by rigid evidentiary requirements under conventional civil and criminal procedural law.

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The most crucial doctrinal issue lies in the legal interpretation of consent. In classical criminal law, consent by an adult with legal capacity may eliminate the unlawfulness of an act (*volenti non fit injuria*). Grooming is specifically designed to exploit this doctrine. Syndicates manipulate victims psychologically so that they consciously and voluntarily purchase tickets, obtain passports, board airplanes, and agree to digital employment contracts. When law enforcement officials observe that departure occurred voluntarily without physical coercion, such cases are often categorized merely as immigration-administrative violations or labor disputes rather than the initial stage of human trafficking.

This weakness is exacerbated by the absence of relevant provisions within the Electronic Information and Transactions Law (EIT Law). Neither the original version nor its latest amendment (Law No. 1 of 2024) contains provisions specifically criminalizing grooming for labor exploitation or other non-sexual exploitation involving adults. Indonesia's cyber regulations focus primarily on maintaining public order against negative content such as obscenity, gambling, defamation, and hate speech and system intrusion crimes hacking and data theft. Consequently, when cyber police identify manipulative communication patterns leading to recruitment by international trafficking syndicates, they lack sufficient legal grounds to undertake repressive preventive measures (*pro justitia*) before actual physical or financial harm occurs.

Proving *mens rea* (criminal intent) and *actus reus* (material act) in early-stage grooming is a nearly insurmountable challenge under existing regulations. Initial text messages offering "a salary of 20 million rupiah per month for an online gambling administrator position in Cambodia" are often treated merely as illegal job offers, falling outside the scope of anti-trafficking laws until intent to confine and exploit victims can be demonstrated. The absence of preparatory offenses specifically targeting social engineering forces law enforcement agencies into reactive policing, waiting until victims are trapped, abused, and able to seek help often when rescue efforts are already difficult and delayed.

Another weakness of existing regulations is their inability to effectively address the cross-border jurisdictional nature of cyber-enabled trafficking crimes. The masterminds controlling digital grooming operations are often located outside Indonesian territory. Although the EIT Law and the new Criminal Code Law No. 1 of 2023 adopt extraterritorial principles permitting prosecution of foreign nationals abroad who harm Indonesian interests, the lack of strong Mutual Legal Assistance (MLA) regimes with countries that host online scam hubs renders these provisions ineffective in practice. Existing laws do not grant investigators

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additional authority to conduct counter-hacking or proactive infiltration of overseas syndicate servers.

Furthermore, Indonesian cyber law currently adheres to a safe harbor doctrine for Electronic System Operators (ESOs) or social media platforms such as Facebook, Telegram, and TikTok. These platforms frequently serve as primary hunting grounds for trafficking recruiters. Existing regulations do not impose criminal liability or proportional fines on platforms when their algorithms fail to detect and inadvertently facilitate fraudulent recruitment advertisements. Passive notice-and-takedown mechanisms result in the removal of recruiter accounts only after many victims have already fallen prey, allowing platforms to avoid legal responsibility for criminal cycles facilitated by their commercial ecosystems.

Challenges in collecting electronic evidence further expose weaknesses in the current legal architecture. Grooming syndicates utilize encrypted messaging applications with end-to-end encryption or self-destructing messages. By the time investigators attempt to reconstruct the deception and psychological manipulation from the beginning of conversations, the evidence has often disappeared. The Personal Data Protection Law (PDP Law), designed to protect citizen privacy, is sometimes used by foreign digital entities as a shield to refuse requests from Indonesian law enforcement for communication logs, citing international privacy compliance.

The accumulation of normative gaps, rigid interpretations of consent, the absence of grooming offenses, and jurisdictional deadlocks creates a profoundly unjust condition. Positive law, which should function as an instrument of social protection, instead becomes an arena of impunity for trafficking syndicates. Victims are not only physically and mentally exploited abroad but are also neglected and blamed by legal systems that view their departure as a consequence of greed or personal carelessness. This reality clearly demonstrates the urgent need for a comprehensive deconstruction of existing cyber and criminal law paradigms toward a new framework genuinely committed to justice for victims of digital manipulation.

3.3. Reconstruction of Cyber Law and Justice-Based Penal Policies to Prevent Human Trafficking Recruitment

The inability of the existing legal regime to respond to the evolving grooming methods used in human trafficking necessitates a fundamental breakthrough through cyber law reconstruction grounded in the value of substantive justice. In modern criminal law and the philosophy of Pancasila, justice is not merely legal

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certainly derived from written statutes but the restoration of balance, protection of vulnerable groups, and respect for human dignity. Substantive justice requires the law to look beyond the formalities of digital consent and examine power imbalances between global syndicates and marginalized communities. Consequently, cyber law cannot remain neutral; it must actively support preventive victim protection and the dismantling of social engineering chains beginning in virtual spaces.

The first and most urgent reconstruction measure is a doctrinal redefinition of the phrases “threat of violence or coercion” within the Anti-Trafficking Law and the expansion of offenses in the EIT Law (and future revisions of the National Criminal Code). The law must explicitly recognize the concept of Digital Psychological Coercion. Fraud, identity manipulation, social engineering, exploitation of economic vulnerability, and love bombing in cyberspace should be textually acknowledged as genuine forms of vitiating consent. Under this paradigm shift, consent given by grooming victims to travel abroad for deceptively advertised employment would be deemed legally invalid, making the perpetrator’s conduct a completed trafficking offense.

As a preventive penal policy, Indonesia should criminalize grooming itself as an independent inchoate offense (*sui generis*). Following proactive legislation in several developed countries, any deliberate use of false identities, deepfake technology, or deceptive promises through electronic means for the purpose of economic or sexual exploitation should be punishable. By establishing digital grooming as a standalone crime, law enforcement authorities would gain *pro-justitia* authority to arrest recruiters and underground syndicate members while they are still communicating with victims, thereby disrupting trafficking chains before victims are transported abroad.

Justice-based reconstruction also requires a shift in the burden of proof in favor of victims. Given the asymmetrical nature of electronic evidence, which can easily be destroyed by perpetrators, future cyber laws should permit more flexible preliminary evidentiary standards. If investigators uncover strong indications of structured communications involving unauthorized overseas employment offers with excessive benefits, the burden of proof should shift to recruiters or shadow corporations to demonstrate in court that their recruitment activities are legitimate and free from exploitation. Such burden-shifting represents a legal protection mechanism for victims who lack the resources to prove algorithmic deception.



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Moreover, this reconstruction must challenge the safe harbor doctrine by imposing a Duty of Care upon Electronic System Operators. Social media platforms and messaging applications where grooming flourishes should no longer evade responsibility. New cyber laws should require platforms to implement proactive algorithms capable of detecting scam recruitment patterns, suspicious keywords, and recruitment anomalies, blocking them before victims are harmed. If platforms fail to implement Safety by Design measures, justice demands that they be subject to corporate criminal liability, including fines calculated as a percentage of global gross revenue, with proceeds allocated to victim restitution funds.

Within cyber procedural law, justice requires the state to authorize Proactive Cyber Patrolling and digital undercover or sting operations. Cyber investigators should be legally empowered to create false profiles to infiltrate trafficking recruitment networks on job-search forums. Such court-supervised electronic sting operations represent one of the few rational methods of collecting complete communication logs, tracing IP addresses, and uncovering cryptocurrency transactions used by syndicates without waiting for reports from victims already trapped in foreign conflict zones.

This legal reconstruction must also transform the treatment of victims. Victims of grooming who are forced to work as cyber scammers in Cambodia or Myanmar should not be criminalized upon repatriation to Indonesia, even if they materially violated cybercrime laws in those countries. Based on restorative justice principles, national cyber law should contain non-criminalization clauses for trafficking victims compelled to commit crimes as a consequence of psychological exploitation. The criminal justice system should focus on trauma recovery, social reintegration, and the confiscation of digital assets belonging to international syndicate masterminds to ensure adequate victim compensation.

Ultimately, this reconstruction of cyber law to combat trafficking-related grooming represents a concrete realization of social justice. Transforming law from a passive, reactive system into an aggressive, preventive digital instrument is essential if legal institutions are not to be defeated by criminal technologies. Through expanded recognition of psychological coercion, criminalization of grooming as a preparatory offense, burden-shifting, platform accountability, and comprehensive victim protection, Indonesia can develop a powerful instrument of justice capable of confronting the hydra-like threat of modern slavery. Only through a justice-oriented legal architecture can cyberspace be restored to its proper function as a safe realm of civilization rather than a field for the destruction of human dignity.

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4. Conclusion

Human trafficking in the modern era has evolved beyond conventional physical coercion, mutating into a manipulative cybercrime through digital grooming practices. Transnational syndicates skillfully exploit the psychological and economic vulnerabilities of communities through social engineering, fictitious employment opportunities, and fraudulent romantic relationships, creating an illusion of consent that suppresses victims' vigilance. This harsh reality clashes with Indonesia's current legal architecture both the Anti-Trafficking Law and the Electronic Information and Transactions Law which suffers from normative gaps and rigid interpretations of coercion and threats, thereby failing to address criminal conduct at the recruitment stage and allowing cyber predators to enjoy impunity. Therefore, reconstructing cyber law based on substantive justice values is a sociological and juridical necessity that can no longer be postponed. Justice requires the state not to remain blind to power imbalances arising from algorithmic manipulation and digital psychology. Cyber law must be radically reconstructed by recognizing digital psychological coercion as an element of human trafficking, criminalizing grooming as an independent preparatory offense, imposing a duty of care upon technology platform corporations, and legitimizing proactive cyber infiltration by law enforcement authorities. Through the integration of progressive, victim-centered penal policies, the law will not only restore balance and hold accountable the masterminds hidden behind cyber anonymity but also reaffirm human dignity threatened by the global landscape of digital slavery.

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