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

Critical Evaluation of the Negligence of Law Enforcement Officers in Preventing the Crime of Human Trafficking

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Abstract. Human trafficking is one of the forms of organized transnational crime that remains a serious issue in Indonesia. Its increasingly complex modus operandi demonstrates that perpetrators exploit various weaknesses in the legal system, inadequate supervision, and poor coordination among law enforcement agencies. On the other hand, through Law No. 21 of 2007 concerning the Eradication of the Crime of Human Trafficking, the state has established various mechanisms for prevention, victim protection, and prosecution of offenders. Nevertheless, the implementation of these legal norms continues to face numerous obstacles, resulting in the persistently high incidence of human trafficking crimes across various regions. This study aims to analyze the forms of negligence committed by law enforcement officers in preventing the crime of human trafficking and to evaluate the effectiveness of the exercise of their authority based on the applicable statutory regulations. The research employs a normative legal research method using statutory, conceptual, and case approaches. The legal materials consist of primary legal materials in the form of legislation, secondary legal materials including books, scientific journals, and previous research, as well as tertiary legal materials such as legal dictionaries and legal encyclopedias. The findings indicate that the negligence of law enforcement officers occurs not only in the repressive aspect through delayed law enforcement but also in the preventive aspect, including weak supervision, poor inter-agency coordination, inadequate monitoring of migrant worker placement, low-quality preliminary investigations, and suboptimal victim protection. The critical evaluation demonstrates the need for institutional reform, increased professionalism among law enforcement officers, strengthening of internal oversight systems, and harmonization of national policies so that the eradication of human trafficking can be carried out effectively in accordance with the principles of the rule of law and the protection of human rights.



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1. Introduction

Human trafficking is one of the forms of extraordinary crime that has multidimensional impacts on society, affecting legal, economic, social, and human rights aspects. This phenomenon has developed alongside increasing globalization, advances in information technology, and expanded human mobility across regions and countries. Human traffickers exploit poverty, low levels of education, high unemployment, and weak government oversight to recruit, transport, harbor, or exploit victims for economic gain. Therefore, the crime of human trafficking is no longer viewed as an ordinary crime but rather as a serious violation of human dignity requiring comprehensive handling.

Indonesia is one of the countries facing serious human trafficking issues due to its vast territory, large population, and high labor mobility. Perpetrators employ various methods, ranging from illegal labor recruitment, sexual exploitation, forced labor, child trafficking, to exploitation through digital media. These conditions indicate that human trafficking involves not only individual offenders but also organized criminal networks capable of exploiting weaknesses in the legal system and government bureaucracy.

The state has established a strong legal foundation through Law No. 21 of 2007 concerning the Eradication of the Crime of Human Trafficking. This law regulates the elements of the offense, investigation mechanisms, victim protection, restitution, rehabilitation, and international cooperation in combating human trafficking. The existence of this regulation demonstrates the state's commitment to fulfilling its constitutional obligation to protect every citizen as mandated by the 1945 Constitution of the Republic of Indonesia.

Although the legal framework is already in place, law enforcement practices concerning human trafficking continue to face various challenges. One issue that frequently attracts attention is the alleged negligence of law enforcement officers in carrying out both preventive and repressive functions. Such negligence may include delayed responses to public reports, weak supervision of labor recruitment activities, suboptimal coordination among agencies, and alleged inaction toward human trafficking practices that continue over extended periods.

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From the perspective of the rule of law, law enforcement officers bear responsibilities that are not only repressive but also preventive. Crime prevention constitutes an integral part of the criminal justice system aimed at reducing opportunities for crime before victims are harmed. Therefore, any form of negligence by law enforcement officers in exercising their authority may increase the risk of human trafficking and potentially result in administrative, ethical, or even criminal liability if certain legal elements are fulfilled.

The issue of human trafficking is also closely related to the protection of human rights. Victims generally experience physical, psychological, and economic violence, as well as systematic deprivation of their liberty. In many cases, victims encounter difficulties in accessing justice due to inadequate legal protection from the investigation stage through court proceedings. Therefore, the effectiveness of law enforcement officers is a key factor in ensuring the protection of victims.

Various studies indicate that the low effectiveness of law enforcement against human trafficking is influenced by institutional factors, limited human resources, weak inter-agency coordination, and inadequate internal oversight of law enforcement officers. These conditions result in many human trafficking cases not being optimally uncovered, thereby reducing the deterrent effect on perpetrators.

Evaluating the negligence of law enforcement officers is essential in light of the increasingly sophisticated patterns of human trafficking crimes that exploit digital technology, social media, and transnational networks. Conventional approaches to law enforcement are no longer sufficient, making institutional reforms necessary to improve supervision, coordination, and the professionalism of law enforcement personnel.

This study considers that evaluating the negligence of law enforcement officers is not intended to assign blame to any particular institution but rather to serve as an academic effort to identify weaknesses in the legal system that continue to hinder the eradication of human trafficking. Accordingly, the findings are expected to provide recommendations for developing more effective legal policies that are oriented toward the protection of human rights.

Based on the foregoing, this study focuses on a critical evaluation of the forms of negligence committed by law enforcement officers in preventing the crime of human trafficking and the legal implications thereof under the applicable laws and regulations in Indonesia. This research is expected to contribute to the development of criminal law, human rights law, and law enforcement policy in the effort to establish an effective public protection system.

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2. Research Methods

This study is normative legal research with a descriptive-analytical nature. The approaches employed include:

1. Statutory Approach, namely examining all legal provisions related to the crime of human trafficking and the authority of law enforcement officers.
2. Conceptual Approach, namely examining legal theories concerning law enforcement, negligence, legal liability, human rights protection, and criminal policy.
3. Case Approach, namely analyzing several court decisions and law enforcement practices related to the crime of human trafficking as evaluation materials.

Legal Materials

Primary Legal Materials

1. The 1945 Constitution of the Republic of Indonesia.
2. Law No. 1 of 2023 concerning the Criminal Code.
3. Law No. 21 of 2007 concerning the Eradication of the Crime of Human Trafficking.
4. Law No. 8 of 1981 concerning the Criminal Procedure Code.
5. Law No. 2 of 2002 concerning the Indonesian National Police.
6. Law No. 11 of 2021 concerning Amendments to Law No. 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia.
7. Law No. 39 of 1999 concerning Human Rights.
8. Law No. 31 of 2014 concerning the Protection of Witnesses and Victims.
9. Secondary Legal Materials

Books on criminal law and criminal procedure law, accredited national journals, research reports, theses, dissertations, and scholarly articles concerning human trafficking and law enforcement.

Tertiary Legal Materials: The Great Dictionary of the Indonesian Language (Kamus Besar Bahasa Indonesia), Black's Law Dictionary, legal dictionaries, legal encyclopedias, and various indexes of statutory regulations.

Analysis Technique : The data were analyzed qualitatively using methods of legal interpretation through grammatical, systematic, historical, and teleological

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interpretation to develop comprehensive legal arguments regarding the forms of negligence committed by law enforcement officers in preventing the crime of human trafficking.

3. Results and Discussion

3.1. Negligence of Law Enforcement Officers in Preventing the Crime of Human Trafficking

Preventing the crime of human trafficking is a state obligation whose implementation depends not only on the enactment of legislation but also on the effectiveness of law enforcement officers in carrying out both preventive and repressive functions. From the perspective of the criminal justice system, law enforcement officers are responsible for early detection, supervision, investigation, criminal investigation, inter-agency coordination, and victim protection. However, various facts indicate that these functions have not been implemented optimally. The negligence of law enforcement officers is often reflected in their slow response to public reports, inadequate supervision of areas vulnerable to victim recruitment, weak oversight of labor placement companies, and minimal coordination with local governments. As a result, human trafficking networks are able to develop systematically without being detected for long periods. This condition demonstrates that the prevention of human trafficking has not been carried out to the fullest extent as mandated by Law No. 21 of 2007.

From a legal perspective, law enforcement officers are granted broad authority to undertake preventive measures before a crime occurs. The police, for example, are entrusted with maintaining public security and order, enforcing the law, providing protection, guidance, and public services. These functions imply that police officers are obligated to take preventive measures against all forms of crime, including human trafficking. However, in practice, many regions continue to serve as departure points for illegal migrant workers without adequate supervision. This indicates weaknesses in the implementation of preventive functions, thereby increasing opportunities for human trafficking to occur.

The negligence of law enforcement officers is also evident in the weak identification of victims from the earliest stages. In many cases, victims of human trafficking are instead treated as perpetrators of immigration or labor administrative violations. Such misidentification deprives victims of access to legal protection, rehabilitation, restitution, and psychological assistance as guaranteed by law. In fact, victim protection is a fundamental component of the human rights-based approach that underpins efforts to eradicate human trafficking.

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Another aspect demonstrating negligence is the weak coordination among government agencies. Addressing human trafficking cannot be accomplished by a single institution alone but requires synergy among the police, prosecutors, local governments, relevant ministries, immigration authorities, BP2MI, witness and victim protection agencies, and civil society organizations. In practice, institutional sectoral ego remains a major obstacle, resulting in ineffective data sharing, investigative coordination, and victim handling. This condition delays law enforcement processes while creating opportunities for perpetrators to destroy evidence or evade arrest.

The negligence of law enforcement officers may also be examined through the theory of state responsibility. The state is obligated to respect, protect, and fulfill human rights. If state officials fail to take appropriate measures to prevent human trafficking, such failure may constitute a violation of the state's constitutional obligation to protect its citizens. Therefore, negligence is not merely an administrative issue but also relates to the state's legal responsibility to guarantee the protection of human rights.

The factors contributing to the negligence of law enforcement officers do not always originate from individual officers but are also influenced by structural factors. These include the limited No. of investigators with specialized expertise in human trafficking cases, insufficient operational budgets, inadequate victim-centered investigation training, and suboptimal utilization of information technology. Therefore, evaluating law enforcement negligence must be conducted comprehensively by considering institutional aspects, human resources, regulations, and government policies.

From the perspective of criminal policy, prevention is a more effective strategy than merely taking punitive action. Law enforcement that focuses solely on punishing offenders without preventive measures will allow human trafficking to continue recurring. Consequently, law enforcement officers should develop preventive strategies through public education, monitoring vulnerable areas, international cooperation, the use of digital technology to detect trafficking networks, and strengthening investigators' capacities. This approach aligns with the concept of an integrated criminal justice system, which places prevention as an essential component of comprehensive law enforcement.

Based on the foregoing discussion, it can be concluded that the negligence of law enforcement officers in preventing human trafficking constitutes a multidimensional problem. Such negligence is not only related to the quality of individual officers but is also influenced by weak supervisory systems, poor inter-

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agency coordination, limited resources, and the suboptimal implementation of legal policies. Therefore, institutional reforms are needed to strengthen internal oversight systems, improve the professionalism of law enforcement officers, expand cross-sector coordination, and optimize the implementation of Law No. 21 of 2007 so that the objectives of protecting human rights and eradicating human trafficking can be effectively achieved. A critical evaluation of these aspects serves as an important foundation for formulating criminal law policies that are more responsive to the evolving modus operandi of human trafficking in Indonesia.

3.2. Analysis of the Legal Liability of Negligent Law Enforcement Officers in Preventing Human Trafficking

The legal accountability of law enforcement officers is a consequence of the rule of law (*rechtstaat*), which requires that every action or omission by state officials be subject to legal accountability in accordance with applicable laws and regulations. In the context of human trafficking, law enforcement officers have legal obligations to carry out prevention, preliminary investigation, criminal investigation, arrest, victim protection, and coordination with relevant institutions. If these obligations are not properly fulfilled, resulting in the occurrence of human trafficking or exacerbating the losses suffered by victims, such negligence may be classified as a breach of official duties. Accordingly, the accountability of law enforcement officers should not only be viewed from the perspective of morality and professional ethics but must also be analyzed based on administrative law, public service disciplinary law, criminal law, and human rights law. Thus, the principle of equality before the law must also apply to law enforcement officers as state officials.

From the perspective of administrative law, every law enforcement officer is obligated to perform their duties based on the principles of legality, professionalism, accountability, and legal certainty. If officers fail to carry out their duties professionally for example, by ignoring public reports regarding suspected human trafficking, failing to conduct preliminary investigations, or neglecting preventive measures in areas known for recruiting victims—such conduct may be categorized as maladministration. Such maladministration reflects either the abuse or neglect of authority, ultimately hindering legal protection for society. Therefore, both internal and external oversight mechanisms serve as essential instruments to ensure that every officer fulfills their duties professionally and responsibly.

In addition to administrative accountability, law enforcement officers proven to have acted negligently may also be subject to disciplinary liability under

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regulations governing professional codes of ethics and civil service discipline. Within the Indonesian National Police, for example, every officer is required to uphold professionalism, integrity, and provide optimal public service. If an officer is found to have tolerated human trafficking practices, delayed case handling without valid justification, or acted contrary to official duties, disciplinary and ethical sanctions may be imposed. Enforcing the code of ethics is essential because the integrity of law enforcement officers is a primary factor in building public trust in the criminal justice system.

Under certain circumstances, the negligence of law enforcement officers may even give rise to criminal liability if it fulfills the elements of a criminal offense as stipulated by law. For instance, if officers intentionally allow human trafficking activities to continue, accept bribes to refrain from taking enforcement action, falsify investigative documents, destroy evidence, or provide protection to perpetrators, such conduct constitutes more than mere administrative negligence and enters the realm of criminal offenses such as abuse of authority, bribery, gratification, or corruption. In such circumstances, law enforcement officers must be prosecuted through criminal justice mechanisms without prejudice to the applicable ethical and disciplinary proceedings within their respective institutions.

The legal accountability of law enforcement officers must also be analyzed from the perspective of human rights protection. The state has obligations to respect, protect, and fulfill the rights of its citizens. In human trafficking cases, victims are entitled to protection, justice, rehabilitation, restitution, and guarantees against revictimization. If law enforcement officers fail to fulfill these obligations, thereby depriving victims of access to justice or causing greater suffering, the state may be considered to have failed in its duty to protect human rights. Therefore, every instance of law enforcement negligence should be evaluated as part of broader efforts to strengthen Indonesia's human rights protection system.

From the perspective of liability theory, an individual can only be held legally accountable if there is a connection between their legal duty and the consequences arising from their negligence. In the context of law enforcement officers, such a relationship exists when officers have a legal obligation to act but choose not to perform the actions they are required to undertake (omission). This negligence may result in harm to victims and society, thereby providing the basis for imposing legal responsibility. Consequently, proving the existence of a causal relationship (causal verband) between the officer's negligence and the resulting harm is a crucial aspect in determining the form of legal accountability that may be imposed.

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In Indonesia's law enforcement practice, oversight of law enforcement officers involves both internal and external institutions. Internal oversight is conducted through supervisory and professional divisions within each institution, while external oversight may be carried out by authorized state institutions or through judicial mechanisms. Nevertheless, the effectiveness of such oversight continues to face various challenges, including a lack of transparency in investigative processes, limited public access to information, and low reporting rates concerning alleged misconduct by law enforcement officers. Therefore, reforming the oversight system is an urgent necessity to ensure that every officer proven negligent can be held accountable objectively, transparently, and accountably.

Based on the foregoing analysis, it can be concluded that legal accountability for law enforcement officers who are negligent in preventing human trafficking should be applied in multiple layers, encompassing administrative, disciplinary, ethical, civil (where specific losses are incurred), and criminal liability where the elements of a criminal offense are satisfied. Such a comprehensive approach is necessary to ensure legal certainty, justice, and public benefit while strengthening public confidence in law enforcement institutions. Furthermore, the consistent enforcement of accountability will foster a culture of professionalism, integrity, and accountability among law enforcement officers in carrying out their duty to prevent human trafficking. Accordingly, law enforcement reform should target not only human trafficking perpetrators but also officers proven negligent or who abuse their authority, thereby ensuring that the objective of protecting human rights is optimally achieved.

3.3. Critical Evaluation and Policy Formulation to Improve the Effectiveness of Human Trafficking Prevention

An evaluation of the performance of law enforcement officers in preventing human trafficking must be conducted comprehensively using Lawrence M. Friedman's legal system theory. According to this theory, the effectiveness of law enforcement is determined by three primary elements: legal structure, legal substance, and legal culture. In the Indonesian context, these three elements have not yet functioned harmoniously. The legal structure continues to face challenges in the form of limited human resources, weak inter-agency coordination, and uneven investigative capacity in handling human trafficking cases. From the perspective of legal substance, although various regulations have been enacted, their implementation remains inconsistent. Meanwhile, the legal culture of society, particularly the low level of public reporting of suspected human trafficking, often delays preventive efforts. Therefore, evaluating law enforcement

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negligence should be understood as an evaluation of the entire law enforcement system rather than merely individual officers.

One aspect requiring attention is the strengthening of preventive functions through intelligence-based and early detection approaches. To date, law enforcement officers have tended to act reactively, intervening only after crimes have occurred. However, the organized nature of human trafficking requires detection systems capable of identifying recruitment patterns, victim transportation routes, the use of forged documents, and suspicious financial transactions. Strengthening integrated information systems, utilizing digital technology, conducting data analysis, and enhancing inter-agency cooperation are crucial strategies for disrupting human trafficking networks from their earliest stages. Accordingly, the success of combating human trafficking should not be measured solely by the No. of convicted offenders but also by the state's ability to prevent the emergence of new victims.

A further area for evaluation concerns improving the quality of law enforcement human resources. Handling human trafficking cases requires specialized expertise because it involves criminal law, human rights, victim psychology, labor law, immigration law, and international cooperation. Therefore, law enforcement officers should receive continuous education and training on victim-centered investigation techniques, interviewing vulnerable victims, tracing criminal assets, utilizing electronic evidence, and coordinating with international institutions. Such capacity building will enhance officers' professionalism while minimizing the potential for negligence in carrying out their duties.

In addition to enhancing officers' capacities, strengthening internal oversight systems is also a strategic measure to prevent both abuse of authority and negligence. Oversight should not be limited to inspections after violations occur but should be developed into preventive supervision capable of detecting potential misconduct at an early stage. Implementing performance evaluation systems based on measurable indicators, auditing the handling of human trafficking cases, providing protection for whistleblowers, and ensuring transparency in investigative processes are among the instruments that can improve law enforcement accountability. An effective oversight system will encourage officers to perform their duties professionally and responsibly.

Preventing human trafficking also requires synergy among the central government, local governments, law enforcement agencies, educational institutions, civil society organizations, mass media, and the public. This collaborative approach is essential because the causes of human trafficking extend

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beyond legal issues and are influenced by poverty, low educational attainment, unemployment, economic inequality, and limited access to information. Therefore, prevention policies should focus on improving public welfare, creating employment opportunities, providing legal education to the public, and strengthening social protection systems. Consequently, combating human trafficking should be pursued not only through penal policy but also through non-penal policy approaches.

In the digital era, advances in information technology have created new challenges in preventing human trafficking. Perpetrators exploit social media, instant messaging applications, and digital platforms to recruit victims more easily and rapidly. Therefore, law enforcement officers must develop capabilities in cyber patrol, digital forensic analysis, and cooperation with digital service providers to detect activities indicative of human trafficking. Furthermore, regulations concerning personal data protection and electronic transactions should be optimally utilized to support investigations and evidentiary processes. The effective use of technology will enhance the state's ability to respond to increasingly sophisticated human trafficking methods.

Legal policy reforms should also prioritize strengthening victim protection as the central focus of the criminal justice system. To date, law enforcement efforts have often concentrated more on punishing perpetrators than on restoring victims. In fact, victims of human trafficking are entitled to medical rehabilitation, psychological rehabilitation, legal assistance, restitution, compensation, and security guarantees throughout judicial proceedings. A victim-oriented justice approach will increase public confidence in law enforcement agencies, thereby encouraging victims and witnesses to report human trafficking offenses. Effective protection will also reduce the risk of re-trafficking.

Based on the foregoing discussion, it may be emphasized that the success of preventing human trafficking largely depends on the state's ability to establish a law enforcement system that is professional, accountable, transparent, and oriented toward the protection of human rights. The negligence of law enforcement officers should not be viewed merely as an individual error but must be evaluated as an indicator of weaknesses within the national legal system. Therefore, institutional reform, improvements in human resource quality, optimization of internal and external oversight, effective utilization of information technology, strengthened cross-sector coordination, and increased public participation constitute strategic measures that must be implemented continuously. Through the implementation of these policies, it is expected that efforts to eradicate human trafficking in Indonesia will become more effective,

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provide legal certainty, deliver justice for victims, and strengthen the protection of human rights in accordance with the Constitution and applicable laws and regulations.

4. Conclusion

Based on the research findings, it can be concluded that the negligence of law enforcement officers in preventing human trafficking remains one of the factors hindering the effectiveness of efforts to eradicate this crime in Indonesia. Such negligence is reflected in weak supervision of vulnerable areas, suboptimal inter-agency coordination, delays in responding to public reports, poor quality of victim identification, and the less-than-optimal implementation of preventive functions as mandated by Law No. 21 of 2007 concerning the Eradication of the Crime of Human Trafficking. This condition demonstrates that although the legal framework is adequate, the implementation of legal norms continues to face various structural and cultural challenges. Furthermore, legal accountability for negligent law enforcement officers should be implemented comprehensively through administrative, disciplinary, ethical, and criminal mechanisms where the elements of a criminal offense are fulfilled. Institutional reform, enhancement of law enforcement professionalism, strengthening oversight systems, utilization of information technology, and inter-agency synergy are crucial measures for improving the effectiveness of human trafficking prevention. Accordingly, victim protection and fair law enforcement can be optimally realized in accordance with the principles of the rule of law and respect for human rights.

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