



THE IMPACT OF GLOBALIZATION ON HUMAN SMUGGLING AND ECONOMIC POLICY RESPONSES

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ABSTRACT

Globalization has created an interconnected and interdependent world, brought various conveniences while simultaneously raised new challenges in human rights issues. One prominent negative impact is the rise of Transnational Organized Crime (TOC), including human smuggling, which is increasingly facilitated by technological developments and market openness. This practice resembles a free market, where actors compete to attract customers without formal mechanisms for resolving disputes or enforcing contracts, giving rise to trust issues that are often addressed through reputational investment. This study aims to examine the gaps in Indonesia's national law in responding to this phenomenon and assess its relevance to international standards, particularly the Palermo Protocol. Using normative methods through literature review and a comparative approach, this study highlights the relationship between globalization, human smuggling, and the existing legal framework. The findings indicate that although the UN, through the UNODC and the Conference of Parties (COP), has initiated TOC prevention mechanisms, their implementation remains weak without strong normative ties. In conclusion, harmonization of Indonesian law with international standards is needed to strengthen human rights protection and the effectiveness of law enforcement against human smuggling.

1. Introduction

As time goes by, globalization has created a world in a connected and dependent way. National borders seem to fade, where the movement of information, ideas, goods, and people can move easily and quickly. Globalization has created a global connectivity that blurs national boundaries, facilitating the movement of information, ideas, goods, and people.¹ In addition to bringing economic benefits, globalization has also raised new human rights issues and facilitated Transnational Organized Crime (TOC). Advances in communication and transportation technology, coupled with the Industrial Revolution 5.0 with its integration of artificial intelligence, have expanded global connectivity and accelerated the exchange of information. However, this situation also opens up opportunities for crimes such as TOC, cybercrime, illegal trade, money laundering, and widens socio-economic disparities and the demand for illegal goods and services.²

Szablewska³ argues that capitalist globalization has caused human commodification, namely the existence of humans who are used as objects or commodities that are traded and smuggled. This condition is one of the causes of people smuggling across countries. In addition, other causes of people smuggling are difficult economic conditions, conflicts in the country of origin-both political and social conflicts-climate change that affects the conditions of the people of a country.⁴ This condition causes danger and disruption and triggers conflict in the destination country.⁵

The occurrence of people smuggling is also related to the global economic crisis as stated by Epplé.⁶ People smuggling is an event that is against the law and human rights, and the high number of people smuggling shows that the political, social, and economic conditions of the country of origin are not good. The global economic crisis created liberal thinking for the birth of market fundamentalism which resulted in business practices that were too free and almost unreachable by government regulations. Before the global economic crisis, the state had a crucial role, meaning that an active role of the state was needed in economic development.

¹ Robert O. Keohane, and Joseph S. Nye Jr., Power and interdependence, *Survival*, Vol.15, no.4, 1973, page.158.

² Edward R. Kleemans, and Monika Smit., Human smuggling, human trafficking, and exploitation in the sex industry, *The Oxford handbook of organized crime*, 2014, page.381.

³ Natalia Szablewska., Human smuggling and human trafficking, *International Conflict and Security Law: A Research Handbook*, 2022, page.23.

⁴ Ine Armilia, and Andi Aina Ilmih., Perlindungan Hak Asasi Manusia dan Penegakan Hukum Terhadap Penyelundupan Orang Lintas Negara, *Media Hukum Indonesia*, Vol.2, no.3, 2024, page.1.

⁵ Tahira Attia Fariha, and Md Hasnath Kabir Fahim., Women Trafficking Legislation in SAARC: A Cross-Country Comparative Study, *Lex Publica*, Vol.11, no.1 2024, page.82.

⁶ Erhard Eppler., *Melindungi negara dari ancaman neoliberal*, Jakarta, Friedrich-Ebert-Stiftung Kantor Perwakilan Indonesia, 2016, page.22.

The low economy of a country is a major trigger for people smuggling, including in Indonesia, where it is often carried out under the guise of migrant workers. Data from the Directorate General of Immigration of the Ministry of Law and Human Rights recorded the postponement of 18,604 passports and 14,930 departures of migrant workers suspected of leaving non-procedurally to Malaysia, Thailand, Cambodia, and other countries. The difficulty of obtaining legal work permits abroad pushes many workers to choose non-procedural routes. Certain regions such as Aceh, North Sumatra, Riau, and the Riau Islands are identified as frequent routes for people smuggling due to vast waters, weak border law enforcement, and the culture of corruption, collusion, and nepotism among officials. Indonesia's lower economic conditions compared to neighboring countries, coupled with weak international cooperation and limited global attention to people smuggling, further exacerbate the issue.⁷ Consequently, people smuggling constitutes a violation of state sovereignty.⁸

In the context of international law, it is important to distinguish between people smuggling and human trafficking. People smuggling refers to the act of assisting someone to enter or leave a country illegally with their consent, as stipulated in the UN Protocol against the Smuggling of Migrants. This crime is seen as a violation of state sovereignty because it focuses on border crossing without valid permission.⁹ In contrast, human trafficking emphasizes the exploitation of victims, whether for the purposes of forced labor, prostitution, or other forms of exploitation, as stipulated in the Palermo Protocol and in Indonesia through Law Number 21 of 2007.¹⁰ This fundamental difference shows that people smuggling is more related to crimes against the state, while human trafficking is a crime against individuals or victims. Therefore, this study limits its focus to people smuggling as a transnational crime that has implications for Indonesia's sovereignty and legal policies.¹¹ Previous research has tended to conflate human smuggling and human trafficking without distinguishing between their international legal frameworks. Therefore, this study focuses specifically on people smuggling as a transnational crime that impacts Indonesian sovereignty.¹²

Moreover, existing literature on people smuggling as a form of Transnational Organized Crime (TOC) has emphasized its distinction from human trafficking,

⁷ Julian F. Müller., The ethics of commercial human smuggling, *European Journal of Political Theory*, Vol.20, no.1, 2021, page.138.

⁸ Aris Nurdyanto, and Krismiarsi Krismiarsi., Kebijakan Hukum Dalam Penanganan Imigran Ilegal, *Jurnal Juristic*, Vol.1, no.1, 2020, page.1.

⁹ Alberto Aziani., The heterogeneity of human smugglers: a reflection on the use of concepts in studies on the smuggling of migrants, *Trends in Organized Crime*, Vol.26, no.1, 2023, page.80.

¹⁰ Ananda Chrisna D. Panjaitan., Harmonisasi Undang-Undang Nomor 21 Tahun 2007 Tentang Pemberantasan Tindak Pidana Perdagangan Orang Dengan Protokol Palermo Dalam Perlindungan Perdagangan Orang Di Indonesia, *Jurnal Yustitia*, Vol.16, no.1, 2022, page.1.

¹¹ Neladi Frisilia Lilipaly, Popi Tuhulele, and Dyah Ridhul Airin Daties., Pertanggungjawaban Pelaku Penyelundupan Migran Lintas Negara Ditinjau Dari Hukum Internasional, *TATOHI: Jurnal Ilmu Hukum*, Vol.3, no.7, 2023, page.651.

¹² Syahezi Syam., A Holistic Approach to the Rehabilitation of Victims of Human Trafficking: An Indonesian Case Study: Pendekatan Holistik Dalam Rehabilitasi Korban Tindak Pidana Perdagangan Orang: Studi Kasus Indonesia, *Jurnal Pemasarakatan dan Keadilan*, Vol.1, no.2, 2025, page.76.

particularly regarding violations of state sovereignty and international legal frameworks like the UN Protocol against the Smuggling of Migrants (2000) and the Palermo Protocol.¹³ Studies show that globalization facilitates smuggling by enhancing connectivity, widening economic inequalities, and promoting neoliberal market policies.¹⁴ In Indonesia, research has highlighted root causes such as poverty, corruption, weak border enforcement, and regional vulnerabilities in areas like Aceh and Riau.¹⁵ Scholars also examine victim protection, legal frameworks, and intersections with related crimes like cybercrime and narcotics trafficking.¹⁶

However, there is still a gap where many studies equate smuggling with human

¹³ Alberto Aziani., The heterogeneity of human smugglers: a reflection on the use of concepts in studies on the smuggling of migrants, *Trends in Organized Crime*, Vol.26, no.1, 2023, page.83. See too, Neladi Frisilia Lilipaly, Popi Tuhulele, and Dyah Ridhul Airin Daties., Pertanggungjawaban Pelaku Penyelundupan Migran Lintas Negara Ditinjau Dari Hukum Internasional, *TATOHI: Jurnal Ilmu Hukum*, Vol.3, no.7, 2023, page.651; Natalia Ollus., Protocol Against the Smuggling of Migrants by Land, Air and Sea, Supplementing the United Nations Convention Against Transnational Organized Crime: A Tool for Criminal Justice Personnel, *Resource Material Series*, No.62, 2004, page.31; Ananda Chrisna D. Panjaitan., Harmonisasi Undang-Undang Nomor 21 Tahun 2007 Tentang Pemberantasan Tindak Pidana Perdagangan Orang Dengan Protokol Palermo Dalam Perlindungan Perdagangan Orang Di Indonesia, *Jurnal Yustitia*, Vol.16, no.1, 2022, page.3; Cecily Rose., The creation of a review mechanism for the UN Convention Against Transnational Organized Crime and its protocols, *American Journal of International Law*, Vol.114, no.1, 2020, page.51.

¹⁴ Gili Argenti., Globalisasi dan Dampaknya bagi Negara Dunia Ketiga, *The Indonesian Journal of Politics and Policy (IJPP)*, Vol.1, no.1, 2019, page.41. See too, Robert O. Keohane, and Joseph S. Nye Jr., Power and interdependence, *Survival*, Vol.15, no.4, 1973, page.158; Kenichi Ohmae., The rise of the region state, *Foreign Affairs*, Vol.72, 1992, page.78; Erhard Eppler., *Melindungi negara dari ancaman neoliberal*, Jakarta, Friedrich-Ebert-Stiftung Kantor Perwakilan Indonesia, 2016, page.25.

¹⁵ Ine Armilia, and Andi Aina Ilmih., Perlindungan Hak Asasi Manusia dan Penegakan Hukum Terhadap Penyelundupan Orang Lintas Negara, *Media Hukum Indonesia*, Vol.2, no.3, 2024, page.2. See too, Debby Kristin, and Chloryne Trie Isana Dewi., Tindak Pidana Kejahatan Penyelundupan Manusia (People Smuggling) di Indonesia: Tanggug Jawab Indonesia dan Australia, *Padjadjaran Journal of International Law*, Vol.1, no.1, 2017, page.84; Julian F. Müller., The ethics of commercial human smuggling, *European Journal of Political Theory*, Vol.20, no.1, 2021, page.139; Aris Nurdiyanto, and Krismiarsi Krismiarsi., Kebijakan Hukum Dalam Penanganan Imigran Ilegal, *Jurnal Juristic*, Vol.1, no.1, 2020, page.3; M. Gaussyah, M. Iqbal, and Mukhlis., Marine Security Model To Prevent Criminal Acts In Aceh, *PETITA: Jurnal Kajian Ilmu Hukum Dan Syariah*, Vol.9, no.1, 2024, page.232.

¹⁶ Habib Shulton Asnawi, M. Anwar Nawawi, Agus Setiawan, and Fathul Mu'in., Perlindungan korban human trafficking perspektif hukum pidana dan hak asasi manusia, *MORALITY: Jurnal Ilmu Hukum*, Vol.8, no.1, 2022, page.45. See too, Asif Khan, Neelam Iqbal, and Ishaq Ahmad., Human Trafficking in Pakistan: A Qualitative Analysis, *Journal of Social Sciences Review*, Vol.2, no.3, 2022, page.257; Edward R. Kleemans, and Monika Smit., Human smuggling, human trafficking, and exploitation in the sex industry, *The Oxford handbook of organized crime*, 2014, page.386; Angkasa Angkasa, Rani Hendriana, Filep Wamafma, Ogiandhafiz Juanda, and Bhanu Prakash Nunna., Development of a Restitution Model in Optimizing Legal Protection for Victims of Human Trafficking in Indonesia, *Journal of Indonesian Legal Studies*, Vol.8, 2023, page.93; Nathalina Naibaho., Victim Protection and The Dynamic Situation of Human Trafficking: Indonesia Experience, *Indonesian Journal of International Law*, Vol.20, no.4, 2023, page.1.

trafficking without analyzing its economic impact on the countries of origin and destination.¹⁷ Limited research addresses Indonesia-specific policy responses in the context of Industrial Revolution 5.0 and AI-driven connectivity, including consequences for sovereignty and socio-economic disparities.¹⁸ While regional cooperation frameworks like the Bali Process are critiqued for prioritizing security over human rights,¹⁹ few studies assess domestic-foreign policy integration or quantify economic costs such as lost remittances from smuggled migrant workers.²⁰ Emerging challenges, such as online scams linked to smuggling during the pandemic, are also underexplored.²¹ This study addresses these gaps by analyzing Indonesia's anti-smuggling policies and their economic implications, providing a holistic, evidence-based approach.

This study is novel by separating people smuggling from trafficking through a sovereignty-centered perspective, integrating globalization's economic effects with

¹⁷ Paolo Campana, and Federico Varese., Exploitation in human trafficking and smuggling, *European Journal on Criminal Policy and Research*, Vol.22, no.1, 2016, page.92. See too, Syahezi Syam., A Holistic Approach to the Rehabilitation of Victims of Human Trafficking: An Indonesian Case Study: Pendekatan Holistik Dalam Rehabilitasi Korban Tindak Pidana Perdagangan Orang: Studi Kasus Indonesia, *Jurnal Pemasarakatan dan Keadilan*, Vol.1, no.2, 2025, page.76; Sheldon X. Zhang., Progress and challenges in human trafficking research: Two decades after the Palermo Protocol, *Journal of human trafficking*, Vol.8, no.1, 2022, page.4.

¹⁸ Ridwan Arifin, Rodiyah Rodiyah, Wasipah Wasipah, Asyaffa Ridzqi Amandha, Elizabeth Yunita Krisnawati, Tirta Sandi, and Michael Timothy Napitupulu., The Direction of Indonesia's Legal Policy on the ASEAN Mutual Legal Assistance Treaty in Criminal Matters: A Path to Law Reform in Cross-Border Crime Enforcement in Southeast Asia, *Journal of Law and Legal Reform*, Vol.5, no.2, 2024, page.749. See too, Bilal Dewansyah., From Australian Influence to Rohingya Refugees: A Systematic Literature Review of Asylum Seekers and Refugees in Indonesia, *The Indonesian Journal of Socio-Legal Studies*, Vol.4, no.2, 2025, page.2; Rizkan Zulyadi, Serimin Pinem, Andi Hakim Lubis, and Nindya Dhaneswara., Legal Policy Against People Smuggling as a Crime of Trafficking in Persons with a Transnational Dimension, *Jurnal Hukum*, Vol.40, no.2, 2024, page.192.

¹⁹ Gabriella E. Sanchez, and Georgios A. Antonopoulos., Irregular migration in the time of counter-smuggling, *Trends in Organized Crime*, Vol.26, no.1, 2023, page.1. See too, Sébastien Moretti., Contested regionalism in the Asia-Pacific: the case of the Bali Process and the protection of refugees, *Journal of Ethnic and Migration Studies*, Vol.48, no.12, 2022, page.2855.

²⁰ Paolo Campana, and Loraine Gelsthorpe., Choosing a smuggler: Decision-making amongst migrants smuggled to Europe, *European Journal on Criminal Policy and Research*, Vol.27, no.1, 2021, page.5. See too, Paolo Campana., Human smuggling: Structure and mechanisms, *Crime and Justice*, Vol.49, no.1, 2020, page.471; Mark Granovetter., Economic action and social structure: The problem of embeddedness, *American journal of sociology*, Vol.91, no.3, 1985, page.481.

²¹ Vania Azalia, Mahfud Fahrizi, and Trinas Dewi Hariyana., Legal Protection of Indonesian Citizens Who Are Victims of Human Trafficking in Myanmar, *Prophetic Law Review*, 2024, page.219. See too, Budi Hermawan Bangun, and Fatma Muthia Kinanti., The Urgency of Combating Human Trafficking for Online Scams in Indonesia, *Brawijaya Law Journal*, Vol.12, no.1, 2025, page.82; Lathiful Khuluq, Sriharini Sriharini, Ahmad Izudin, and Irwan Abdullah., The manipulation of power and the trafficking of women during the COVID-19 pandemic: narratives from Indonesia, *Journal of Human Trafficking*, Vol.11, no.3, 2025, page.301; Anindita Kusumowijoyo, Anjani Marta, and Kimberly Natali Boasrifa., The Artificial Intelligence as a One-Stop Point for Dealing with Online Human Trafficking Scams in Indonesia, *Journal of Sustainable Development and Regulatory Issues (JSDERI)*, Vol.1, no.3, 2023, page.189; Sallie Yea, Christina Stringer, and Sunil Rao., Restorative justice in cases of seafood slavery, *Journal of Human Trafficking*, Vol.11, no.3, 2025, page.287.

Industrial Revolution 5.0 dynamics in Indonesia. It proposes innovative policy frameworks combining domestic enforcement and international cooperation while offering measurable assessments of economic impacts previously absent.²² Thus, this study aims to determine and analyze policies in dealing with criminal acts of smuggling in Indonesia and analyze the impact of people smuggling on the country's economy.

2. Research Methods

This research employs a normative legal method, focusing on the study of written legal norms, both in national legislation and relevant international legal instruments. This method was chosen because the issue of human smuggling is an unlawful act that requires analysis of applicable legal regulations, both at the international and national levels. In this context, normative legal research goes beyond merely examining legal texts, but also examines the principles, principles, and legal doctrines that have developed regarding transnational crime. Therefore, this research also utilizes a literature review approach, a conceptual approach, and a comparative approach to ensure a more comprehensive study.

The literature review approach is conducted by exploring primary legal sources in the form of national legislation, such as Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking, Law Number 6 of 2011 concerning Immigration, and other relevant regulations related to the prevention and prosecution of human smuggling. Furthermore, international legal instruments binding on Indonesia, particularly the United Nations Protocol against the Smuggling of Migrants by Land, Sea, and Air (2000), which is part of the 2000 Palermo Convention, serve as important references in assessing the compliance of national regulations with international standards. Secondary legal sources such as books, journal articles, research findings, and expert opinions are also used to strengthen the analytical framework. Through literature review, the scope of regulations, legal loopholes, and implementation challenges can be identified, both within Indonesian law and within the international legal regime.

The conceptual approach in this research is used to clearly differentiate the concepts of people smuggling and human trafficking. This conceptual distinction is crucial because, although both crimes are transnational, they have different objects, objectives, and legal protections. The Palermo Protocol clearly distinguishes between smuggling of migrants, which emphasizes violations of state sovereignty and border control, and trafficking in persons, which emphasizes individual exploitation and human rights violations. In Indonesian law, this difference is also reflected in Law Number 21 of 2007, which focuses on eradicating

²² Syahezi Syam., A Holistic Approach to the Rehabilitation of Victims of Human Trafficking: An Indonesian Case Study: Pendekatan Holistik Dalam Rehabilitasi Korban Tindak Pidana Perdagangan Orang: Studi Kasus Indonesia, *Jurnal Pemasyarakatan dan Keadilan*, Vol.1, no.2, 2025, page.77. See too, Bilal Dewansyah., From Australian Influence to Rohingya Refugees: A Systematic Literature Review of Asylum Seekers and Refugees in Indonesia, *The Indonesian Journal of Socio-Legal Studies*, Vol.4, no.2, 2025, page.3.

human trafficking, while regulations related to human smuggling are more broadly regulated in the Immigration Law and its implementing regulations.

Data analysis in this normative legal research is conducted qualitatively with a constructive approach. This means that the results of the review of international legal regulations, doctrines, and practices are not only presented descriptively but also constructed to develop legal arguments that can make a tangible contribution to policy reform. With this kind of analytical construction, the research goes beyond merely describing legal regulations, but also offers conceptual and normative solutions that can strengthen Indonesia's legal framework for addressing human smuggling. This research is expected to provide academic contributions as well as practical recommendations for policymakers in strengthening the synergy of national law with the international legal regime, especially in realizing the protection of state sovereignty and the fulfillment of Indonesia's international obligations.

3. Results and Discussion

3.1. Indonesian Policy Framework for Combating People Smuggling

People smuggling according to the United Nations Convention against Transnational Organized Crime (UNODC) is "the procurement, for the purpose of obtaining, directly or indirectly, a financial or other material benefit, from the illegal entry of a person into a country of which the person is not a national or permanent resident.

In Indonesia, people smuggling has resulted in an increase in illegal immigrants. Illegal immigrants come to Indonesia with the reason of getting a job and improving their economic status, a decent living, and security from conflicts that occur in their home countries.²³ The modus operandi used by the perpetrators is with migrant workers. The occurrence of people smuggling into Indonesian territory has implications for the emergence of criminal problems that cross national borders (transnational crime) and transnational organized crime.

People smuggling crimes involve immigration officials, therefore people smuggling can be said to be an immigration business practice. People Smuggling in its modus operandi can be divided into several processes, namely data collection, victim recruitment, document preparation, mobilization with corrupt immigration officials, victim travel/sending, victim integration into the labor market. The Indonesian government takes measures to prevent and overcome people smuggling in the jurisdiction of Indonesia through non-penal and penal efforts.

The Indonesian approach to combating people smuggling integrates both penal and non-penal strategies, encompassing legal, social, economic, and sustainable development measures. At the legal level, key provisions such as Article 120 of Law Number 6 of 2011 on Immigration explicitly criminalize the facilitation of illegal

²³ Debby Kristin, and Chloryne Trie Isana Dewi., Tindak Pidana Kejahatan Penyelundupan Manusia (People Smuggling) di Indonesia: Tanggug Jawab Indonesia dan Australia, *Padjadjaran Journal of International Law*, Vol.1, no.1, 2017, page.85.

entry or exit of individuals from Indonesian territory.²⁴ Similarly, the newly enacted National Criminal Code includes Article 582, addressing people smuggling offenses, yet its enforcement is contingent on the effective functioning of the criminal justice system. Despite these measures, a significant limitation persists: the lack of clear differentiation between people smuggling and human trafficking. This ambiguity complicates the work of law enforcement agencies, as smuggling is often treated under trafficking regulations, potentially resulting in inconsistent application of the law.²⁵

From an international perspective, the Palermo Protocol (2000), formally the Protocol against the Smuggling of Migrants by Land, Sea, and Air, remains a cornerstone in regulating transnational smuggling operations.²⁶ Indonesia ratified the UN Convention against Transnational Organized Crime (UNTOC) through Law Number 5 of 2009. However, not all provisions of the Palermo Protocol have been fully domesticated, creating a compliance gap that highlights the divergence between Indonesia's international obligations and domestic legal implementation.²⁷ The gap underscores the need for harmonization of national legislation with international standards to ensure legal certainty, effective prosecution, and protection of human rights.

Institutional challenges further undermine Indonesia's capacity to combat people smuggling. Coordination among relevant agencies, such as the National Police, Immigration authorities, the Indonesian Navy, Bakamla, and the Ministry of Foreign Affairs, remains limited.²⁸ Border enforcement personnel are often insufficient in number, and instances of corruption, including document falsification and collusion facilitating illegal departures, compromise the integrity of anti-smuggling operations.²⁹ Moreover, Indonesia's engagement in international cooperation mechanisms, such as the Bali Process, suffers from a security-centric

²⁴ Angraeni Angraeni, and Muzayyin Ahyar, Analisis Fikih Siyasah terhadap Undang-Undang Nomor 6 Tahun 2011 tentang Keimigrasian, *QONUN: Jurnal Hukum Islam dan Perundang-undangan*, Vol.7, no.1, 2023, page.94.

²⁵ Ananda Chrisna D. Panjaitan., Harmonisasi Undang-Undang Nomor 21 Tahun 2007 Tentang Pemberantasan Tindak Pidana Perdagangan Orang Dengan Protokol Palermo Dalam Perlindungan Perdagangan Orang Di Indonesia, *Jurnal Yustitia*, Vol.16, no.1, 2022, page.3. See too, Rizkan Zulyadi, Serimin Pinem, Andi Hakim Lubis, and Nindya Dhaneswara., Legal Policy Against People Smuggling as a Crime of Trafficking in Persons with a Transnational Dimension, *Jurnal Hukum*, Vol.40, no.2, 2024, page.193.

²⁶ Natalia Ollus., Protocol Against the Smuggling of Migrants by Land, Air and Sea, Supplementing the United Nations Convention Against Transnational Organized Crime: A Tool for Criminal Justice Personnel, *Resource Material Series*, no.62, 2004, page.34.

²⁷ Muhammad Ali, and Wahab Aznul Hidayat., Perlindungan Hukum Bagi Korban Tindak Pidana Human Trafficking di Indonesia, Judge: *Jurnal Hukum*, Vol.5, no.2, 2024, page.152.

²⁸ Ketut Arbi Krisna Dwipayana., Human Trafficking Dalam Persepektif Hukum Internasional, *Jurnal Komunikasi Hukum*, Vol.11, no.1, 2025, page.126.

²⁹ Ine Armilia, and Andi Aina Ilmih., Perlindungan Hak Asasi Manusia dan Penegakan Hukum Terhadap Penyelundupan Orang Lintas Negara, *Media Hukum Indonesia*, Vol.2, no.3, 2024, page.3. See too, Julian F. Müller., The ethics of commercial human smuggling, *European Journal of Political Theory*, Vol.20, no.1, 2021, page.142.

orientation that often neglects human rights considerations.³⁰ The effectiveness of mutual legal assistance, extradition treaties, and other cooperative frameworks is further constrained, limiting the prosecution of cross-border offenders and the protection of victims.

Beyond penal strategies, non-penal approaches are increasingly recognized as critical for a sustainable response. Social interventions, including public awareness campaigns and education, aim to reduce the vulnerability of potential migrants to smuggling networks.³¹ Economic and development strategies, including poverty alleviation and livelihood programs in regions with high outmigration pressures such as Aceh and Riau, serve to address the structural drivers of irregular migration.³² By combining enforcement with social and economic measures, Indonesia seeks to reduce both the supply of and demand for smuggling services while enhancing the protection of vulnerable populations.

Nevertheless, new challenges have emerged with the advent of technological advancements and Industrial Revolution 5.0. AI-driven communication platforms, online financial transactions, and digital recruitment channels have enabled smuggling networks to operate with increased sophistication, often bypassing traditional law enforcement mechanisms.³³ During the COVID-19 pandemic, online scams related to human smuggling surged, further complicating detection and prosecution efforts.³⁴ These developments necessitate that Indonesia integrate digital surveillance, cybercrime enforcement, and AI-assisted monitoring into its anti-smuggling framework to remain effective in the evolving transnational context.

³⁰ Gabriella E. Sanchez, and Georgios A. Antonopoulos., Irregular migration in the time of counter-smuggling, *Trends in Organized Crime*, Vol.26, no.1, 2023, page.3. See too, Sébastien Moretti., Contested regionalism in the Asia-Pacific: the case of the Bali Process and the protection of refugees, *Journal of Ethnic and Migration Studies*, Vol.48, no.12, 2022, page.2861.

³¹ Kian Amboro., Membangun Kesadaran Berawal Dari Pemahaman; Relasi Pemahaman Sejarah Dengan Kesadaran Sejarah Mahasiswa Program Studi Pendidikan Sejarah Fkip Universitas Muhammadiyah Metro, *HISTORIA: Jurnal Program Studi Pendidikan Sejarah*, Vol.3, no.2, 2015, page.109. See too, Gili Argenti., Globalisasi dan Dampaknya bagi Negara Dunia Ketiga, *The Indonesian Journal of Politics and Policy*, Vol.1, no.1, 2019, page.43.

³² Debby Kristin, and Chloryne Trie Isana Dewi., Tindak Pidana Kejahatan Penyelundupan Manusia (People Smuggling) di Indonesia: Tanggug Jawab Indonesia dan Australia, *Padjadjaran Journal of International Law*, Vol.1, no.1, 2017, page.85. See too, Aris Nurdiyanto, and Krismiarsi Krismiarsi., Kebijakan Hukum Dalam Penanganan Imigran Ilegal, *Jurnal Juristic*, Vol.1, no.1, 2020, page.3; M. Gaussyah, M. Iqbal, and Mukhlis., Marine Security Model to Prevent Criminal Acts in Aceh, *PETITA: Jurnal Kajian Ilmu Hukum Dan Syariah*, Vol.9, no.1, 2024, page.236.

³³ Budi Hermawan Bangun, and Fatma Muthia Kinanti., The Urgency of Combating Human Trafficking for Online Scams in Indonesia, *Brawijaya Law Journal*, Vol.12, no.1, 2025, page.83. See too, Lathiful Khuluq, Sriharini Sriharini, Ahmad Izudin, and Irwan Abdullah., The manipulation of power and the trafficking of women during the COVID-19 pandemic: narratives from Indonesia, *Journal of Human Trafficking*, Vol.11, no.3, 2025, page.304; Anindita Kusumowijoyo, Anjani Marta, and Kimberly Natali Boasrifa., The Artificial Intelligence as a One-Stop Point for Dealing with Online Human Trafficking Scams in Indonesia, *Journal of Sustainable Development and Regulatory Issues (JSDERI)*, Vol.1, no.3, 2023, page.191.

³⁴ Vania Azalia, Mahfud Fahrizi, and Trinas Dewi Hariyana., Legal Protection of Indonesian Citizens Who Are Victims of Human Trafficking in Myanmar, *Prophetic Law Review*, 2024, page.223. See too, Sallie Yea, Christina Stringer, and Sunil Rao., Restorative justice in cases of seafood slavery, *Journal of Human Trafficking*, Vol.11, no.3, 2025, page.290.

The protection of victims is also integral to Indonesia's policy framework. Although people smuggling often involves less direct exploitation compared to human trafficking, smuggled migrants remain exposed to abuse, extortion, and unsafe travel conditions.³⁵ National policies increasingly recognize the importance of victim-centered approaches, including legal aid, repatriation assistance, and access to social services. A holistic understanding of smuggling must thus include both law enforcement and human rights perspectives, ensuring that anti-smuggling measures do not inadvertently harm those they are meant to protect.³⁶

In the context of international law, one of the most important instruments for combating human smuggling is the 2000 Palermo Protocol (Protocol against the Smuggling of Migrants by Land, Sea, and Air), which is part of the United Nations Convention against Transnational Organized Crime (UNTOC). Indonesia has ratified the UNTOC Convention through Law Number 5 of 2009, but not all provisions of the Palermo Protocol have been fully integrated into national law. This creates what is often referred to as a compliance gap, namely the gap between international obligations and domestic legal implementation.³⁷

Nationally, the legal framework used by Indonesia to prosecute people smugglers still relies on Law Number 6 of 2011 concerning Immigration, specifically Article 120, which explicitly prohibits assisting someone to enter or leave Indonesian territory illegally.³⁸ Furthermore, Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking exists, which, while substantively different from people smuggling, often overlaps in its application.³⁹ The new National Criminal Code even includes provisions regarding people smuggling (Article 582), although its implementation still awaits the effectiveness of the

³⁵ Habib Shulton Asnawi, M. Anwar Nawawi, Agus Setiawan, and Fathul Mu'in., *Perlindungan korban human trafficking perspektif hukum pidana dan hak asasi manusia*, *MORALITY: Jurnal Ilmu Hukum*, Vol.8, no.1, 2022, page.47. See too, Angkasa Angkasa, Rani Hendriana, Filep Wamafma, Ogiandhafiz Juanda, and Bhanu Prakash Nunna., *Development of a Restitution Model in Optimizing Legal Protection for Victims of Human Trafficking in Indonesia*, *Journal of Indonesian Legal Studies*, Vol.8, 2023, page.94; Nathalina Naibaho., *Victim Protection and The Dynamic Situation of Human Trafficking: Indonesia Experience*, *Indonesian Journal of International Law*, Vol.20, no.4, 2023, page.3.

³⁶ Paolo Campana, and Loraine Gelsthorpe., *Choosing a smuggler: Decision-making amongst migrants smuggled to Europe*, *European Journal on Criminal Policy and Research*, Vol.27, no.1, 2021, page.7. See too, Syahezi Syam., *A Holistic Approach to the Rehabilitation of Victims of Human Trafficking: An Indonesian Case Study: Pendekatan Holistik Dalam Rehabilitasi Korban Tindak Pidana Perdagangan Orang: Studi Kasus Indonesia*, *Jurnal Pemasyarakatan dan Keadilan*, Vol.1, no.2, 2025, page.77.

³⁷ Muhammad Ali, and Wahab Aznul Hidayat., *Perlindungan Hukum Bagi Korban Tindak Pidana Human Trafficking di Indonesia*, *Judge: Jurnal Hukum*, Vol.5, no.2, 2024, page.155.

³⁸ Angraeni Angraeni, and Muzayyin Ahyar, *Analisis Fikih Siyasah terhadap Undang-Undang Nomor 6 Tahun 2011 tentang Keimigrasian*, *QONUN: Jurnal Hukum Islam dan Perundang-undangan*, Vol.7, no.1, 2023, page.98.

³⁹ Ananda Chrisna D. Panjaitan., *Harmonisasi Undang-Undang Nomor 21 Tahun 2007 Tentang Pemberantasan Tindak Pidana Perdagangan Orang Dengan Protokol Palermo Dalam Perlindungan Perdagangan Orang Di Indonesia*, *Jurnal Yustitia*, Vol.16, no.1, 2022, page.7.

criminal justice system. However, the main weakness remains the lack of specific provisions separating people smuggling from human trafficking, making it difficult for law enforcement officials to distinguish between the two crimes.

On the institutional side, various problems have emerged, including corruption in the immigration sector, weak coordination between agencies (the National Police, Immigration, the Indonesian Navy, Bakamla, and the Ministry of Foreign Affairs), and limited personnel in border areas.⁴⁰ The involvement of certain officials in document falsification and illegal departures further exacerbates this situation. The weakness of international cooperation mechanisms, such as mutual legal assistance and extradition treaties with destination or transit countries, also poses a serious obstacle to law enforcement.

Comparatively, some countries have more specific legal instruments. Australia, for example, adopted a strict policy through Operation Sovereign Borders, which emphasizes not only law enforcement but also integrates maritime surveillance, intelligence, and bilateral agreements. Then there's Malaysia, which, through the Immigration Act 1959/63, strictly criminalizes people smuggling and grants immigration officials greater authority. Meanwhile, Indonesia still focuses on general immigration provisions without any specific, integrated instruments. Indonesia's involvement in international forums such as the UNODC Conference of Parties (COP) has also been suboptimal, as the COP mechanism lacks coercive power to enforce compliance by member states. As a result, Indonesia is limited to reporting limited data without any guarantee of consistent implementation. Therefore, more serious steps are needed to strengthen domestic regulations, build institutional capacity, and expand more binding international cooperation to effectively combat people smuggling in Indonesia.

3.2. Globalization and Industrial Revolution 5.0 in People Smuggling Dynamics

People smuggling is a form of transnational crime involving perpetrators and victims from several countries, and across national borders. In Indonesia, people smuggling is an extraordinary crime (extra ordinary crime), but the problem is that there is no specific law that regulates it separately. Regulations regarding people smuggling are regulated in Law of the Republic of Indonesia Number 6 of 2011 concerning Immigration. People smuggling according to the Indonesian Migration Law is included in the prohibition on the movement of people across borders without valid permission, human exploitation, human trafficking, and other related crimes.

Based on Article 3 letter a of the Human Smuggling Protocol, human smuggling is formulated as "the procurement, in order to obtain, directly or indirectly a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national of a permanent resident".⁴¹ From this concept it is said that the elements of human smuggling are the existence of an agreement to be

⁴⁰ Ketut Arbi Krisna Dwipayana., Human Trafficking Dalam Perseptif Hukum Internasional, *Jurnal Komunikasi Hukum*, Vol.11, no.1, 2025, page.128.

⁴¹ Sheldon X. Zhang., Progress and challenges in human trafficking research: Two decades after the Palermo Protocol, *Journal of human trafficking*, Vol.8, no.1, 2022, page.5.

smuggled, the absence of the perpetrator's intention to exploit the person being smuggled, and the existence of a transnational dimension.⁴²

Organizationally, these human smuggling groups can be described as “task forces”: small groups that are well-adapted to the constraints and uncertainties of a dynamic international market. Campana and Varese⁴³ describe several ways in which smugglers achieve this, such as safe passage to the destination country, eliminating exploitative practices, and minimizing the risk of coercion in the work of migrant clients. Clients who do not pay the full smuggling fee at the start of the smuggling journey are taken hostage and held in a safe house upon arrival. They are only released after they have paid the full smuggling fee. Smugglers then charge a large fee for monitoring the detained migrants, as the fee is unlikely to be paid quickly.⁴⁴

Human smuggling, like many other legal markets, involves competition to attract customers.⁴⁵ However, to date there are no formal mechanisms established by the smuggling network, for example in terms of resolving disputes, ensuring compliance, and enforcing contracts. One way to overcome trust issues and encourage transactions is by investing in a positive reputation. Smugglers try to build and maintain their reputation by enforcing guarantees, paying compensation in the event of an incident, and maintaining good relations by not closing the possibility of transacting with the same client in the future.⁴⁶ Although not easy, the reputation of the smuggler plays a significant role at the smuggling community level. In addition, the key to the success of smuggling transactions is also inseparable from social ties and interactions based on trust mechanisms.⁴⁷ Kleemans and Smit⁴⁸ put forward two main findings regarding human trafficking networks, namely their flexibility and resilience to capture. Flexibility is explained through the term “social snowball effect” to describe how traffickers become involved in transnational organized crime and how their careers develop. In this flexibility factor, perpetrators rely on their relationship, financial, and knowledge resources to connect with criminal networks by utilizing their social relations. This

⁴² Natalia Ollus., Protocol Against the Smuggling of Migrants by Land, Air and Sea, Supplementing the United Nations Convention Against Transnational Organized Crime: A Tool for Criminal Justice Personnel, *Resource Material Series*, No.62, 2004, page.38.

⁴³ Paolo Campana, and Federico Varese., Exploitation in human trafficking and smuggling, *European Journal on Criminal Policy and Research*, Vol.22, no.1, 2016, page.94.

⁴⁴ Paolo Campana., Human smuggling: Structure and mechanisms, *Crime and Justice*, Vol.49, no.1, 2020, page.472.

⁴⁵ Gabriella E. Sanchez, and Georgios A. Antonopoulos., Irregular migration in the time of counter-smuggling, *Trends in Organized Crime*, Vol.26, no.1, 2023, page.3.

⁴⁶ Paolo Campana, and Loraine Gelsthorpe., Choosing a smuggler: Decision-making amongst migrants smuggled to Europe, *European Journal on Criminal Policy and Research*, Vol.27, no.1, 2021, page.7.

⁴⁷ Mark Granovetter., Economic action and social structure: The problem of embeddedness, *American journal of sociology*, Vol.91, no.3, 1985, page.485.

⁴⁸ Edward R. Kleemans, and Monika Smit., Human smuggling, human trafficking, and exploitation in the sex industry, *The Oxford handbook of organized crime*, 2014, page.391.

condition has also been briefly elaborated through the social network approach.

Basically, the UN's actions are for preventive measures to combat the smuggling of migrants in order to guarantee the human rights of all victims of smuggling.⁴⁹ Some of these efforts include collaboration between countries involved to jointly carry out controls in border areas and strengthen communication between institutions or agencies that monitor borders.⁵⁰ The UN also formed the Conference of Parties (COP) through the United Nations Office on Drugs and Crime (UNODC) which aims to implement a mechanism for collecting information related to the prevention of TOC. However, there are still some shortcomings in its implementation because there are no norms and principles in the COP that force countries to feel threatened by the existence of TOC. The compliance of UNODC member countries with the COP mechanism is also still low due to the absence of a mechanism that can force countries to provide complete data on the conditions of TOC in the country.

Currently, in the Industrial Revolution 5.0 Era, globalism has influenced human life patterns in various aspects by transcending the boundaries of nation-states. Digital technology and the internet are sources of strength and progress for people in various levels of society. The boundaries of national territory through the rapid development of digital technology are difficult to contain and are slowly starting to lose their function.⁵¹ The variables that influence the position of globalization include Investment, Individuals, and Information.⁵² Furthermore Ohmae's⁵³ "four I's" framework concerning Investment, Individuals, Information, and Integration. The advancement of world technology has also become a means of supporting the development of economic globalization such as fiscal, interest rates, free trade, privatization, and stocks. The challenges in implementing globalization raise problems, namely: globalization does not have fair rules and is designed and intended for industrial countries alone, globalization is more directed towards liberalism, globalization revokes most of the sovereignty of developing countries, and there are the imposition of a global economic system and the erosion of local culture.⁵⁴

This reinforces the notion that globalization and technological advancements under Industrial Revolution 5.0 have significantly influenced the dynamics of people

⁴⁹ Cecily Rose., The creation of a review mechanism for the UN Convention Against Transnational Organized Crime and its protocols, *American Journal of International Law*, Vol.114, no.1, 2020, page.52.

⁵⁰ Asif Khan, Neelam Iqbal, and Ishaq Ahmad., Human Trafficking in Pakistan: A Qualitative Analysis, *Journal of Social Sciences Review*, Vol.2, no.3, 2022, page.263.

⁵¹ Dimas Arif Pratama, and Basyarudin Basyarudin., Prilaku Kejahatan Memperdagangkan Manusia/TPPO (Humans Trafficking) Dalam Prespektif Hukum Pidana Positif Indonesia, *Corpus Juris: Jurnal Ilmu Hukum*, Vol.1, no.1, 2025, page.21.

⁵² Kian Amboro., Membangun Kesadaran Berawal Dari Pemahaman; Relasi Pemahaman Sejarah Dengan Kesadaran Sejarah Mahasiswa Program Studi Pendidikan Sejarah Fkip Universitas Muhammadiyah Metro, *HISTORIA: Jurnal Program Studi Pendidikan Sejarah*, Vol.3, no.2, 2015, page.111.

⁵³ Kenichi Ohmae., The rise of the region state, *Foreign Affairs*, Vol.72, 1992, page.83.

⁵⁴ Gili Argenti., Globalisasi dan Dampaknya bagi Negara Dunia Ketiga, *The Indonesian Journal of Politics and Policy (IJPP)*, Vol.1, no.1, 2019, page.47.

smuggling in Indonesia. Consistent with Kleemans and Smit⁵⁵ and Zhang⁵⁶, smuggling networks are highly flexible, resilient, and able to exploit digital platforms and economic disparities to expand operations transnationally. The study findings indicate that Indonesian smuggling groups adopt organizational structures resembling "task forces," emphasizing trust, reputation, and social networks to facilitate transactions, corroborating Campana⁵⁷ and Campana and Gelsthorpe⁵⁸. This social embeddedness aligns with Granovetter's⁵⁹ theory that economic actions are profoundly shaped by social networks.

Moreover, the role of digital technologies in facilitating communication, payments, and coordination demonstrates how Industrial Revolution 5.0 accelerates the transnational reach of smugglers.⁶⁰ These findings echo the observations of Sanchez and Antonopoulos⁶¹, who emphasize the competitive nature of smuggling services and the importance of maintaining reputational capital. Similarly, the lack of formal regulatory frameworks to address digital smuggling channels in Indonesia reflects a gap noted by Armilia and Ilmih⁶² and Kristin and Dewi⁶³, highlighting that current legislation (Law Number 6 of 2011 and Article 582 of the new Criminal Code) does not fully capture the complexities introduced by digital globalization.

The study also supports prior research on the preventive role of international cooperation, including the UNODC COP and the Palermo Protocol, though limited

⁵⁵ Edward R. Kleemans, and Monika Smit., Human smuggling, human trafficking, and exploitation in the sex industry, *The Oxford handbook of organized crime*, 2014, page.395.

⁵⁶ Sheldon X. Zhang., Progress and challenges in human trafficking research: Two decades after the Palermo Protocol, *Journal of human trafficking*, Vol.8, no.1, 2022, page.7.

⁵⁷ Paolo Campana., Human smuggling: Structure and mechanisms, *Crime and Justice*, Vol.49, no.1, 2020, page.476.

⁵⁸ Paolo Campana, and Loraine Gelsthorpe., Choosing a smuggler: Decision-making amongst migrants smuggled to Europe, *European Journal on Criminal Policy and Research*, Vol.27, no.1, 2021, page.9.

⁵⁹ Mark Granovetter., Economic action and social structure: The problem of embeddedness, *American journal of sociology*, Vol.91, no.3, 1985, page.485.

⁶⁰ Dimas Arif Pratama, and Basyarudin Basyarudin., Prilaku Kejahatan Memperdagangkan Manusia/TPPO (Humans Trafficking) Dalam Prespektif Hukum Pidana Positif Indonesia, *Corpus Juris: Jurnal Ilmu Hukum*, Vol.1, no.1, 2025, page.25. See too, Anindita Kusumowijoyo, Anjani Marta, and Kimberly Natali Boasrifa., The Artificial Intelligence as a One-Stop Point for Dealing with Online Human Trafficking Scams in Indonesia, *Journal of Sustainable Development and Regulatory Issues*, Vol.1, no.3, 2023, page.193.

⁶¹ Gabriella E. Sanchez, and Georgios A. Antonopoulos., Irregular migration in the time of counter-smuggling, *Trends in Organized Crime*, Vol.26, no.1, 2023, page.5.

⁶² Ine Armilia, and Andi Aina Ilmih., Perlindungan Hak Asasi Manusia dan Penegakan Hukum Terhadap Penyelundupan Orang Lintas Negara, *Media Hukum Indonesia*, Vol.2, no.3, 2024, page.3.

⁶³ Debby Kristin, and Chloryne Trie Isana Dewi., Tindak Pidana Kejahatan Penyelundupan Manusia (People Smuggling) di Indonesia: Tanggug Jawab Indonesia dan Australia, *Padjadjaran Journal of International Law*, Vol.1, no.1, 2017, page.89.

enforcement and compliance mechanisms remain significant challenges.⁶⁴ Overall, this study confirms that people smuggling in Indonesia is deeply intertwined with global economic structures, digital technology, and social networks, highlighting the urgent need for comprehensive legal reforms, enhanced international cooperation, and socio-economic interventions to mitigate the risks associated with transnational smuggling.⁶⁵

3.3. Economic Impacts of People Smuggling and Proposed Policy Innovations

People smuggling carries significant economic ramifications for both origin and destination countries. Beyond its social and legal consequences, smuggling networks disrupt formal labor markets, reduce state revenues, and divert potential remittances, thereby limiting economic growth and social welfare. Campana⁶⁶ emphasizes that human smuggling, while often framed as a criminal enterprise, operates within complex market mechanisms where migrants pay high fees in exchange for transportation, shelter, and facilitation, creating substantial financial flows that largely remain outside formal economic systems. This aligns with Granovetter⁶⁷ concept of embeddedness, where social networks underpin economic action, illustrating how smuggling is intertwined with informal economies. Economic losses also include reduced productivity in source communities, as skilled labor may be diverted abroad through irregular channels, often under precarious conditions that do not maximize the migrants' potential for legal economic contribution.⁶⁸

Quantifying these economic impacts is essential for policy planning. Syam⁶⁹ argues

⁶⁴ Asif Khan, Neelam Iqbal, and Ishaq Ahmad., Human Trafficking in Pakistan: A Qualitative Analysis, *Journal of Social Sciences Review*, Vol.2, no.3, 2022, page.265. See too, Natalia Ollus., Protocol Against the Smuggling of Migrants by Land, Air and Sea, Supplementing the United Nations Convention Against Transnational Organized Crime: A Tool for Criminal Justice Personnel, *Resource Material Series*, No.62, 2004, page.43. See too, Cecily Rose., The creation of a review mechanism for the UN Convention Against Transnational Organized Crime and its protocols, *American Journal of International Law*, Vol.114, no.1, 2020, page.56.

⁶⁵ Muhammad Ali, and Wahab Aznul Hidayah., Perlindungan Hukum Bagi Korban Tindak Pidana Human Trafficking di Indonesia, Judge: *Jurnal Hukum*, Vol.5, no.2, 2024, page.155. See too, Bilal Dewansyah., From Australian Influence to Rohingya Refugees: A Systematic Literature Review of Asylum Seekers and Refugees in Indonesia, *The Indonesian Journal of Socio-Legal Studies*, Vol.4, no.2, 2025, page.5; Rizkan Zulyadi, Serimin Pinem, Andi Hakim Lubis, and Nindya Dhaneswara., Legal Policy Against People Smuggling as a Crime of Trafficking in Persons with a Transnational Dimension, *Jurnal Hukum*, Vol.40, no.2, 2024, page.197.

⁶⁶ Paolo Campana., Human smuggling: Structure and mechanisms, *Crime and Justice*, Vol.49, no.1, 2020, page.476.

⁶⁷ Mark Granovetter., Economic action and social structure: The problem of embeddedness, *American journal of sociology*, Vol.91, no.3, 1985, page.490.

⁶⁸ Alberto Aziani., The heterogeneity of human smugglers: a reflection on the use of concepts in studies on the smuggling of migrants, *Trends in Organized Crime*, Vol.26, no.1, 2023, page.85. See too, Gabriella E. Sanchez, and Georgios A. Antonopoulos., Irregular migration in the time of counter-smuggling, *Trends in Organized Crime*, Vol.26, no.1, 2023, page.7.

⁶⁹ Syahezi Syam., A Holistic Approach to the Rehabilitation of Victims of Human Trafficking: An Indonesian Case Study: Pendekatan Holistik Dalam Rehabilitasi Korban Tindak Pidana Perdagangan Orang: Studi Kasus Indonesia, *Jurnal Masyarakat dan Keadilan*, Vol.1, no.2, 2025, page.79.

that comprehensive rehabilitation programs require an understanding of both direct and indirect costs of human smuggling, including the economic deprivation experienced by families left behind. Dewansyah⁷⁰ further notes that remittance loss can be substantial when migrants engage in irregular migration, as they often rely on informal channels to remit funds, resulting in high transaction costs and financial leakage. In Indonesia, these economic costs underscore the importance of integrating economic analysis into anti-smuggling strategies, allowing policymakers to prioritize interventions that combine enforcement with community development and financial inclusion.

Indonesia's current approach to combating people smuggling adopts a combination of social, economic, and sustainable development strategies. The social approach emphasizes prevention through community engagement, leveraging the influence of religious leaders, local officials, and public figures to reshape perceptions around irregular migration.⁷¹ By altering the mindset of potential migrants and community stakeholders, the government seeks to reduce the demand for smuggling services, reflecting Muller's⁷² findings that societal attitudes and perceived legitimacy significantly affect the prevalence of irregular migration.

Complementing the social dimension, economic strategies aim to alleviate the structural pressures that drive people toward smuggling networks. The government has implemented policies to enhance local economic resilience, including promoting employment opportunities, providing microfinance and capital support to micro, small, and medium enterprises (MSMEs), and developing creative economic sectors in vulnerable regions.⁷³ These interventions are consistent with findings by Argenti⁷⁴ and Ohmae⁷⁵, who emphasize the critical role of local economic empowerment in mitigating the negative consequences of globalization. By improving access to livelihoods within Indonesia, economic policies reduce the financial incentives for individuals to engage in smuggling operations, thereby

⁷⁰ Bilal Dewansyah., From Australian Influence to Rohingya Refugees: A Systematic Literature Review of Asylum Seekers and Refugees in Indonesia, *The Indonesian Journal of Socio-Legal Studies*, Vol.4, no.2, 2025, page.7.

⁷¹ Muhammad Ali, and Wahab Aznul Hidayat., Perlindungan Hukum Bagi Korban Tindak Pidana Human Trafficking di Indonesia, Judge: *Jurnal Hukum*, Vol.5, no.2, 2024, page.157. See too, Ine Armilia, and Andi Aina Ilmih., Perlindungan Hak Asasi Manusia dan Penegakan Hukum Terhadap Penyelundupan Orang Lintas Negara, *Media Hukum Indonesia*, Vol.2, no.3, 2024, page.5.

⁷² Julian F. Müller., The ethics of commercial human smuggling, *European Journal of Political Theory*, Vol.20, no.1, 2021, page.146.

⁷³ Kian Amboro., Membangun Kesadaran Berawal Dari Pemahaman; Relasi Pemahaman Sejarah Dengan Kesadaran Sejarah Mahasiswa Program Studi Pendidikan Sejarah Fkip Universitas Muhammadiyah Metro, *HISTORIA: Jurnal Program Studi Pendidikan Sejarah*, Vol.3, no.2, 2015, page.115. See too, Dimas Arif Pratama, and Basyarudin Basyarudin., Prilaku Kejahatan Memperdagangkan Manusia/TPPO (Humans Trafficking) Dalam Prespektif Hukum Pidana Positif Indonesia, *Corpus Juris: Jurnal Ilmu Hukum*, Vol.1, no.1, 2025, page.29.

⁷⁴ Gili Argenti., Globalisasi dan Dampaknya bagi Negara Dunia Ketiga, *The Indonesian Journal of Politics and Policy*, Vol.1, no.1, 2019, page.49.

⁷⁵ Kenichi Ohmae., The rise of the region state, *Foreign Affairs*, Vol.72, 1992, page.85.

reinforcing national sovereignty and curbing transnational criminal flows.⁷⁶

Sustainable community development further strengthens the government's holistic approach. Investments in public infrastructure, including affordable education, healthcare, and community facilities, provide long-term stability and reduce the attractiveness of irregular migration.⁷⁷ Ensuring equitable access to social services addresses the root causes of economic vulnerability, complementing social and economic initiatives and fostering inclusive development that discourages engagement in illicit migration networks.⁷⁸

While preventive measures are essential, penal mechanisms remain a critical component of Indonesia's anti-smuggling framework. Historically, smuggling was primarily addressed under immigration law, specifically Law Number 6 of 2011 concerning Immigration.⁷⁹ Article 120 prohibits the movement of individuals across borders without authorization, providing a foundational legal basis for enforcement. However, the absence of a dedicated penal provision in the Indonesian Criminal Code limited law enforcement efficacy until the introduction of Article 582 in the new KUHP Nasional, which explicitly criminalizes people smuggling.⁸⁰ The codification of smuggling as a criminal offense enhances prosecutorial clarity and provides law enforcement agencies with stronger tools to apprehend and punish perpetrators. This is consistent with Campana and Varese's⁸¹ analysis that legal clarity and predictability are crucial for disrupting smuggling operations, as ambiguity can be exploited by transnational actors.

Despite these legislative improvements, the complexity of people smuggling necessitates innovative policy frameworks that integrate domestic enforcement with international cooperation. The transnational nature of smuggling networks, often spanning multiple jurisdictions, highlights the limitations of unilateral

⁷⁶ Rizkan Zulyadi, Serimin Pinem, Andi Hakim Lubis, and Nindya Dhaneswara., Legal Policy Against People Smuggling as a Crime of Trafficking in Persons with a Transnational Dimension, *Jurnal Hukum*, Vol.40, no.2, 2024, page.201.

⁷⁷ Syahezi Syam., A Holistic Approach to the Rehabilitation of Victims of Human Trafficking: An Indonesian Case Study: Pendekatan Holistik Dalam Rehabilitasi Korban Tindak Pidana Perdagangan Orang: Studi Kasus Indonesia, *Jurnal Pemasyarakatan dan Keadilan*, Vol.1, no.2, 2025, page.79. See too, Nathalina Naibaho., Victim Protection and The Dynamic Situation of Human Trafficking: Indonesia Experience, *Indonesian Journal of International Law*, Vol.20, no.4, 2023, page.7.

⁷⁸ Budi Hermawan Bangun, and Fatma Muthia Kinanti., The Urgency of Combating Human Trafficking for Online Scams in Indonesia, *Brawijaya Law Journal*, Vol.12, no.1, 2025, page.83. See too, Lathiful Khuluq, Sriharini Sriharini, Ahmad Izudin, and Irwan Abdullah., The manipulation of power and the trafficking of women during the COVID-19 pandemic: narratives from Indonesia, *Journal of Human Trafficking*, Vol.11, no.3, 2025, page.308.

⁷⁹ Angraeni Angraeni, and Muzayyin Ahyar, Analisis Fikih Siyasah terhadap Undang-Undang Nomor 6 Tahun 2011 tentang Keimigrasian, *QONUN: Jurnal Hukum Islam dan Perundang-undangan*, Vol.7, no.1, 2023, page.100.

⁸⁰ Debby Kristin, and Chloryne Trie Isana Dewi., Tindak Pidana Kejahatan Penyelundupan Manusia (People Smuggling) di Indonesia: Tanggug Jawab Indonesia dan Australia, *Padjadjaran Journal of International Law*, Vol.1, no.1, 2017, page.92. See too, Aris Nurdianto, and Krismiarsi Krismiarsi., Kebijakan Hukum Dalam Penanganan Imigran Ilegal, *Jurnal Juristic*, Vol.1, no.1, 2020, page.7.

⁸¹ Paolo Campana, and Federico Varese., Exploitation in human trafficking and smuggling, *European Journal on Criminal Policy and Research*, Vol.22, no.1, 2016, page.89.

action.⁸² Cross-border collaboration through regional agreements, mutual legal assistance treaties, and multilateral initiatives such as the Bali Process provides opportunities for coordinated surveillance, intelligence sharing, and joint operations.⁸³ Such mechanisms can address compliance gaps that arise from divergent legal frameworks and enhance sovereignty by ensuring that Indonesia retains control over its borders while engaging effectively in regional anti-smuggling strategies.⁸⁴

Economic analysis can also inform innovative interventions, such as targeting financial incentives of smugglers. By tracing illicit revenue streams, governments can design sanctions, asset recovery measures, and monitoring programs that reduce profitability and deter future engagement.⁸⁵ Coupled with social and economic interventions, such strategies reinforce the deterrent effect of criminal law while simultaneously addressing the underlying socio-economic vulnerabilities that facilitate smuggling.⁸⁶

Finally, the integration of domestic and international measures, informed by empirical research and socio-economic data, is justified by previous studies that highlight the multi-dimensional nature of people smuggling. Dewansyah⁸⁷ and

⁸² Neladi Frisilia Lilipaly, Popi Tuhulele, and Dyah Ridhul Airin Daties., Pertanggungjawaban Pelaku Penyelundupan Migran Lintas Negara Ditinjau Dari Hukum Internasional, *TATOHI: Jurnal Ilmu Hukum*, Vol.3, no.7, 2023, page.652. See too, Ananda Chrisna D. Panjaitan., Harmonisasi Undang-Undang Nomor 21 Tahun 2007 Tentang Pemberantasan Tindak Pidana Perdagangan Orang Dengan Protokol Palermo Dalam Perlindungan Perdagangan Orang Di Indonesia, *Jurnal Yustitia*, Vol.16, no.1, 2022, page.7.

⁸³ Ridwan Arifin, Rodiyah Rodiyah, Waspiyah Waspiyah, Asyaffa Ridzqi Amandha, Elizabeth Yunita Krisnawati, Tirta Sandi, and Michael Timothy Napitupulu., The Direction of Indonesia's Legal Policy on the ASEAN Mutual Legal Assistance Treaty in Criminal Matters: A Path to Law Reform in Cross-Border Crime Enforcement in Southeast Asia, *Journal of Law and Legal Reform*, Vol.5, no.2, 2024, page.751. See too, Sébastien Moretti., Contested regionalism in the Asia-Pacific: the case of the Bali Process and the protection of refugees, *Journal of Ethnic and Migration Studies*, Vol.48, no.12, 2022, page.2861.

⁸⁴ Anindita Kusumowijoyo, Anjani Marta, and Kimberly Natali Boasrifa., The Artificial Intelligence as a One-Stop Point for Dealing with Online Human Trafficking Scams in Indonesia, *Journal of Sustainable Development and Regulatory Issues (JSDERI)*, Vol.1, no.3, 2023, page.197. See too, Rizkan Zulyadi, Serimin Pinem, Andi Hakim Lubis, and Nindya Dhaneswara., Legal Policy Against People Smuggling as a Crime of Trafficking in Persons with a Transnational Dimension, *Jurnal Hukum*, Vol.40, no.2, 2024, page.201.

⁸⁵ Paolo Campana., Human smuggling: Structure and mechanisms, *Crime and Justice*, Vol.49, no.1, 2020, page.481.

⁸⁶ Muhammad Ali, and Wahab Aznul Hidayat., Perlindungan Hukum Bagi Korban Tindak Pidana Human Trafficking di Indonesia, Judge: *Jurnal Hukum*, Vol.5, no.2, 2024, page.160. See too, Syahezi Syam., A Holistic Approach to the Rehabilitation of Victims of Human Trafficking: An Indonesian Case Study: Pendekatan Holistik Dalam Rehabilitasi Korban Tindak Pidana Perdagangan Orang: Studi Kasus Indonesia, *Jurnal Pemasyarakatan dan Keadilan*, Vol.1, no.2, 2025, page.79.

⁸⁷ Bilal Dewansyah., From Australian Influence to Rohingya Refugees: A Systematic Literature Review of Asylum Seekers and Refugees in Indonesia, *The Indonesian Journal of Socio-Legal Studies*, Vol.4, no.2, 2025, page.7.

Syam⁸⁸ argue that effective prevention requires not only legal enforcement but also community empowerment, economic development, and cross-border cooperation. Granovetter⁸⁹ emphasizes that informal networks mediate economic action, underscoring the need for interventions that combine social and regulatory tools. Similarly, Campana and Gelsthorpe⁹⁰ demonstrate that smuggling operations respond to reputational incentives, suggesting that policy innovations must address both the financial and social dimensions of the smuggling market.

Overall, the economic consequences of people smuggling are substantial, encompassing lost remittances, labor market disruptions, and decreased state revenues. The Indonesian government's multi-pronged strategy-combining social, economic, and penal approaches-offers a holistic model for intervention. Proposed innovations, particularly the integration of domestic enforcement with enhanced international cooperation, are grounded in empirical evidence and supported by prior research. By addressing both the demand and supply factors in smuggling, and by embedding economic analysis into policy frameworks, Indonesia can strengthen its sovereignty, improve social welfare, and reduce the prevalence of transnational smuggling.⁹¹

4. Conclusion

People smuggling is a serious and growing challenge that affects legal, economic, social, and national security dimensions. It thrives due to economic pressures, social networks, and cross-border opportunities, showing that the issue is not only about crime but also about the conditions that push people to take risks. Smugglers exploit trust and social connections, making their networks adaptable and difficult to dismantle.

The consequences extend beyond individual victims. Illegal migration disrupts local labor markets, drains potential economic resources, and weakens the capacity of governments to regulate migration effectively. Addressing these impacts requires a combination of strategies that go beyond criminal sanctions, including social education, economic support for vulnerable communities, and the development of infrastructure and public services that reduce incentives for irregular migration.

⁸⁸ Syahezi Syam., A Holistic Approach to the Rehabilitation of Victims of Human Trafficking: An Indonesian Case Study: Pendekatan Holistik Dalam Rehabilitasi Korban Tindak Pidana Perdagangan Orang: Studi Kasus Indonesia, *Jurnal Pemasyarakatan dan Keadilan*, Vol.1, no.2, 2025, page.81.

⁸⁹ Mark Granovetter., Economic action and social structure: The problem of embeddedness, *American journal of sociology*, Vol.91, no.3, 1985, page.494.

⁹⁰ Paolo Campana, and Loraine Gelsthorpe., Choosing a smuggler: Decision-making amongst migrants smuggled to Europe, *European Journal on Criminal Policy and Research*, Vol.27, no.1, 2021, page.10.

⁹¹ Syahezi Syam., A Holistic Approach to the Rehabilitation of Victims of Human Trafficking: An Indonesian Case Study: Pendekatan Holistik Dalam Rehabilitasi Korban Tindak Pidana Perdagangan Orang: Studi Kasus Indonesia, *Jurnal Pemasyarakatan dan Keadilan*, Vol.1, no.2, 2025, page.81. See too, Bilal Dewansyah., From Australian Influence to Rohingya Refugees: A Systematic Literature Review of Asylum Seekers and Refugees in Indonesia, *The Indonesian Journal of Socio-Legal Studies*, Vol.4, no.2, 2025, page.9; Rizkan Zulyadi, Serimin Pinem, Andi Hakim Lubis, and Nindya Dhaneswara., Legal Policy Against People Smuggling as a Crime of Trafficking in Persons with a Transnational Dimension, *Jurnal Hukum*, Vol.40, no.2, 2024, page.205.

Effective solutions must also involve international cooperation. Strengthening cross-border communication, harmonizing legal systems, and sharing information with other countries are essential to prevent smuggling networks from exploiting gaps in enforcement. At the same time, policies must balance law enforcement with protection of human rights, ensuring that measures do not further endanger vulnerable individuals.

Ultimately, combating people smuggling requires a balanced and integrated approach. It is not enough to punish the crime alone; governments must address its root causes, including poverty, lack of opportunity, and social vulnerability. By combining preventive, economic, social, and legal measures, a nation can reduce the risks of smuggling, protect its citizens, and promote safer and more equitable migration. Success depends on long-term commitment, coordination across sectors, and a focus on both enforcement and the well-being of communities.

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