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## LEGAL FRAMEWORKS AND BILATERAL COOPERATION IN COMBATING HUMAN TRAFFICKING ON THE INDONESIA–MALAYSIA BORDER

**Alif Oktavian**

*Universitas Pasundan, Bandung, Indonesia, Email: [alif19016@mail.unpad.ac.id](mailto:alif19016@mail.unpad.ac.id)*

**R. Dudy Heryadi**

*Universitas Padjadjaran, Bandung, Indonesia, Email: [dudy.heryadi@unpad.ac.id](mailto:dudy.heryadi@unpad.ac.id)*

**Wawan Budi Darmawan**

*Universitas Padjadjaran, Bandung, Indonesia, Email: [wawan.budi.darmawan@unpad.ac.id](mailto:wawan.budi.darmawan@unpad.ac.id)*

**Deasy Silvya Sari**

*Universitas Padjadjaran, Bandung, Indonesia, Email: [deasy.silvya@unpad.ac.id](mailto:deasy.silvya@unpad.ac.id)*

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### ABSTRACT

This research aims to examine human trafficking along the Indonesia–Malaysia border in Kalimantan and analyze how bilateral cooperation in border management addresses this issue. Using a qualitative descriptive approach within a normative legal framework, the study finds that human trafficking in Kalimantan is driven by several key factors, including geographic location, cultural ties, economic pressures, and government policies. Border areas such as Entikong, Aruk, and others are particularly vulnerable due to their proximity to Malaysia and strong cross-border ethnic connections. Economic factors, especially limited job opportunities in Kalimantan, push Indonesian migrant workers to seek employment in Malaysia, which offers better income and work options. Government policies, including ratification of international conventions and the establishment of a Task Force, face challenges in implementation. Effective handling of human trafficking requires strong cooperation between Indonesia and Malaysia, including joint patrols, intelligence sharing, joint training programs, collaboration with NGOs, and the development of operational protocols to strengthen border management and protect vulnerable populations.

## 1. Introduction

Border regions remain a critical analytical locus not only in international relations but also in contemporary legal studies, given their role as sites where state authority, mobility, and transnational crime intersect. Hagen<sup>1</sup> emphasizes that borders should be understood as dynamic processes shaped by continuous acts of delimitation, producing distinct jurisdictions and influencing social, political, and economic relations. Wille et al.<sup>2</sup> similarly note that border dynamics reflect tensions between disorder and the (re)institutionalization of state control, while Adesina<sup>3</sup> underscores that the ability to regulate cross-border movement remains central to state sovereignty. Although border studies traditionally situate these debates within international relations, they also provide an essential foundation for examining the legal challenges raised by cross-border migration, including illicit flows such as human trafficking.

Human mobility, whether formal, informal, or illegal, is inseparable from the legal authority exercised at borders. Spencer<sup>4</sup> argues that migration patterns are shaped not only by state policies but also by migrants' agency, while Castles<sup>5</sup> highlights broader questions regarding which actors wield power across national boundaries. Because international migration inherently involves more than one jurisdiction, Johnson<sup>6</sup> stresses the importance of bilateral and multilateral cooperation. These insights are particularly relevant in the Indonesia–Malaysia context, where legal, institutional, and enforcement gaps significantly shape cross-border migration outcomes.

Kalimantan's geographical and socio-cultural landscape historically facilitated mobility among Dayak communities, long before the contemporary state borders were formalized.<sup>7</sup> However, in modern practice, this mobility operates within the

<sup>1</sup> Hagen, Joshua., *Borders and Boundaries*, Oxford, Oxford Bibliographies, 2021, page.12.

<sup>2</sup> Christian Wille, Rachel Reckinger, Sonja Kmec, and Markus Hesse., *Spaces and identities in border regions: Politics–media–subjects*, Bielefeld, Transcript Verlag, 2015, page.23.

<sup>3</sup> Olubukola Adesina., Conceptualizing borders and borderlands in a globalizing world, *Journal of Social Issues*, Vol.22, no.1, 2019, page.210.

<sup>4</sup> Sarah Spencer., *The migration debate*, Bristol, Policy Press, 2011, page.56.

<sup>5</sup> Stephen Castles., The factors that make and unmake migration policies, *international migration review*, Vol.38, no.3, 2004, page.858. See too, Nataliya G. Rogozhina., Intra-regional migration of labor resources in Southeast Asia, *Mirovaya ekonomika i mezhdunarodnye otnosheniia*, Vol.64, no.3, 2020, pagae.115.

<sup>6</sup> Heather Johnson., *Immigration and International Relations*, Oxford, Oxford Bibliographies, 2021, page.23.

<sup>7</sup> Cristina Eghenter., Of negotiable boundaries and fixed lines in Borneo: Practices and views of the border in the Apo Kayan Region of East Kalimantan, *Moussons. Recherche en sciences humaines sur l'Asie du Sud-Est*, Vol.11, no.3, 2007, page.138. See too, Michael Eilenberg, and Reed L. Wadley., Borderland livelihood strategies: The socio-economic significance of ethnicity in cross-border labour migration, West Kalimantan, Indonesia, *Asia Pacific Viewpoint*, Vol.50, no.1, 2009, page.64; Dave Lumenta., Moving in a hierarchized landscape Changing border regimes in Central Kalimantan, *Wacana, Journal of the Humanities of Indonesia*, Vol.13, no.1, 2011, page.134; Iwan Meulia Pirous., Contested Meaning of the Nation-state Through Historical Border Narratives a Case Study of the Batang Kanyau Iban, West Kalimantan., *Wacana, Journal of the Humanities of Indonesia*, Vol.13, no.1, 2013, page.150; Clarry Sada, Yabit Alas, and Muhammad Anshari., Indigenous people of Borneo (Dayak): Development, social cultural perspective and its challenges, *Cogent Arts & Humanities*, Vol.6, no.1, 2019, page.1665.

constraints of state-controlled border regimes that struggle to address transnational criminal activity. Human trafficking, especially in the form of non-procedural migration of Indonesian migrant workers, remains a persistent legal problem in Kalimantan's border regencies.<sup>8</sup> Recent reports from Indonesian anti-trafficking agencies and civil society organizations show recurring patterns of recruitment fraud, document falsification, weak victim identification procedures, and limited cross-border law enforcement coordination.<sup>9</sup> These conditions reinforce the urgency of improving legal and institutional responses.

The Indonesia–Malaysia border management framework, established through the 1972 Security Arrangement and later expanded via the General Border Committee (GBC), the Malindo High Level Committee (HLC), the Coordinated Operations Control Committee (COCC), and the Joint Training Authority Bureau (JTAB), has been in place for decades. However, human trafficking cases continue to rise, indicating that these mechanisms have not yet effectively addressed cross-border trafficking.<sup>10</sup> The persistence of trafficking despite decades of bilateral arrangements exposes underlying legal gaps, including unclear division of jurisdiction, absence of binding operational standards, weak victim protection mechanisms, and inconsistent application of anti-trafficking laws between the two states.

A review of existing literature shows that while scholars have examined Indonesia–Malaysia border relations broadly, highlighting fluctuating diplomacy and critiquing the fragmented institutionalization of border management, few studies directly analyze the legal and institutional dimensions of human trafficking within this bilateral framework.<sup>11</sup> Moreover, existing works often overlook comparative legal

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<sup>8</sup> Sri Wiyanti Eddyono., Profil Perdagangan Orang Di Daerah Perbatasan Kalimantan (Studi Pada Kabupaten Sanggau, Sambas, Kapuas Hulu Dan Nunukan), *Jakarta: International Organization for Migration (IOM) Indonesia*, Vol.12, no.2, 2020, page.234.

<sup>9</sup> Ridwan Arifin, Rodiyah Rodiyah, Waspiah Waspiah, 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.752.

<sup>10</sup> Abdul Rahim Anuar, and Azhar Harun., Malaysia-Indonesia cross-border governance: is there a trade-off between security and economic development? *Journal of International Studies*, Vol.15, 2019, page.21. See too, Antje Missbach, and Gerhard Hoffstaedter., When transit states pursue their own agenda: Malaysian and Indonesian responses to Australia's migration and border policies, *Migration and Society*, Vol.3, no.1, 2020, page.69; Iva Rachmawati., Model of integrative border diplomacy in managing harmony between Indonesia and Malaysia: Case of Temajuk, West Kalimantan, Indonesia, *Geogr Malaysian J Soc Space*, Vol.17 no.1, 2021, page.47; Emma Valentina Teresha Senewe, Antonio Revivo, and Ronny Adrie Maramis., Strengthening National Regulations in Combating Cross-Border Trafficking: Empirical Approach and the Way Forward, *Hasanuddin Law Review*, Vol.10, no.1, 2024, page.108.

<sup>11</sup> Kamarulnizam Abdullah, Anuar, Abdul Rahim, Hara, and Abubakar Eby., Contesting Authority Discourses in Defining Relations Between Indonesia and Malaysia, *Journal of International Studies*, Vol.18, no.2, 2022, page.32. See too, Abdul Rahim Anuar, and Sandy Nur Ikfal Raharjo., Indonesia-Malaysia cross-border governance during the Covid-19 pandemic: Challenges and

perspectives, including models from other jurisdictions that have successfully harmonized cross-border anti-trafficking mechanisms. This represents a significant research gap, as understanding the legal architecture of anti-trafficking cooperation is crucial for shaping more effective policy reforms.

Moreover, previous research underscores the importance and challenges of Indonesia-Malaysia cooperation in the context of human trafficking. Esther<sup>12</sup> identified Nunukan, North Kalimantan, as a key transit area where victims were trafficked as illegal migrant workers to Malaysia or employed in entertainment venues. Suhirwan and Prakoso<sup>13</sup> highlighted the necessity of bilateral cooperation to implement national laws such as Law Number 21 of 2007, Law Number 15 of 2009, Law Number 8 of 2010, and Law Number 32 of 2014 effectively. Despite legal frameworks, Sulaksono et al.<sup>14</sup> observed that border security cooperation in Nunukan was limited due to insufficient involvement of local and national governments, reducing the effectiveness of anti-trafficking measures. Meanwhile, Mursit<sup>15</sup> emphasized that bilateral cooperation at strategic points, including trade areas, fishing zones, and border crossings, is essential to prevent transnational crimes, including human trafficking. The period from 2019 to 2022 saw an increase in trafficking cases, reinforcing the need for Indonesia-Malaysia collaboration in

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adaptation in the integration of the Tebedu-Entikong border region, *Journal of International Studies*, Vol.18, 2022, page.91; Amarjit Kaur., Mobility, labour mobilisation and border controls: Indonesian labour migration to Malaysia since 1900, In *15th Biennial Conference of the Asian Studies Association of Australia in Canberra*, vol.29, 2004, page.13; Choo Chin Low., Extraterritorial migration control in Malaysia: Militarized, externalized, and regionalized, *Regions and Cohesion*, Vol.9, no.3, 2019; 18; Antje Missbach, and Wayne Palmer., Facilitated but unauthorised return: the role of smugglers in return migration and clandestine border crossings between Malaysia and Indonesia, *Journal of Ethnic and Migration Studies*, Vol.50, no.10, 2024, page.2656; Aris Munandar., Nation-state formation at the Indonesia-Malaysia border in West Kalimantan, *The International Journal of Interdisciplinary Civic and Political Studies*, Vol.15, no.2, 2020, page.21; Hadi Suratman, FX, Adji Samekto, and Nanik Trihastuti., The Administration of Small-Scale Economies in the Cross-Border Trade in Southeast Asia, *International Journal of Economics and Business Administration*, Vol.8, no.2, 2020, page.2145.

<sup>12</sup> July Esther., Handling of crime victims of trafficking in persons in the district North Kalimantan Nunukan, *South East Asia Journal of Contemporary Business, Economics and Law*, Vol.9, no.4, 2016, page.350.

<sup>13</sup> Badan Keahlian DPR RI., Kajian dan evaluasi pemantauan pelaksanaan Undang-Undang Nomor 21 Tahun 2007 tentang pemberantasan tindak pidana perdagangan orang, *Badan Keahlian DPR RI*, August 1, 2023. See too, Suhirwan, and Lukman Yudho Prakoso., Defense strategy at sea handling of Transnational Organized Crime (TNOC) in Nunukan Indonesia's national sea border, In *IOP Conference Series: Earth and Environmental Science*, Vol.339, no.1, Bristol, IOP Publishing, 2019, page.243.

<sup>14</sup> Tunjung Sulaksono, Mr Suswanta, David Efendi, and Awang Darumurti., Governing State Borders An Investigating" Collaborative Governances" in strengthening Social Welfare Development in Nunukan Regency, Indonesia, In *International Conference on Democracy, Accountability and Governance*, Dordrecht, Atlantis Press, 2017, page.84. See too, Michele Ford, and Lenore Lyons., Outsourcing border security: NGO involvement in the monitoring, processing and assistance of Indonesian nationals returning illegally by sea, *Contemporary Southeast Asia*, Vol.9, no.2, 2013, page.223.

<sup>15</sup> Mursit Mursit., Indonesia's Efforts in Law Enforcement for Transgressors of Indonesia-Malaysia Borders in Nunukan Regency, *Resolusi: Jurnal Sosial Politik*, Vol.4, no.2, 2021, page.84.

addressing this challenge.<sup>16</sup>

Accordingly, this study examines the legal and institutional factors contributing to human trafficking along the Indonesia–Malaysia border in Kalimantan. It seeks to analyze how bilateral cooperation mechanisms function in practice by identifying gaps between existing legal instruments, institutional mandates, and on-the-ground enforcement realities. By integrating insights from cross-border migration studies with a legal analysis of anti-trafficking frameworks, this research aims to articulate what reforms are needed to enhance joint investigations, prosecution coordination, information sharing, and victim protection.

This study contributes to the literature in three ways, directly corresponding to the research questions. First, it provides an updated legal mapping of human trafficking frameworks along the Indonesia–Malaysia border, highlighting international conventions and bilateral agreements that shape cooperative responses. Second, it examines the structure and functioning of border governance and cooperative security mechanisms, including joint patrols, intelligence sharing, and operational protocols, offering insights into their practical effectiveness in preventing and addressing trafficking. Third, it identifies the main geographic, economic, cultural, and policy-related factors driving human trafficking in Kalimantan and evaluates the effectiveness of existing Indonesia–Malaysia cooperation in mitigating these vulnerabilities. Collectively, these contributions bridge gaps in previous research, which often emphasized socio-economic or diplomatic dimensions, while providing targeted legal and policy recommendations to strengthen bilateral cooperation and build a more coherent institutional framework for combating human trafficking.

## **2. Research Methods**

This study employs a qualitative descriptive method within a normative legal framework to examine the effectiveness of Indonesia–Malaysia cooperation in addressing human trafficking along the Kalimantan border.<sup>17</sup> Normative legal analysis is applied to assess how legal instruments function in practice and to identify implementation gaps.

The primary legal materials analyzed include international conventions, such as the Palermo Protocol; bilateral agreements between Indonesia and Malaysia on border management and security; national laws and regulations on human trafficking; presidential decrees; and official reports from relevant agencies. These

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<sup>16</sup> Rika Erawaty, Hartiwiningsih Hartiwiningsih, and Mahendra Putra Kurnia., Position Strengthening of Cross-Border Posts as a Filter to International Crimes of Human Trafficking, In *International Conference on Law, Economic & Good Governance (IC-LAW 2023)*, Dordrecht, Atlantis Press, 2024, page.289. See too, Adie Nurlukman, Dwiyanto, Putri Lili, and Toddy Aditya., Enhancing Security, Economy, and Education: A Policy Analysis of the Indonesia-Malaysia Border Region, *Lex Scientia Law Review*, Vol.8, no.2, 2024, page.754.

<sup>17</sup> Sugiyono, P., *Quantitative qualitative and R&D research methodology*, Bandung, Alfabeta, 2011, page.21. See too, Yulianah, SE., *Social Research Methodology*, Yogyakarta, CV Rey Media Graphics, 2022, page.23.

include Law Number 21 of 2007 on the Eradication of Human Trafficking, Law Number 14 of 2009 on the ratification of the Palermo Protocol, and Law Number 12 of 2017 on the ASEAN Convention Against Trafficking in Persons, Especially Women and Children. Presidential decrees, such as Presidential Regulation Number 69 of 2008 on the Task Force for the Prevention and Handling of Human Trafficking (GT-PP TPPO) and its amendment to Presidential Regulation Number 49 of 2023, are also examined to assess institutional coordination. Secondary materials, such as academic literature, NGO publications, and policy reports, support the analysis by providing contextual understanding of enforcement practices and institutional challenges.

Legal analysis is conducted through close reading and contextual interpretation of these materials. Provisions are examined according to their objectives and coherence, then compared with empirical evidence to evaluate the effectiveness of bilateral legal cooperation. This integrated approach allows for a focused assessment of how legal frameworks operate in practice and their alignment with both national and international standards.

### **3. Results and Discussion**

#### **3.1. Legal and Institutional Framework for Bilateral Relations in Addressing Human Trafficking along the Indonesia–Malaysia Border**

The legal and institutional framework for Indonesia–Malaysia cooperation in addressing human trafficking is shaped by international, bilateral, and national dimensions. Human trafficking, as a transnational crime, necessitates coordinated responses grounded in law, policy, and institutional practice. In this context, international cooperation is a core component in tackling human trafficking because the crime inherently transcends national borders.<sup>18</sup> Conceptually, cooperation is the process by which individuals or entities work together to achieve mutual benefits, contrasting with competition that aims for unilateral advantage.<sup>19</sup> In the international sphere, states cooperate to address common challenges, sharing resources, knowledge, and enforcement mechanisms. The modern state, with its clearly defined territory and sovereign authority, relies on institutions to execute power in accordance with national and international.<sup>20</sup> Cooperation between states allows countries to manage complex issues that cannot be effectively addressed individually, including transnational crimes such as human

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<sup>18</sup> Sy Hasyim Azizurrahman, Sri Ismawati, Parulian Siagian, Abunawas Had, Muhammad Tahir, and Sy Muhammad Ridho Rizki Maulufi Alkadri., The Early Warning System in Preventing Human Trafficking: Border (In) Security and Challenges for Indonesia, *Hasanuddin Law Review*, Vol.9, no.3, 2023, page.289. See too, Riki Rahman, Harliana Halim, Muhamymin Hakim Abdullah, Nur Azah Razali, and Nafisah Ilham Hussin., Trafficking and Prostitution of Indonesian Women in Malaysia: Insights from the Victims, *Journal of the International Society for the Study of Vernacular Settlements*, Vol.10, no.10, 2023, page.290.

<sup>19</sup> Patrik Lindenfors., The Human Puzzle. In *For Whose Benefit? The Biological and Cultural Evolution of Human Cooperation*, Cham: Springer International Publishing, 2017, page.6.

<sup>20</sup> Roland Axtmann., The state of the state: The model of the modern state and its contemporary transformation, *International Political Science Review*, Vol.25, no.3, 2004, page.264. See too, Pettiford Steans., *An Introduction to International Relations Theory: Perspectives and Themes*, Oxfordshire, Routledge, 2009, page.3.

trafficking, smuggling, and irregular migration.<sup>21</sup> Within the study of international relations, liberalism provides the theoretical foundation for cooperation. Liberal thought emphasizes interdependence, dialogue, and the pursuit of common interests while upholding human rights principles.<sup>22</sup> The paradigm, influenced by thinkers such as Norman Angell and Alfred Zimmern, suggests that states benefit from cooperative mechanisms to ensure security, peace, and mutual prosperity, particularly in areas where no single country can meet its own needs autonomously (autarchy). In practical terms, this requires positive peace initiatives, commercial engagement, and adherence to human rights norms, moving beyond military-focused security towards non-military cooperation, including the management of human trafficking and labor migration.<sup>23</sup>

Bilateral cooperation is the collaboration between two sovereign states to address shared challenges. According to Holsti<sup>24</sup>, cooperation involves proposing solutions, negotiations, and agreements that aim to satisfy all parties involved. Bilateralism assumes that certain issues are best resolved directly between two countries rather than through multilateral institutions. In practice, bilateral cooperation occurs in multiple areas including foreign policy, security, trade, labor, and human rights. Bilateral mechanisms are often more flexible and responsive compared to multilateral frameworks, enabling direct negotiation on a case-by-case basis.<sup>25</sup>

Indonesia–Malaysia bilateral cooperation in border management has been ongoing since the 1960s, beginning with agreements on the Kalimantan-Sarawak and Kalimantan-Sabah land borders, and later expanding to maritime cooperation to address smuggling, piracy, and arms trafficking.<sup>26</sup> Bilateral cooperation involves structured stages: bargaining, agreement, and enforcement. Bargaining is a negotiation process in which both parties exchange views and seek a mutually

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<sup>21</sup> Charles L. Glaser, *Rational theory of international politics: The logic of competition and cooperation*, New Jersey, Princeton University Press, 2010, page.42.

<sup>22</sup> Mohammad Thoriq Bahri., Understanding the Pattern of International Migration: Challenges in Human Rights Protection, *Jurnal Hukum*, Vol.38, no.2, 2022, page.87. See too, Pettiford Steans., *An Introduction to International Relations Theory: Perspectives and Themes*, Oxfordshire, Routledge, 2009, page.4; Bob Sugeng Hadiwinata., *Studi dan Teori Hubungan Internasional: Arus Utama, Alternatif, dan Reflektif*, Jakarta, Yayasan Pustaka Obor Indonesia, 2017, page.25.

<sup>23</sup> Muhammad Zahrul Anam, Gustri Eni Putri, Mutiara Dwi Sari, and Sindi Ayu Lestari., Digital public opinion and moratorium policy of Indonesia on Malaysia's maid online system to recruit Indonesian domestic workers, *Asian Journal of Political Science*, Vol.32, no.2, 2024, page.197. See too, Joko Priyono, and Achmad Purbo Sudiro., Intergovernmental cooperation mechanisms in combating transnational human trafficking within ASEAN, *Academic Journal of Interdisciplinary Studies*, Vol.9, no.2, 2020, page.125.

<sup>24</sup> Kalevi J. Holsti., National role conceptions in the study of foreign policy, *international studies quarterly*, Vol.14, no.3, 1970, page.245.

<sup>25</sup> Nicola Yeates, and Jane Pillinger, *International health worker migration and recruitment: global governance, politics and policy*, Oxfordshire, Routledge, 2019, page.34.

<sup>26</sup> Amitav Acharya., Regional military-security cooperation in the Third World: A conceptual analysis of the relevance and limitations of ASEAN (Association of Southeast Asian Nations), *Journal of peace research*, Vol.29, no.1, 1992, page.12.

acceptable solution, often balancing conflicting interests.<sup>27</sup> Agreements formalize the outcomes of these negotiations, specifying objectives, timelines, and responsibilities, while enforcement ensures compliance with the terms of the agreements.<sup>28</sup> Enforcement mechanisms may include domestic legislation to operationalize agreements ("actionable enforcement"), private sector implementation under statutory guidance ("defensive enforcement"), and judicial interpretation ("interpretive enforcement").

In the context of human trafficking, bilateral cooperation enables Indonesia and Malaysia to implement joint operations, coordinate cross-border investigations, and share intelligence. These mechanisms help address vulnerabilities along the border while harmonizing national legislation with international obligations, ensuring that traffickers are prosecuted and victims receive protection.<sup>29</sup> Bilateral cooperation is particularly important in Southeast Asia, where geographic complexity and porous land and maritime borders increase the risk of transnational crimes.<sup>30</sup>

Human trafficking, or trafficking in persons, is a severe violation of human rights and a cross-border security threat. It involves the recruitment, transportation, transfer, harboring, or receipt of persons through coercion, deception, or force, typically for the purposes of exploitation such as forced labor, sexual exploitation, or slavery-like conditions.<sup>31</sup> Traffickers often target vulnerable populations, particularly women and children, exploiting socio-economic disparities and labor migration opportunities.<sup>32</sup> Human trafficking is classified as the third largest organized crime globally after drugs and arms, generating multi-billion-dollar profits for criminal networks and causing social, economic, and political harm.<sup>33</sup>

The legal framework for combating trafficking includes international, regional, and

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<sup>27</sup> Nicola Yeates, and Jane Pillinger, *International health worker migration and recruitment: global governance, politics and policy*, Oxfordshire, Routledge, 2019, page.35.

<sup>28</sup> Thomas Rixen., Bilateralism or multilateralism? The political economy of avoiding international double taxation, *European Journal of International Relations*, Vol.16, no.4, 2010, page.590. See too, James Larry Taulbee, and Gerhard Von Glahn., *Law among nations: an introduction to public international law*, Oxfordshire, Routledge, 2022, page.98.

<sup>29</sup> Rohaida Nordin., Protection of the rights of the victims of human trafficking: Has Malaysia done enough, *JSEAHR*, Vol.3, 2019, page.313.

<sup>30</sup> Lieutenant John F. Bradford., The growing prospects for maritime security cooperation in Southeast Asia, *Naval War College Review*, Vol.58, no.3, 2005, page.68. See too, Maria O'Neill., Security cooperation, counterterrorism, and EU–North Africa cross-border security relations, a legal perspective, *European security*, Vol.24, no.3, 2015, page.436.

<sup>31</sup> IOM., Border Management, *International Organization for Migration*, May 29, 2022. See too, United Nations Office on Drugs and Crime, Understanding illicit financial flows in migrant smuggling. *Unodc.org*, 2021.

<sup>32</sup> Céline Bauloz, Marika McAdam, and Joseph Teye., 10 human trafficking in migration pathways: trends, challenges and new forms of cooperation, *World migration report 2022*, no.1, 2022, page.31. See too, Yogi Suprayogi Sugandi, and Dudy Heryadi., Kebijakan Migrasi Lintas Negara Pemerintah Indonesia (Studi Kasus Pengiriman Tenaga Kerja Indonesia ke Malaysia, *Jurnal Wacana Kinerja: Kajian Praktis-Akademis Kinerja dan Administrasi Pelayanan Publik*, Vol.20, no.2, 2018, page.45.

<sup>33</sup> Gillian Wylie., *The international politics of human trafficking*, Cham, Springer, 2016, page.35. See too, Hanna Samir Kassab, and Jonathan D. Rosen., *Illicit markets, organized crime, and global security*, Cham, Springer, 2018, page.48.

national instruments. Internationally, the Palermo Protocol in 2000 provides a foundation for anti-trafficking legislation and cooperation. Regionally, ASEAN established the 2015 ASEAN Convention Against Trafficking in Persons, Especially Women and Children, emphasizing preventive measures, victim protection, and legal harmonization. Nationally, Indonesia has enacted Law Number 21 of 2007 on the Eradication of Human Trafficking, Law Number 14 of 2009 on the ratification of the Palermo Protocol, and Law Number 12 of 2017 implementing the ASEAN Convention.<sup>34</sup> Presidential Regulation Number 69 of 2008 and its amendment through Presidential Regulation Number 49 of 2023 establish the Task Force for the Prevention and Handling of Human Trafficking, providing institutional coordination across government agencies.<sup>35</sup>

Official reports highlight the ongoing challenges in enforcing these frameworks. According to the SIMFONI PPA (Online Information System for the Protection of Women and Children/ *Sistem Informasi Online Perlindungan Perempuan dan Anak*) database, 1,545 trafficking cases affecting 1,732 victims were recorded in 2019–2022, with women and children constituting the majority of victims. Cases have risen annually, indicating persistent gaps in prevention and enforcement.<sup>36</sup> The 2022 US Trafficking in Persons report placed Indonesia in the Tier 2 Watch List category, signaling that while efforts have been made, existing mechanisms fall short of minimum standards. These data underscore the importance of strong bilateral frameworks to address gaps in legal implementation, coordination, and victim protection.

The effectiveness of Indonesia–Malaysia cooperation relies on integrating legal instruments and institutional mechanisms. National laws provide the legal basis for prosecution and victim protection, while bilateral agreements define operational procedures, responsibilities, and joint enforcement protocols. Presidential decrees and task forces coordinate cross-agency efforts, facilitating information sharing, joint investigations, and victim support programs. International conventions serve as benchmarks for compliance and guide domestic legislation and bilateral agreements. Despite the presence of legal instruments, challenges remain. Enforcement gaps are often due to inadequate resources, lack of inter-agency coordination, and limited awareness of cross-border legal obligations. Victims may face obstacles in accessing protection due to jurisdictional limitations, bureaucratic delays, or insufficient cooperation between local authorities and national task forces. The legal framework, therefore, requires continuous evaluation and refinement to ensure alignment with both international standards and local

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<sup>34</sup> Evida Kartini, and Meidi Kosandi., Masalah Identifikasi dan Karakteristik Perdagangan Orang di Kalimantan Barat, *Jurnal HAM*, Vol.11, no.3, 2020, page.343.

<sup>35</sup> Kementerian Pemberdayaan Perempuan dan Perlindungan Anak., Rakornas TPPO, komitmen pemerintah cegah dan tangani kasus perdagangan orang (Siaran pers Nomor: B-470/SETMEN/HM.02.04/09/2022). *kemenpppa.go.id*, September 14, 2022.

<sup>36</sup> 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.80.

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implementation realities.<sup>37</sup>

### **3.2. Border Governance and Cooperative Security Frameworks**

Borders between countries represent both a geographic and political threshold, delineating the authority and jurisdiction of sovereign states. They are areas particularly vulnerable to transnational crimes, including human trafficking, smuggling, and organized cross-border criminal activities. While borders are often understood in a conventional sense, as checkpoints where travelers must present identification, they also constitute a “modern geopolitical imaginary,” representing the symbolic and practical assertion of state power over defined territory.<sup>38</sup> The concept of borders underpins domestic and international legal systems, and each sovereign state retains the right to exercise jurisdiction over its territory, including the authority to admit or exclude foreigners.

From a legal perspective, a country’s territory encompasses land, waters, airspace, and even adjacent maritime zones, all of which are central to a nation’s sovereignty and jurisdictional rights.<sup>39</sup> The 1648 Westphalia Treaty reinforced the principle of territorial sovereignty, establishing that borders are not merely physical markers but represent monopolized state authority in security, political, and economic domains.<sup>40</sup> Historically, borders have often been contested over resources, culture, ideology, and territorial claims, and they may take the form of natural boundaries such as rivers, mountains, and seas, or artificial boundaries, including geometric lines, cultural demarcations, or constructed barriers.

The establishment of borders is both a political and legal process, requiring negotiations with neighboring countries and compliance with international law. According to the 1933 Montevideo Convention, a state must possess a permanent population, defined territory, government, and capacity to engage in international relations to be recognized as a subject of international law. The precise determination of borders involves treaties, bilateral agreements, and decisions guided by international law, such as the 1982 UN Convention on the Law of the Sea (UNCLOS), the 1958 Geneva Convention, and rulings by the International Court of Justice.<sup>41</sup> The formalization of borders ensures clarity in jurisdiction, security, and resource management, forming the foundation for cooperative governance.

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<sup>37</sup> Maria Agustina Kleden, and Astri Atti., *Analysis of the Causes of Human Trafficking in East Nusa Tenggara Province*, *Journal of Social and Political Sciences*, Vol.2, no.2, 2019, page.335. See too, Gillian Wylie., *The international politics of human trafficking*, Cham, Springer, 2016, page.37.

<sup>38</sup> Robert Agnew., *Why do criminals offend? A general theory of crime and delinquency.*, Los Angeles, Roxbury, 2005, page.34. See too, Nick Vaughan-Williams., *Border politics: The limits of sovereign power*, Edinburgh, Edinburgh University Press, 2009, page.75.

<sup>39</sup> Dhesy A. Kase., Wilayah Perbatasan Negara dalam Perspektif Hukum Internasional, *Jurnal Hukum Proyuris*, Vol.2, no.1, 2020, page.174.

<sup>40</sup> Muhammad Asfahan Nur Arifin, Heru Purboyo Hidayat Putro, and Tommy Firman., Territorial politics in cross-border local development strategies in the Krayan–Ba’ Kelalan region at the Indonesia–Malaysia border, *Journal of Borderlands Studies*, Vol.39, no. 2, 2024, page.290. See too, Emanuela Paoletti., Power relations and international migration: the case of Italy and Libya, *Political studies*, Vol.59, no.2, 2011, page.274.

<sup>41</sup> Mochtar Kusumaatmadja., *Pengantar hukum internasional*, Bandung: Sinar Grafika, 2003, page.23.

Moreover, managing borders effectively requires robust security cooperation that addresses geopolitical, juridical, and cultural complexities.<sup>42</sup> Border security cooperation entails managing areas that are inherently different from domestic territories because of their vulnerability to transnational crimes, including human trafficking, smuggling, terrorism, and insurgency.<sup>43</sup> Management practices differ globally; for example, European Union member states implement integrated border control due to political and economic integration, leading to looser management between member countries. In contrast, Southeast Asian nations adopt stricter border management, particularly because many territories are separated by seas, considered economically strategic, and vulnerable to both territorial disputes and transnational criminal activities.<sup>44</sup>

The Indonesia–Malaysia border exemplifies the importance of bilateral security cooperation. Since 1967, both countries have agreed on the delineation of the Kalimantan-Sarawak and Kalimantan-Sabah borders and later extended cooperation to maritime security to address smuggling, piracy, and arms trafficking.<sup>45</sup> Such bilateral arrangements illustrate how states operationalize sovereignty and jurisdiction while ensuring security and mitigating transnational threats. Border security cooperation therefore represents an intersection of legal agreements, institutional coordination, and practical enforcement measures aimed at preventing illicit activities while facilitating legitimate cross-border movement.<sup>46</sup>

Human trafficking, in particular, underscores the need for collaborative approaches to border governance. The movement of people across regions, often for exploitative purposes, presents a major security concern. Addressing such challenges requires cooperation that aligns with international law and human rights standards.<sup>47</sup> The complexity of border-related issues necessitates the involvement of multiple actors, including government agencies, local authorities, international organizations, and civil society. This multi-actor, multi-sectoral approach is conceptualized as Collaborative Border Management (CBM), wherein governance

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<sup>42</sup> Maria O'Neill., Security cooperation, counterterrorism, and EU–North Africa cross-border security relations, a legal perspective, *European security*, Vol.24, no.3, 2015, page.438. See too, Budi Pramono, Ahmad Salim, Noor Lailatul Izza, Mega Arum Saputri, Lutter Ariestino., The state defense legal politics: National protection based on Pancasila justice, *Jurnal Hukum Unissula*, Vol.41, no.2, 2025, page.524.

<sup>43</sup> Dini Dewi Heniarti, and Edi Setiadi., Effectiveness of countering acts of terrorism within ASEAN: Challenges and the path forward, *Jurnal Hukum Unissula*, Vol.41, no.3, 2025, page.553.

<sup>44</sup> Lieutenant John F. Bradford., The growing prospects for maritime security cooperation in Southeast Asia, *Naval War College Review*, Vol.58, no.3, 2005, page.69. See too, M. Gausyah, and M. Iqbal., Marine Security Model to Prevent Criminal Acts in Aceh, *PETITA*, Vol.9, 2024, page.232.

<sup>45</sup> Amitav Acharya., Regional military-security cooperation in the Third World: A conceptual analysis of the relevance and limitations of ASEAN (Association of Southeast Asian Nations), *Journal of peace research*, Vol.29, no. 1, 1992, page.14.

<sup>46</sup> Peter Munro., Harbouring the illicit: borderlands and human trafficking in South East Asia, *Crime, Law and Social Change*, Vol.58, no.2, 2012, page.163.

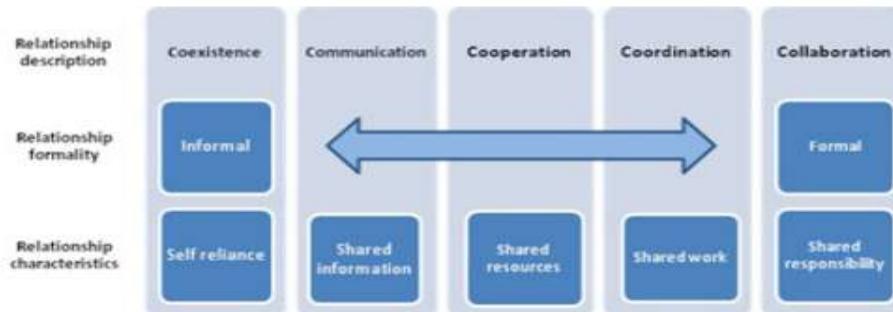
<sup>47</sup> IOM., Border Management, *International Organization for Migration*, May 29, 2022.

is shared across borders and institutions to enhance security, trade facilitation, and social welfare.<sup>48</sup>

According to the World Customs Organization (WCO), CBM involves public service institutions jointly managing travelers, goods, and vehicles crossing borders. Its main objective is to balance facilitation and security: enabling trade, promoting lawful movement, and ensuring compliance with legal frameworks. CBM is characterized by joint planning, problem-solving, and decision-making processes that include government and non-government actors, illustrating collaboration across sectors such as economy, education, health, infrastructure, and security.<sup>49</sup>

CBM has been adopted in various models internationally. Integrated Border Management (IBM), as implemented by the European Union, operates at three levels: intra-institutional cooperation, inter-institutional cooperation within a country, and international cooperation with neighboring states. Similarly, the Organization for Security and Cooperation in Europe (OSCE) has advanced CBM into Comprehensive Border Management, emphasizing coordination across all relevant government agencies to ensure comprehensive oversight of border-related issues.

Polner<sup>50</sup> further describes five stages of collaborative engagement in CBM: (1) coexistence, where agencies operate independently with no formal communication; (2) communication, involving informal meetings and information sharing; (3) cooperation, including formal meetings and structured exchange of information; (4) coordination, where agencies jointly manage and resolve issues; and (5) collaboration, the most intensive stage, involving formal partnerships guided by shared values and common goals. These stages illustrate the progressive nature of collaborative engagement, highlighting the increasing integration of legal, operational, and institutional mechanisms in border governance.



**Figure 1.** Five stages of cooperation according to Polner<sup>51</sup>

<sup>48</sup> Mariya Polner., Coordinated border management: from theory to practice, *World Customs Journal*, Vol.5, no.2, 2011, page.51.

<sup>49</sup> Rusdiyanta., Collaborative Border Management as the Strategic Revitalization of State Border Management in Indonesia, *International Journal of Pure and Applied Mathematics*, Vol.116, no.2, 2017, page.419.

<sup>50</sup> Mariya Polner., Coordinated border management: from theory to practice, *World Customs Journal*, Vol.5, no.2, 2011, page.52.

<sup>51</sup> Mariya Polner., Coordinated border management: from theory to practice, *World Customs Journal*, Vol.5, no.2, 2011, page.54.

CBM encompasses multiple operational dimensions essential for effective border governance. It integrates legal compliance, security management, economic facilitation, and social services. For instance, trafficking prevention programs, immigration control, and customs enforcement are coordinated alongside infrastructure development, health services, and educational initiatives to enhance border community resilience. Institutional frameworks are formalized through bilateral agreements, task forces, joint patrols, and shared intelligence systems, reflecting a comprehensive approach to security and governance.<sup>52</sup>

In the context of Indonesia–Malaysia, CBM facilitates joint efforts to combat human trafficking, smuggling, and other transnational crimes. It enables coordinated border patrols, intelligence sharing, legal harmonization, and victim protection initiatives. By engaging multiple agencies, including law enforcement, immigration, labor authorities, and non-governmental organizations, the collaborative framework strengthens enforcement capacity while ensuring compliance with international human rights obligations.<sup>53</sup>

Despite the advantages of CBM, border governance faces several challenges. Geographic complexity, resource limitations, and variations in institutional capacity can impede effective cooperation. Southeast Asian borders, particularly the maritime and island-based regions, require adaptive strategies due to the difficulty of surveillance and the high potential for illicit activities. Political differences, jurisdictional overlaps, and bureaucratic constraints further complicate cross-border coordination.<sup>54</sup> Furthermore, legal harmonization remains critical. Differences in national legislation, enforcement priorities, and administrative procedures can create gaps that traffickers exploit. CBM addresses these issues by promoting shared standards, coordinated operations, and mutual recognition of legal frameworks, ensuring that enforcement actions are complementary rather than conflicting.<sup>55</sup> Collaborative strategies also enhance accountability, transparency, and operational efficiency, mitigating risks associated with fragmented governance structures.

### **3.3. Key Factors Contributing to Human Trafficking in Kalimantan**

Human trafficking in Kalimantan is a complex phenomenon driven by multiple interrelated factors, including geographic, economic, cultural, and policy-related

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<sup>52</sup> Mariya Polner., Coordinated border management: from theory to practice, *World Customs Journal*, Vol.5, no.2, 2011, page.55. See too, Rusdiyanta., Collaborative Border Management as the Strategic Revitalization of State Border Management in Indonesia, *International Journal of Pure and Applied Mathematics*, Vol.116, no.2, 2017, page.420.

<sup>53</sup> IOM., Border Management, *International Organization for Migration*, May 29, 2022.

<sup>54</sup> Lieutenant John F. Bradford., The growing prospects for maritime security cooperation in Southeast Asia, *Naval War College Review*, Vol.58, no.3, 2005, page.70. See too, Maria O'Neill., Security cooperation, counterterrorism, and EU–North Africa cross-border security relations, a legal perspective, *European security*, Vol.24, no.3, 2015, page.439.

<sup>55</sup> Mariya Polner., Coordinated border management: from theory to practice, *World Customs Journal*, Vol.5, no.2, 2011, page.56.

dynamics. These factors intersect to create conditions that facilitate the movement of people across borders under exploitative or illegal arrangements. The border regions between Indonesia and Malaysia, particularly in West Kalimantan, are critical nodes for understanding the drivers of human trafficking.<sup>56</sup> Areas such as Entikong, Aruk, Nanga Badau, Jagoi Babang, Sei Kelik, Sei Nyamuk, and Long Midang serve as direct gateways to Malaysia, making them particularly vulnerable to transnational criminal activities, including human trafficking. The geography of these regions not only defines national boundaries but also shapes the social and economic interactions of local populations.<sup>57</sup>

Residents of these border areas have historically maintained regular migration patterns across the Indonesia–Malaysia border, driven by economic activity, cultural ties, and kinship relationships. Such mobility is not limited to locals; individuals from other regions of Kalimantan and even from distant parts of Indonesia also pass through these areas to reach Malaysia for work, trade, health services, or personal reasons. The high volume of cross-border movement, particularly through National Border Crossing Gates (*Pos Lintas Batas Negara/PLBN*), reflects both the density of human mobility and the complexity of social, economic, and cultural relations between the two countries. Observations at PLBNs reveal significant traffic of vehicles and people, demonstrating that these border points are both commercial and social conduits, simultaneously facilitating legitimate interactions and creating opportunities for illegal activities.<sup>58</sup>

One of the critical factors driving human trafficking in Kalimantan is the presence of intermediary brokerage services that exploit vulnerabilities in the border control system.<sup>59</sup> Field observations documented brokers collaborating with Indonesian immigration officials to facilitate the crossing of individuals without proper documentation or verification. In these cases, immigration officials either allow brokers to manage passport control processes or issue official stamps without adhering to standard procedures. Such collusion not only undermines the authority of border enforcement but also creates substantial opportunities for human trafficking networks to operate unchecked. This situation highlights the need for strict enforcement and robust monitoring mechanisms to ensure the integrity of immigration procedures and the security of border management.<sup>60</sup>

Moreover, certain geographic areas remain particularly vulnerable to trafficking due to gaps in monitoring and enforcement. For example, water crossings without adequate regulation or security presence become strategic points for traffickers,

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<sup>56</sup> Hamka Siregar., *Fiqh Issues in the Border Areas of West Kalimantan*, *Studia Islamika*, Vol.23, no.2, 2016, page.283.

<sup>57</sup> Robert Agnew., *Why do criminals offend? A general theory of crime and delinquency.*, Los Angeles, Roxbury, 2005, page.37. See too, Nick Vaughan-Williams., *Border politics: The limits of sovereign power*, Edinburgh, Edinburgh University Press, 2009, page.77.

<sup>58</sup> Lieutenant John F. Bradford., The growing prospects for maritime security cooperation in Southeast Asia, *Naval War College Review*, Vol.58, no.3, 2005, page.71. See too, IOM., Border Management, *International Organization for Migration*, May 29, 2022.

<sup>59</sup> Maggy Lee., The externalization of border control in the global South: The cases of Malaysia and Indonesia, *Theoretical Criminology*, Vol.26, no.4, 2022, page.542.

<sup>60</sup> Mariya Polner., Coordinated border management: from theory to practice, *World Customs Journal*, Vol.5, no.2, 2011, page.57.

as unregulated entry and exit of boats facilitate clandestine movements. The absence of consistent surveillance in such areas allows trafficking networks to operate with minimal risk of detection, further emphasizing the need for joint patrols, intelligence sharing, and operational coordination between Indonesia and Malaysia.<sup>61</sup>

Cultural factors also play a significant role in shaping cross-border migration and human trafficking dynamics.<sup>62</sup> Both Kalimantan and Sarawak share rich ethnic diversity and historical ties. In Sarawak, ethnic groups such as the Iban, Chinese, Malay, Bidayuh, Melanau, and Orang Ulu dominate, while in Kalimantan, indigenous Dayak and Malay populations are predominant. These shared cultural and kinship ties create strong social networks across borders, often framing visits as family gatherings, social support, or labor exchanges. Economic activities, including employment in Sarawak, are sometimes interpreted as familial support or wealth-sharing within ethnic networks, bypassing formal state regulations. The cultural interconnectedness thus becomes a factor facilitating mobility across borders, indirectly contributing to human trafficking when formal oversight is weak.<sup>63</sup>

Economic disparities are among the most significant drivers of human trafficking in Kalimantan. The region faces persistent challenges, including limited employment opportunities, low wages, high poverty rates, and constrained access to education. These conditions create substantial economic pressure on residents, motivating many to seek employment abroad, particularly in Malaysia. The Malaysian labor market, especially in Sarawak, offers more attractive income opportunities, despite uncertainties regarding the legality and stability of such employment. For many Indonesian migrant workers, migration represents a strategic choice to improve household welfare and overcome local economic limitations.<sup>64</sup> In this context, economic inequality functions as both a push factor from Indonesia and a pull factor toward Malaysia, creating fertile ground for human trafficking practices.<sup>65</sup>

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<sup>61</sup> Mursit Mursit., Indonesia's Efforts in Law Enforcement for Transgressors of Indonesia-Malaysia Borders in Nunukan Regency, *Resolusi: Jurnal Sosial Politik*, Vol.4, no.2, 2021, page.85.

<sup>62</sup> Firdaus, Syaflin Halim, and Fery Ramadhansyah., The Indo-Pacific Child Trafficking Dynamics: Islamic and Cultural Viewpoints, *KARSA Journal of Social and Islamic Culture*, Vol.31, no.2, 2023, page.232.

<sup>63</sup> Amitav Acharya., Regional military-security cooperation in the Third World: A conceptual analysis of the relevance and limitations of ASEAN (Association of Southeast Asian Nations), *Journal of peace research*, Vol.29, no. 1, 1992, page.13. See too, Rusdiyanta., Collaborative Border Management as the Strategic Revitalization of State Border Management in Indonesia, *International Journal of Pure and Applied Mathematics*, Vol.116, no.2, 2017, page.421.

<sup>64</sup> Muhammad Rustamaji, Shalih Mangara Sitompul, Aldi Rizki Khoiruddin, and Alarico Mendonca Tilman., The Indonesian migrant workers in the shackles of Agamben's biopolitics point of view, *Jurnal Hukum Unissula*, Vol.41, no.3, 2025, page.634. See too, Budi Parmono, and Rahmatul Hidayati., Strengthening Legal Safeguards for Indonesian Migrant Workers Against Human Trafficking, *Lex Publica*, Vol.12, no.1, 2025, page.13.

<sup>65</sup> IOM., Border Management, *International Organization for Migration*, May 29, 2022.

The nature of employment opportunities in Malaysia further amplifies this economic pull. In the plantation sector, formal educational requirements are often less stringent than in Indonesia. Employers in Malaysia prioritize practical work experience over formal credentials, particularly in palm oil plantations, making the sector accessible to Indonesian migrants with limited formal education. This flexibility encourages prospective Indonesian migrant workers to accept migration risks, increasing vulnerability to trafficking intermediaries who exploit labor demands and the desire for higher income. Consequently, economic motivations, such as comprising wage disparities, employment availability, and work requirement flexibility, serve as central drivers of cross-border migration and, by extension, potential human trafficking.<sup>66</sup>

Government policies and institutional frameworks are also critical factors influencing human trafficking in Kalimantan. Indonesia has ratified the United Nations Convention against Transnational Organized Crime (UNTOC) through Law Number 5 of 2009 and has formalized domestic legislation addressing human trafficking under Law Number 21 of 2007. These laws provide the legal basis for prevention, prosecution, and protection of trafficking victims. Additionally, Presidential Regulation Number 69 of 2008 mandates the establishment of Task Forces at provincial and regency levels to address human trafficking. However, in practice, the implementation of these policies often faces challenges such as limited central government support, inadequate monitoring, and insufficient coordination across agencies. These gaps reduce the effectiveness of preventive and enforcement measures, allowing trafficking networks to exploit policy weaknesses.<sup>67</sup>

Policy overlaps and regulatory loopholes further exacerbate the vulnerability of potential Indonesian migrant workers. Recruitment processes for Indonesian migrant workers in Kalimantan sometimes involve individuals from outside the region, enabling agents to process documentation, such as passports and identity cards, in locations beyond the jurisdiction of a person's home authority. For example, Minister of Home Affairs Regulation Number 8 of 2016 allows civil registry offices to issue identity cards to non-residents under certain conditions. Trafficking agents exploit these provisions to manipulate official documents, facilitating illegal cross-border movement and increasing human trafficking risks. Ensuring regulatory alignment between Indonesian migrant worker placement processes and identity documentation policies is therefore critical to mitigating exploitation.<sup>68</sup>

The confluence of geographic, economic, cultural, and policy-related factors underscores the systemic nature of human trafficking in Kalimantan. Geographically, the proximity to Malaysia facilitates mobility; culturally, ethnic ties encourage informal movement; economically, income disparities and flexible work requirements incentivize migration; and institutionally, gaps in governance and

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<sup>66</sup> Dhesy A. Kase., Wilayah Perbatasan Negara dalam Perspektif Hukum Internasional, *Jurnal Hukum Proyuris*, Vol.2, no.1, 2020, page.175.

<sup>67</sup> Mariya Polner., Coordinated border management: from theory to practice, *World Customs Journal*, Vol.5, no.2, 2011, page.57.

<sup>68</sup> Mochtar Kusumaatmadja., *Pengantar hukum internasional*, Bandung: Sinar Grafika, 2003, page.25.

policy enforcement create exploitable conditions. Human trafficking networks capitalize on these vulnerabilities, targeting individuals in economically marginalized communities and leveraging cross-border kinship networks, incomplete regulatory oversight, and collusion within local authorities.<sup>69</sup>

Addressing human trafficking in Kalimantan thus requires a multi-dimensional strategy. Economic interventions, such as poverty reduction, job creation, and educational expansion, are essential to reducing the push factors that drive migration. Policy interventions must include stricter monitoring of Indonesian migrant worker placement, alignment of documentation and labor regulations, and enhanced coordination among government agencies at local, provincial, and national levels. Strengthening law enforcement capacity, closing loopholes in identity and labor documentation, and increasing public awareness are also critical to mitigating risks and enhancing the resilience of border communities. By targeting the interplay of geographic, cultural, economic, and policy-related factors, interventions can reduce the structural vulnerabilities that traffickers exploit, thereby addressing the root causes of human trafficking in the region.

This reveals that human trafficking in Kalimantan is driven by a combination of pull and push factors operating across geographic, economic, cultural, and institutional domains. The border's strategic location, intertwined kinship networks, economic disparities, flexible employment conditions abroad, and gaps in governance collectively facilitate trafficking activities. Recognizing these factors is critical for formulating effective policies and interventions, as comprehensive understanding enables targeted approaches to protect potential Indonesian migrant workers, enforce legal standards, and strengthen local and national capacity to prevent transnational human trafficking.<sup>70</sup>

### **3.4. Strategies and Joint Initiatives for Preventing Human Trafficking Along the Kalimantan-Malaysia Border**

Cooperation between Indonesia and Malaysia in border management, particularly in the Kalimantan region, is a critical component in efforts to address human trafficking. The border areas between West Kalimantan and Sarawak serve as crucial transit points for people moving between the two countries, both legally and illegally. Given the geographic proximity, shared cultural ties, and economic disparities that drive cross-border migration, coordinated efforts between the two countries are essential to prevent, detect, and respond to human trafficking effectively. Various initiatives and strategies have been developed to enhance

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<sup>69</sup> Maria O'Neill., Security cooperation, counterterrorism, and EU–North Africa cross-border security relations, a legal perspective, *European security*, Vol.24, no.3, 2015, page.440. See too, IOM., Border Management, *International Organization for Migration*, May 29, 2022.

<sup>70</sup> Amitav Acharya., Regional military-security cooperation in the Third World: A conceptual analysis of the relevance and limitations of ASEAN (Association of Southeast Asian Nations), *Journal of peace research*, Vol.29, no. 1, 1992, page.15. See too, IOM., Border Management, *International Organization for Migration*, May 29, 2022; Mariya Polner., Coordinated border management: from theory to practice, *World Customs Journal*, Vol.5, no.2, 2011, page.58.

bilateral cooperation, focusing on surveillance, intelligence sharing, capacity building, and operational coordination.

One of the most tangible forms of cooperation is the establishment of joint patrols along strategic border routes. Joint patrols allow both countries to increase their presence at vulnerable crossing points and enhance supervision in areas prone to trafficking. These patrols are not only preventive measures against illegal migration but also serve to detect and stop human trafficking operations at an early stage. By increasing the frequency and coverage of patrols, Indonesia and Malaysia can more effectively monitor both well-known and remote border routes that traffickers often exploit. Enhanced surveillance may include the deployment of additional personnel, the use of advanced technology such as drones or monitoring cameras, and coordinated intelligence activities. Furthermore, close communication between law enforcement agencies from both countries ensures rapid response to emerging situations, creating a real-time mechanism for addressing human trafficking incidents.<sup>71</sup>

The exchange of intelligence information between Indonesia and Malaysia forms a critical pillar of bilateral anti-trafficking efforts. Human trafficking networks often operate transnationally, using clandestine routes and exploiting jurisdictional gaps. Through systematic sharing of intelligence data, both countries can monitor modus operandi, identify traffickers, and map migration routes used by syndicates. Intelligence cooperation enables law enforcement to respond more adaptively to changes in trafficking patterns, design preemptive interventions, and implement law enforcement operations in a timely manner. This collaboration not only facilitates early identification of human trafficking cases but also strengthens the overall capacity of law enforcement agencies to address transnational crime in a coordinated manner. Furthermore, intelligence-sharing mechanisms lay the groundwork for long-term cooperation, enabling both countries to develop more comprehensive policies and operational procedures against trafficking.<sup>72</sup>

Capacity building through joint training programs is another strategic approach in tackling human trafficking along the Kalimantan border. Training programs for law enforcement officers, immigration personnel, and relevant stakeholders focus on understanding the signs of human trafficking, victim identification procedures, and ethical handling of cases. Trainees are equipped with analytical skills to detect suspicious behaviors and better recognize trafficking indicators, enhancing their operational effectiveness in the field. Specialized training also emphasizes understanding the common modus operandi of trafficking networks, particularly in Kalimantan, where local geographic and cultural dynamics influence criminal strategies. Integrating knowledge of victim psychology and mental health into training ensures that officials are prepared to provide comprehensive protection and support to trafficking victims. These programs can also facilitate collaboration

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<sup>71</sup> Lieutenant John F. Bradford., The growing prospects for maritime security cooperation in Southeast Asia, *Naval War College Review*, Vol.58, no.3, 2005, page.72.

<sup>72</sup> Mariya Polner., Coordinated border management: from theory to practice, *World Customs Journal*, Vol.5, no.2, 2011, page.59. See too, Rusdiyanta., Collaborative Border Management as the Strategic Revitalization of State Border Management in Indonesia, *International Journal of Pure and Applied Mathematics*, Vol.116, no.2, 2017, page.422.

with NGOs and international institutions, enhancing the holistic handling of cases from prevention to rehabilitation.<sup>73</sup>

Collaboration with non-governmental organizations (NGOs) and international institutions further strengthens the capacity of local authorities to respond to human trafficking. NGOs often have extensive community networks and can provide critical insight into local conditions, including vulnerable populations, social dynamics, and cultural considerations. Their involvement is particularly valuable in border areas, where government presence may be limited. NGOs with expertise in victim protection can support the design and implementation of preventive measures, rehabilitation programs, and public awareness campaigns. Meanwhile, international institutions such as the United Nations Office on Drugs and Crime (UNODC) and the International Organization for Migration (IOM) bring global experience and technical expertise in combating human trafficking. Their participation offers access to international best practices, technical resources, and opportunities for capacity building, ensuring that local interventions align with global standards. The synergy created through government-NGO-international institution cooperation enhances the overall effectiveness of anti-trafficking measures and ensures that responses are both comprehensive and contextually relevant.<sup>74</sup>

A critical aspect of bilateral cooperation is the development of joint operational protocols between Indonesia and Malaysia. These protocols serve as formal agreements that detail the roles, responsibilities, and coordination mechanisms for handling human trafficking cases. Operational protocols may cover procedures for intelligence sharing, victim identification, law enforcement coordination, and cross-border investigations. By formalizing these processes, both countries can ensure faster, more efficient responses and reduce bureaucratic delays in case handling. Operational protocols also establish cross-border teams that can act jointly, thereby improving communication, trust, and transparency between law enforcement agencies. Such formal agreements embody the spirit of bilateral collaboration, reflecting a shared commitment to protecting human rights and maintaining border security.<sup>75</sup>

Overall, Indonesia-Malaysia cooperation in handling human trafficking in Kalimantan is multi-faceted, encompassing joint patrols, intelligence exchange,

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<sup>73</sup> IOM., Border Management, *International Organization for Migration*, May 29, 2022.

<sup>74</sup> Suhirwan, and Lukman Yudho Prakoso., Defense strategy at sea handling of Transnational Organized Crime (TNOC) in Nunukan Indonesia's national sea border, In *IOP Conference Series: Earth and Environmental Science*, Vol.339, no.1, Bristol, IOP Publishing, 2019, page.245. See too, July Esther., Handling of crime victims of trafficking in persons in the district North Kalimantan Nunukan, *South East Asia Journal of Contemporary Business, Economics and Law*, Vol.9, no.4, 2016, page.351.

<sup>75</sup> Maria O'Neill., Security cooperation, counterterrorism, and EU–North Africa cross-border security relations, a legal perspective, *European security*, Vol.24, no.3, 2015, page.447. See too, Mariya Polner., Coordinated border management: from theory to practice, *World Customs Journal*, Vol.5, no.2, 2011, page.60.

capacity building, operational protocols, and collaboration with NGOs and international institutions. These measures collectively enhance the ability of both countries to respond to evolving trafficking patterns, protect vulnerable populations, and uphold human rights along the border. Continued investment in cross-border synergy, training, and formalized coordination mechanisms is necessary to address the complex and dynamic nature of human trafficking in the Kalimantan region. Such cooperative frameworks serve as models for regional engagement in combating transnational crimes, highlighting the critical role of bilateral efforts in safeguarding border security and human welfare.<sup>76</sup>

#### **4. Conclusion**

This research concludes that human trafficking along the Indonesia–Malaysia border in Kalimantan is primarily driven by the interplay of geographic, cultural, and economic factors. Border areas such as Entikong, Aruk, Nanga Badau, Jagoi Babang, Sei Kelik, Sei Nyamuk, and Long Midang form highly interconnected zones, where shared ethnic ties, kinship networks, and cultural affinities with communities in Sarawak facilitate frequent cross-border mobility. Economic disparities further exacerbate this phenomenon, as Malaysia, particularly Sarawak, offers higher wages and more accessible employment opportunities in sectors such as plantations, creating strong incentives for irregular migration and enabling trafficking networks to exploit vulnerable populations. Weak oversight at immigration checkpoints, combined with documented collusion between brokers and officials, further amplifies opportunities for human trafficking and undermines border security.

Regarding bilateral cooperation, the study finds that Indonesia–Malaysia efforts to combat human trafficking remain limited in effectiveness. While both countries have ratified international conventions and established legal frameworks, implementation at the regional level is constrained by insufficient supervision from central authorities. Initiatives such as joint patrols, intelligence sharing, training programs, and engagement with international institutions have not yet been fully operationalized. Current collaborative border management largely reflects co-existence, with minimal formal coordination, limiting the impact of bilateral efforts on reducing human trafficking in the Kalimantan border region.

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