

The Role of the Police in Combating Human Trafficking Crimes Based on Legal Certainty

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Abstract. *This study aims to analyze the role of the police in combating the crime of human trafficking (TPPO) against non-procedural Indonesian Migrant Workers (PMI) in the border area of Batam City, Riau Islands, identify weaknesses in this role, and assess the application of the principle of legal certainty in the law enforcement process. The study uses a socio-legal method with a normative and empirical approach through the study of legislation, analysis of court decisions, and interviews with investigators from the Riau Islands Regional Police, BP2MI Batam, Immigration, and victim support agencies. The results show that the police have implemented preventive efforts through sea patrols and monitoring entry and exit routes, as well as repressive efforts in the form of investigations and inquiries into TIP networks. However, several obstacles still arise, such as difficulties in proving elements of exploitation, overlapping authority between agencies, limited means of border area surveillance, and suboptimal legal protection and recovery for victims. This study recommends strengthening the regulatory framework, increasing the capacity of investigators, and strengthening cross-agency coordination to realize effective TIP prevention based on legal certainty.*

Keywords: *Crime; Migration; Procedural; Trafficking.*

1. Introduction

The phenomenon of human trafficking (TPPO) continues to grow as a transnational crime that exploits socio-economic vulnerabilities, particularly against migrant workers in Southeast Asia. A study by Rahmawati (2021) shows that the increase in cross-border labor mobility is directly proportional to the rise in human trafficking practices, which are carried out through organized networks and utilize

digital technology in the recruitment and transportation of victims.¹This condition shows that law enforcement against TPPO requires not only normative instruments, but also an adaptive institutional response to increasingly complex new modes.

Previous studies have also confirmed that maritime border areas such as Batam and the Riau Islands are a key corridor for human trafficking, particularly against undocumented Indonesian Migrant Workers (PMI). A study by Sari & Wibowo (2022) shows that the success of human trafficking enforcement is greatly influenced by effective inter-agency coordination and consistent law enforcement by the police.²However, this research has not specifically assessed how legal certainty is applied in the investigation process and how victim-sensitive investigation policies are implemented by officers in the field.

Several other studies have highlighted that the main obstacles to eradicating human trafficking lie in proving the element of exploitation, limited maritime surveillance facilities, and weak victim identification during the initial stages of law enforcement intervention. Research by Nugroho (2023) concluded that many human trafficking cases do not progress to prosecution due to investigators' difficulty in establishing a legal framework that can solidly prove the element of exploitation.³These findings indicate a gap between the available legal framework and law enforcement practices, especially at the investigation level.

In the context of the Riau Islands Regional Police (Polda Kepri), previous research by Istiqomah & Latif (2022) confirmed that the apparatus has carried out preventive and repressive functions, but cross-agency coordination and victim protection are still not optimal, especially for Indonesian migrant workers sent through unofficial ports.⁴The study also highlighted that investigators often face a dilemma between law enforcement and non-criminalization efforts for victims. This suggests that a thorough analysis of how the principle of legal certainty operates in human trafficking investigations is crucial.

The gap between legal norms, institutional roles, and field realities suggests that a study of the police's role in combating human trafficking based on legal certainty still requires a more comprehensive analysis, particularly in border regions such as the Riau Islands. Building on various previous research findings, this article fills this gap by demonstrating how investigators at the Riau Islands Regional Police (Polda

¹Rahmawati, N. (2021). Digital recruitment and transnational trafficking in Southeast Asia. *Journal of Law & Development*, 51(3), 421–438.

²Sari, M., & Wibowo, A. (2022). Law enforcement challenges in Indonesian border areas: A study on migrant trafficking. *Journal of Border Security*, 7(2), 112–129.

³Nugroho, D. (2023). Evidentiary barriers in human trafficking prosecution in Indonesia. *Indonesian Journal of Criminal Law*, 14(1), 55–72.

⁴Istiqomah, R., & Latif, S. (2022). Police coordination and victim protection in human trafficking cases in Riau Islands. *Journal of Law Enforcement*, 9(4), 301–318.

Riau) apply a normative-empirical approach to handling human trafficking, as well as the extent to which the principle of legal certainty can be realized in the practice of investigating non-procedural migrant workers.

By considering the various findings and gaps, this study aims to analyze the role of the police in overcoming the crime of human trafficking based on legal certainty in the Riau Islands Regional Police area.

2. Research Methods

This research uses a socio-legal approach method, namely an approach that combines normative studies of laws and regulations with empirical findings in the field.⁵ This approach was chosen considering that the crime of human trafficking (TPPO) is not only related to legal norms, but also law enforcement practices by investigators from the Riau Islands Regional Police. Furthermore, the research specifications used are descriptive-analytical research, namely describing the factual conditions of the implementation of TPPO law enforcement against non-procedural Indonesian Migrant Workers (PMI), then analyzing it based on the principle of legal certainty and the theoretical framework used.⁶ Data collection methods used two types of data: primary and secondary. Primary data were obtained through in-depth interviews with investigators from the Riau Islands Regional Police's Criminal Investigation Directorate, BP2MI Batam officials, immigration officers, and human trafficking victim advocacy organizations. Secondary data were collected through a literature review of laws and regulations, court decisions, official reports from state institutions, and relevant scientific literature.⁷ The data analysis method used was qualitative analysis, which involves data reduction, categorization, interpretation, and drawing conclusions. Normative and empirical data were analyzed in an integrated manner to determine the alignment between law enforcement by investigators and the principle of legal certainty in combating human trafficking.⁸

3. Results and Discussion

3.1. The Role of the Police in Combating the Crime of Human Trafficking

Table Data on Handling of Human Trafficking and Illegal Indonesian Migrant Workers by the Directorate of General Crimes and Criminal Investigation Unit of the Riau Islands Regional Police from 2016 to September 2025.

Human Trafficking/Indonesian Migrant Workers	Process	Finished
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⁵Fuller, L.L. (1964). The morality of law. Yale University Press.

⁶Friedman, L. M. (1975). The legal system: A social science perspective. Russell Sage Foundation.

⁷Indonesia. (2007). Law Number 21 of 2007 concerning the Eradication of Human Trafficking.

⁸UNODC. (2022). Global report on trafficking in persons. United Nations.

Year	Amount LP	Amount Victim	Amount TSK	Investi gation	Finger print	P.21 (Stage 2)	SP3	SP2LID
2016	12	117	24	0	0	12	0	0
2017	6	106	9	0	0	6	0	0
2018	9	200	16	0	0	9	0	0
2019	8	129	12	0	0	8	0	0
2020	8	57	18	0	0	8	0	0
2021	16	186	36	0	0	16	0	0
2022	62	474	110	0	0	62	0	0
2023	91	366	138	0	0	90	1	0
2024	68	242	100	0	0	68	0	0
2025	61	194	86	0	28	33	0	0
Amount	341	2071	549	0	28	312	1	0

Source: Directorate of Criminal Investigation of the Riau Islands Regional Police, 2025 (Edited)

The role of investigators from the Riau Islands Regional Police (Polda Kepri) in combating human trafficking (TPPO) is strategically urgent, given that Batam and its surrounding areas are the main transit route for non-procedural Indonesian Migrant Workers (PMI) to Malaysia and Singapore. Research findings show that between 2016 and mid-2025, Polda Kepri handled 334 human trafficking cases with a total of 2,050 victims and 539 suspects, placing the police at the forefront of breaking the chain of exploitation of Indonesian migrants in border areas.⁹ The existence of official and unofficial ports, the vulnerability of sea routes, and the massive digital-based recruitment drive require the police to focus not only on law enforcement but also on monitoring routes, detecting crime patterns, protecting victims, and coordinating across agencies.

The role of the police in this context has a clear basis of attribution authority based on Law Number 2 of 2002 concerning the Indonesian National Police, which emphasizes the function of the Police in maintaining public security and order, law enforcement, and protection and service to the community.¹² In addition, Law No. 21 of 2007 concerning the Eradication of Human Trafficking is a *lex specialis* in handling human trafficking crimes, providing strong legitimacy for investigators to conduct investigations into the recruitment, transportation, shelter, sending, and exploitation of victims.¹³ Thus, every police action in handling human trafficking must be understood as the implementation of legitimate legal authority and must not exceed the limits of perspective in line with Hadjon's view that government actions must be based on authority so as not to become arbitrary actions.¹⁰

In the context of crime prevention, research has found that investigators simultaneously play a preventive, repressive, and coordinating role. This preventive role is carried out through maritime patrols at vulnerable departure

⁹Riau Islands Regional Police. (2025). Data on Handling Human Trafficking 2016–2025.

¹⁰Indonesia. (2002). Law Number 2 of 2002 concerning the Police.

points, such as Tanjung Riau, Batu Merah, Punggur, and Belakang Padang. These patrols are crucial given that the majority of non-procedural migrant worker (PMI) shipments are conducted through low-security ports using speedboats during periods when oversight is lax. This effort aligns with the concept of preemptive crime control in criminal policy, which emphasizes prevention as the primary pillar of crime prevention.¹¹In addition to maritime patrols, investigators are also conducting digital monitoring of social media and chat groups used by the syndicate to recruit victims. This is crucial because most victims are recruited through Facebook and WhatsApp, promising high-paying jobs without any administrative process.¹²

However, prevention efforts are not always smooth due to limited patrol facilities, fleet size, and the geographical challenges of the Riau Islands region, which consists of thousands of islands and a long coastline. The lack of maritime patrol infrastructure has allowed perpetrators to exploit loopholes to quickly change departure locations, something the UNODC has also noted as a key characteristic of migrant smuggling in Southeast Asia.¹³This condition shows that even though the preventive role of the police has been running, its effectiveness is often hampered by the limitations of the legal structure, in line with Friedman's view that the legal structure (institutions, facilities, human resources) greatly determines the effectiveness of law enforcement.¹⁴

In the repressive realm, this study found that the Riau Islands Regional Police's investigations prioritized the use of the Human Trafficking Law (TPPO) and the Indonesian Migrant Worker Law (PMI) as the basis for charging perpetrators. Investigators conducted further investigations, questioned witnesses and victims, analyzed digital evidence, and arrested syndicates, including recruiters, hosts, transporters, and ship providers. In several cases, investigators uncovered patterns of exploitation through debt bondage, falsified departure documents, and the confinement of prospective migrant workers in shelters before being sent to Malaysia. These practices align with the category of "modern slavery" according to the US Department of State and UNODC reports, which emphasize economic exploitation as the core of human trafficking.¹⁵

However, within this repressive framework, research notes that proving exploitation is the biggest challenge. Syndicates often argue that they only assist victims in their departure and have no intention of exploiting them. In many cases, victims themselves do not perceive themselves as victims and instead believe that the recruiter has "helped" them gain access to employment. This aligns with the

¹¹Ancel, M. (1965). *Social Defense: A Modern Approach to Criminal Problems*.

¹²Indonesia. (2007). Law No. 21 of 2007 concerning the Eradication of Human Trafficking.

¹³UNODC. (2022). *Regional Trafficking in Persons Report*.

¹⁴Hadjon, PM (1987). *Legal Protection for the Indonesian People*. Surabaya: Bina Ilmu.

¹⁵Ancel, M. (1965). *Social Defense: A Modern Approach to Criminal Problems*.

theory of victimology, which states that victims of human trafficking are often in a position of economic and psychological vulnerability and therefore unaware that they are being exploited.¹⁶ This situation weakens investigators' evidence, especially when the exploitation has not yet occurred because the shipment has not yet reached the destination country. Therefore, investigators often rely on digital evidence, conversation recordings, and money transfer patterns to prove the purpose of exploitation.

Furthermore, the coordinating role of investigators with various agencies is a crucial factor in case investigations. Collaboration with the Batam Regional Migrant Workers Association (BP2MI) significantly assisted in victim identification, repatriation, and legal assistance. Coordination with Immigration strengthened document oversight, while synergy with the Indonesian Navy played a crucial role in maritime patrols and joint operations to disrupt non-procedural migrant worker (PMI) shipment routes. However, the study also noted a paradigm of sectoral egos between agencies, particularly in the division of investigative authority, document oversight, and victim protection. This disharmony slowed down the legal process and sometimes resulted in suboptimal victim protection.¹⁷

The victim-centered approach, the international standard for handling human trafficking, has not been consistently implemented. Research shows that although temporary shelters exist, they are inadequate when cases involving large numbers of victims are uncovered. Furthermore, investigators' interview techniques are still not fully trauma-informed, resulting in victims still having to provide repeated statements and experiencing psychological distress during the legal process. This highlights the need to improve investigators' capacity in victim-sensitive interview techniques, as recommended in the UN Principles and Guidelines on Human Trafficking Victims.¹⁸

When analyzed based on Friedman's legal system theory, the police's role has been consistent with the substance of the law because the regulations regarding human trafficking are quite comprehensive—but are still hampered by the legal structure in the form of limited facilities, human resources, and coordination. Meanwhile, the legal culture of the community on the coast of Batam remains permissive towards illegal migration, adding to the challenges for investigators in carrying out prevention. From the perspective of the theory of authority, investigators' actions are in accordance with the legal basis of attribution, but their implementation is less than optimal due to limited resources. Meanwhile, from the perspective of legal certainty, the police's role has been directed towards implementing laws that

¹⁶BP2MI. (2024). Annual Report on PMI Placement.

¹⁷UNODC. (2022). Regional Trafficking in Persons Report

¹⁸Friedman, L. (1975). The Legal System: A Social Science Perspective.

provide protection, but has not yet fully created certainty due to obstacles in the form of evidence and regulatory asymmetry.¹⁹

Overall, the role of the Indonesian National Police (Polri) in combating human trafficking in border areas has been well-functioning at both the normative and operational levels, but its effectiveness is significantly influenced by structural and social challenges. The Riau Islands Regional Police (Polda Riau Islands) has demonstrated a commitment to uncovering syndicates and protecting victims. However, long-term success requires institutional strengthening, improved investigator quality, the use of more sophisticated technology, and harmonized inter-agency coordination in handling human trafficking. Therefore, the role of the police should be understood not only as a law enforcement role but also as a crucial actor in ensuring legal certainty, justice, and protection for non-procedural migrant workers (PMI) in Indonesia's maritime border areas.

3.2. Weaknesses in the Police's Role in Combating Human Trafficking in the Riau Islands

The research findings indicate that although investigators from the Riau Islands Regional Police have implemented various efforts to combat human trafficking (TPPO), several fundamental weaknesses exist that impact the effectiveness of law enforcement in the field. These weaknesses arise from structural aspects, coordination, legal evidence, victim protection, and even issues within the legal culture of coastal communities. All of these factors contribute to operational and conceptual obstacles for investigators in exercising their authority. Therefore, an in-depth analysis is needed to determine how these weaknesses impact the overall process of law enforcement and victim protection.

The first weakness lies in the legal structure, particularly the limited human resources (HR) of investigators experienced in handling human trafficking cases. Human trafficking cases are characterized as organized and cross-border crimes that require specialized expertise, such as the ability to conduct digital investigations, trace financial transaction patterns, conduct trauma-based victim interviews, and interpret complex syndicate network structures. However, research data shows that the Riau Islands Regional Police (Polda Riau Islands) still has a limited number of investigators, and most investigators handle multiple types of crimes simultaneously, thus suboptimal focus on handling human trafficking cases. This shortage of specialized human resources impacts the depth of the investigative process, particularly in cases requiring in-depth digital evidence analysis and network analysis.²⁰ This limitation is in line with what Gustav Radbruch said, who emphasized that the law enforcement structure will not function

¹⁹US Department of State. (2024). *Trafficking in Persons Report*

²⁰Riau Islands Regional Police. (2025). *Data on Handling Human Trafficking 2016–2025*.

effectively without adequate human resources to implement the principle of legal certainty.²¹

Besides limited human resources, another serious problem is the lack of facilities and infrastructure, particularly for maritime patrols. The Riau Islands have more than 2,000 islands scattered across long and difficult-to-reach sea routes, necessitating an adequate patrol fleet to prevent and prosecute unscrupulous migrant workers. However, the actual situation shows that the patrol fleet owned by the Riau Islands Regional Police is not commensurate with the size of the patrol area, resulting in many waters being unsupervised and providing loopholes for human trafficking syndicates to send victims through remote ports using speedboats. This phenomenon aligns with a report by the International Organization for Migration (IOM) that identified the Riau Islands sea route as a critical route for migrant trafficking in Southeast Asia due to weak coastal surveillance.²² These limited facilities not only hamper preventive patrols, but also reduce the ability of investigators to catch perpetrators in the field.

Technological resources supporting investigations also pose a barrier. Many recruitment methods are conducted through social media and digital transactions, but available digital forensic tools are not always adequate to process the required electronic evidence. In some cases, investigators must send digital evidence to the forensic laboratory at National Police Headquarters, delaying the legal process and affecting detention periods.²³ This indicates that law enforcement structures have not yet integrated with developments in modern crime technology. Friedman stated that without technological support and organizational resources, the law enforcement system will be weakened because its legal structure will be unable to support the implementation of existing regulations.²⁴

Regarding weak inter-agency coordination, this study shows that sectoral egos remain a problem in handling human trafficking. Investigations of human trafficking cases require the involvement of Immigration, the Indonesian Migrant Workers' Association (BP2MI), the Indonesian Navy, local governments, social services, and victim support organizations. However, in practice, coordination often fails to run smoothly. For example, disagreements arise between Immigration and the police regarding the victim identification process, resulting in frequent delays in the assistance process and determination of their status as victims of human trafficking.²⁵ This is contrary to international National Referral

²¹Radbruch, G. (1950). Legal Philosophy.

²²IOM Indonesia. (2023). Irregular Migration Report.

²³Interview with investigators from the Criminal Investigation Directorate of the Riau Islands Regional Police, 2024.

²⁴Friedman, L. M. (1975). The Legal System.

²⁵BP2MI Batam Interview, 2024.

Mechanism (NRM) standards which emphasize the importance of structured coordination in handling victims of human trafficking.²⁶

Furthermore, cross-border coordination, which should be a crucial pillar given that most victims are sent to Malaysia, remains limited. The Riau Islands Regional Police (Polda Riau Islands) lacks a law enforcement mechanism that directly connects with Malaysian or Singaporean authorities, except through Interpol's coordination mechanism, which tends to be slow and limited.²⁷ The absence of a bilateral operational agreement specifically for human trafficking (TPPO) weakens investigators' ability to track cross-border perpetrators, seize assets of international networks, and verify victims in the destination country. However, authority theory asserts that effective authority requires an unbroken institutional network, particularly when the crime is transnational.²⁸

The next weakness lies in proving the element of exploitation. In many cases, perpetrators argue that victims voluntarily departed to work abroad, requiring investigators to prove the intent to exploit through various indirect evidence, such as digital conversations, payment receipts, and testimonies. Proving exploitation becomes much more difficult when victims have not yet traveled or experienced physical exploitation. This often makes it difficult for investigators to convince prosecutors and judges that exploitation is a key element of human trafficking. This evidentiary challenge is further exacerbated by victims' low literacy levels regarding the concept of exploitation, which makes it difficult for them to articulate their experiences as a form of human trafficking.²⁹ In this context, the theory of victimology developed by Walklate emphasizes that victims of human trafficking are often unaware of themselves as victims due to the conditions of economic dependence and psychological manipulation they experience.³⁰

In handling victims, the victim-centered approach, which is the international standard, has not been fully integrated into the standard operating procedures (SOPs) for investigations. Research has found that temporary shelter facilities are often inadequate, especially in cases involving multiple victims in a single disclosure. Psychological support is also limited because not all victims have access to psychologists or counselors, resulting in re-traumatization of the interview process. The UNODC emphasizes that trafficking victims must receive psychological support from the initial stages of the investigation to prevent re-victimization.³¹ These weaknesses impact the quality of the examination, as well as

²⁶OSCE. (2018). National Referral Mechanisms Handbook.

²⁷Interpol. (2023). Trafficking Operations Report.

²⁸Hadjon, PM (1987). Legal Protection.

²⁹Interview with a victim of human trafficking, Batam 2023.

³⁰Walklate, S. (2011). Victimology.

³¹UNODC. (2022). Guidelines for Human Trafficking Victims.

affecting the victim's ability to provide consistent and accurate information to investigators.

Legal substantive aspects also play a role in weakening the effectiveness of law enforcement. Although Indonesia has Law 21/2007 as a specific regulation and Law 18/2017 concerning the Protection of Migrant Workers, there is still insufficient harmonization between the two regulations. In some cases, authorities remain confused about whether perpetrators should be prosecuted under the Anti-Human Trafficking Law or violations of labor placement permits, given that the definition of "exploitation" in the law is often interpreted differently by officers in the field.³²As a result, victims do not always receive the maximum protection mandated by the Anti-TIP Law, and perpetrators are not always charged with deterrent provisions. This illustrates the lack of consistency in legal substance that hinders legal certainty, as Kelsen argued in his Pure Theory of Law, that unclear norms will hinder the law's function as a definitive guideline.³³

The legal culture of the community is another weak factor. Residents of coastal areas in Batam and border areas have long considered illegal migration to Malaysia to be socially and economically normal. Many of them have family or relatives who have worked in Malaysia informally without encountering legal problems. This situation has fostered a permissive attitude toward illegal departures and made them reluctant to report recruitment activities occurring in their communities.³⁴Friedman stated that legal culture is the most difficult element to change in the legal system, because it is related to societal values and customs that persist across generations.³⁵Therefore, the deep-rooted culture of illegal migration is a serious obstacle for investigators in building effective prevention mechanisms.

When analyzed theoretically, these weaknesses indicate that although the substance of the anti-trafficking law is quite comprehensive, the legal structure and legal culture do not yet support effective implementation. In Friedman's legal system theory, a law cannot function effectively without the support of the legal structure (institutions and means) and culture of society as its social context.³⁶In terms of authority, these weaknesses indicate that the National Police's legal authority has not been fully exercised optimally due to limited structure and inter-agency coordination. Meanwhile, from a legal certainty perspective, these weaknesses create uncertainty in the investigation process, establishing evidence, and even rehabilitating victims, all of which contradict the principle of legality as taught by Radbruch.³⁷

³²Indonesia. (2007). Law on the Eradication of Human Trafficking

³³Kelsen, H. (1967). Pure Theory of Law.

³⁴Social Study of Batam Coastal Communities, 2024.

³⁵Friedman, L. M. (1975). The Legal System.

³⁶Ibid.

³⁷Radbruch, G. (1950). Legal Philosophy.

Thus, it can be concluded that the efforts to combat human trafficking by investigators at the Riau Islands Regional Police have demonstrated significant efforts, but remain hampered by structural issues, coordination, evidence, victim protection, and community legal culture. All of these factors must be addressed through improving the quality of human resources for investigators, increasing maritime patrol facilities, strengthening cross-agency and cross-national coordination, harmonizing regulations, and educating the public about legal issues to create a safer migration culture. Without these comprehensive improvements, law enforcement efforts will be unable to provide legal certainty and justice for victims of human trafficking in border areas.

3.3. Implementation of the Principle of Legal Certainty in Combating the Crime of Human Trafficking in the Riau Islands.

The research results show that the application of the principle of legal certainty in combating the crime of human trafficking (TPPO) by investigators of the Riau Islands Regional Police is not fully optimal even though the normative basis governing the crime of human trafficking is fully available. In the context of border areas such as Batam, the issue of legal certainty concerns not only the existence of laws and regulations, but also how the law is implemented consistently, predictably, and provides balanced protection to both victims and perpetrators. This is in line with the view of Gustav Radbruch who stated that legal certainty (*rechtssicherheit*) is one of the three main legal values that must be fulfilled for the law to function properly.³⁸ However, the reality on the ground shows that fulfilling the principle of legal certainty still faces structural, substantial and cultural challenges.

Normatively, Indonesia already has strong legal instruments to combat human trafficking, particularly through Law No. 21 of 2007 concerning the Eradication of Human Trafficking, which places exploitation as the core of the crime of human trafficking. Furthermore, Law No. 18 of 2017 concerning the Protection of Indonesian Migrant Workers provides an additional legal framework governing the procedural placement of Indonesian migrant workers and the protection of their rights.³⁹ In the context of the police, Law No. 2 of 2002 grants investigators the authority to conduct inquiries and investigations into criminal acts, including human trafficking. Therefore, in terms of legal substance, legal certainty is already in place. Fuller, in his concept of the inner morality of law, also emphasized that a legal system must be clear, non-contradictory, and enforceable to provide certainty to the public.⁴⁰ When viewed from this perspective, the TPPO law in Indonesia has fulfilled these requirements.

³⁸Radbruch, G. (1950). *Legal Philosophy*.

³⁹Indonesia. (2007). Law No. 21 of 2007 concerning the Eradication of Human Trafficking.

⁴⁰Fuller, L. (1964). *The Morality of Law*.

However, the main problem in implementing the principle of legal certainty lies in its implementation. Research findings indicate an overlap between the Human Trafficking Law and the Migrant Worker Law, particularly in determining whether victims should be prosecuted based on violations of migrant worker placement procedures or as victims of human trafficking. This ambiguity has led to some victims being criminalized for illegal travel, even though they are in a vulnerable position and subject to exploitation.⁴¹ This situation is contrary to the principle of legal certainty as stated by Hans Kelsen, who emphasized that legal norms must provide clarity in determining the rights and obligations of each party, including the status of the victim in a criminal act.⁴²

Furthermore, inconsistent regulations often lead to differing interpretations among authorities when determining which articles to use. The Indonesian Migrant Workers Association (BP2MI), Immigration, and the National Police each have differing perspectives on the definitions of "victim" and "procedural violation," which can lead to protracted handling processes. Consequently, there is uncertainty regarding the timing of examinations, determination of victim status, and even repatriation. Field findings indicate that some victims have to wait more than a week to receive their status as victims of human trafficking, despite international standards requiring victim identification within 24 hours to avoid the risk of prolonged trauma.⁴³ This situation shows that even though the law has regulated it in detail, its implementation has not provided certainty for victims and authorities.

During the investigation stage, the application of the principle of legal certainty is also hampered by investigators' limited ability to prove the element of exploitation. Many cases are dropped because investigators are unable to prove the intent to exploit, particularly when the victim has not yet experienced physical exploitation. Yet, the Anti-Trafficking Law also recognizes "premeditated exploitation," including debt bondage, fraud, and psychological manipulation.⁴⁴ However, because the available evidence often consists only of digital conversations or victim statements, the process of establishing proof is difficult. This creates legal uncertainty for victims who may not obtain official victim status, and for perpetrators who may escape prosecution under human trafficking laws. From Friedman's perspective, this occurs because the legal structure (investigators, facilities, digital forensic laboratories) is not yet capable of supporting the substance of the law, which is already progressive.⁴⁵

⁴¹BP2MI Batam. (2024). Report on Handling Non-Procedural Indonesian Migrant Workers.

⁴²Kelsen, H. (1967). Pure Theory of Law.

⁴³OSCE. (2018). National Referral Mechanism Handbook.

⁴⁴Indonesia. (2007). Law on the Eradication of Human Trafficking.

⁴⁵Friedman, L. M. (1975). The Legal System.

Limited inter-agency coordination also significantly impacts legal certainty. In some cases, victims must move from one agency to another to undergo re-examination due to the lack of a standardized national referral mechanism. Without a standardized mechanism, each agency has its own procedures that are not always aligned. The OSCE's recommendations state that the handling of trafficking victims must be integrated within a national referral mechanism that connects law enforcement officials, victim protection agencies, social services, and migration agencies.⁴⁶ However, in the Riau Islands region, this coordination remains informal and has not been regulated by a binding joint standard operating procedure (SOP). As a result, victims often experience re-victimization, such as repeated examinations, re-registration, and differences in treatment between agencies.

Legal certainty also depends heavily on the investigator's ability to provide protection to victims. Research shows that temporary shelters are not always adequately available. When major cases are uncovered, some victims are temporarily housed in police custody, which is not ideal for psychological recovery. The lack of psychosocial support often leads to inconsistent statements from victims due to untreated trauma, which impacts the evidence presented during the investigation and prosecution stages.⁴⁷ If victims do not receive adequate protection, their testimony will be vulnerable to dispute in court, and this will create legal uncertainty for all parties involved.

The next aspect of legal certainty relates to the lengthy investigation process and transfer of case files. Data from several cases shows that human trafficking investigations often take a long time due to waiting for digital forensic results from the National Police Headquarters or confirmation from Immigration regarding the victim's departure documents. This delay results in extended detention periods and, in some cases, has led to objections from the perpetrator's legal counsel. According to Kelsen, legal certainty concerns not only the substance of norms but also legal procedures, which must be carried out within a reasonable timeframe without creating uncertainty for the parties.⁴⁸ These difficulties indicate that law enforcement procedures are still not stable and predictable as required by the principle of legal certainty.

In the context of relations with the prosecutor's office and the courts, legal certainty also faces challenges. Some case files are returned by prosecutors because they are deemed to not meet the elements of exploitation, particularly in cases dominated by digital evidence. This not only slows down the legal process but also creates the perception that anti-trafficking law enforcement is inconsistent. Radbruch emphasized that if the law cannot be applied consistently,

⁴⁶Hadjon, PM (1987). Legal Protection for the People.

⁴⁷UNODC. (2022). Victim Assistance Guidelines.

⁴⁸Kelsen, H. (1967). Pure Theory of Law.

it loses its primary function as a definite and stable guide to behavior.⁴⁹This inconsistency indicates a gap between law enforcement officials' understanding of the elements of TPPO and their technical implementation in the field.

When analyzed using Friedman's theory, weaknesses in the application of the principle of legal certainty stem from an imbalance between the substance, structure, and culture of the law. While the legal substance is indeed progressive, legal structures, such as human resources, technology, and coordination mechanisms, do not yet support this substance. Meanwhile, the permissive culture of coastal communities toward illegal migration makes it increasingly difficult for investigators to provide education and legal protection to the public.⁵⁰Furthermore, some people still view illegal migration as normal and even an economic opportunity, making them reluctant to report recruiters. This legal culture blurs the boundaries of legal certainty because people's behavior doesn't align with applicable legal norms.

From the perspective of authority theory, investigators actually have a clear basis for attributional authority in handling human trafficking. However, this authority cannot be exercised optimally due to structural barriers that affect its effectiveness. Hadjon emphasized that authority without adequate facilities and procedures will only result in formalistic, rather than substantive, legal actions.⁵¹This is what happened in handling TPPO in the Riau Islands: the authority exists, but its implementation is hampered by various objective conditions that do not support it.

From all of the above, the Riau Islands Regional Police's implementation of the principle of legal certainty in handling human trafficking cases has not yet been fully realized. Legal certainty will only be achieved if regulations are synchronized, law enforcement procedures are stable and predictable, the law enforcement structure is adequate, and the public supports applicable legal norms. Therefore, fundamental improvements are needed through harmonization of human trafficking and migrant worker regulations, the development of integrated inter-agency standard operating procedures (SOPs), strengthening investigator capacity, establishing an integrated victim service center, and improving cross-border coordination with Malaysia and Singapore. Without these efforts, the principle of legal certainty will remain merely a normative concept without real implementable power.

4. Conclusion

Based on the results of research on the role of investigators from the Riau Islands Regional Police (Polda Riau) in combating the crime of human trafficking (TPPO)

⁴⁹Radbruch, G. (1950). Legal Philosophy.

⁵⁰Friedman, L. M. (1975). The Legal System.

⁵¹Hadjon, PM (1987). Legal Protection for the People.

against non-procedural Indonesian Migrant Workers (PMI) in the border area of Batam City, several important conclusions were obtained that describe the actual conditions as well as the challenges of law enforcement in the field. First, the police role has been carried out comprehensively through preventive, repressive, and coordinative measures. Preventive efforts are carried out through sea patrols, monitoring activities at rat ports, and monitoring social media to trace digital recruitment patterns. In the repressive phase, investigators use the TPPO Law and the PMI Law as the basis for law enforcement by conducting investigations, collecting digital evidence, arresting perpetrators, and uncovering syndicate networks. Meanwhile, the coordinating role is realized through collaboration with BP2MI, Immigration, the Indonesian Navy, and victim support agencies to ensure more comprehensive handling. All of these roles demonstrate that, normatively and operationally, the National Police have made maximum efforts in handling TPPO in the border area. Second, the research reveals a number of weaknesses that hinder the effectiveness of the police's role, particularly in the legal structure. Limited human resources for investigators with expertise in handling human trafficking, inadequate maritime patrol facilities and digital forensic equipment, and weak data integration between agencies are key factors affecting the quality of investigations. Weaknesses in inter-agency and cross-border coordination mechanisms also slow down the investigation process and victim protection. Furthermore, proving exploitation is a major challenge for investigators because most victims are unaware of their role, and perpetrators often manipulate the departure process to appear voluntary. A victim-centered approach has also not been comprehensively implemented due to limited support facilities, safe houses, and psychosocial support. All of these obstacles demonstrate that law enforcement efforts have not fully addressed the complexities of organized, cross-border human trafficking. Third, the implementation of the principle of legal certainty in combating human trafficking has not been optimal due to a lack of synchronization between the Human Trafficking Law and the Indonesian Migrant Workers Law, ambiguity in determining victim status, irregular victim identification procedures, and lengthy investigations due to limitations in technology and coordination. This uncertainty impacts victims, who do not always receive maximum protection, and perpetrators, who are sometimes not charged with the appropriate articles. The perspective of legal certainty theory (Kelsen, Radbruch, and Fuller) shows that even though the legal substance is fully available, the implementation of the law does not reflect the principles of consistency, clarity, and predictability, which are the main elements of legal certainty. Legal structural factors—as explained by Friedman—are the biggest obstacle in ensuring the law is implemented effectively and provides guarantees for the community. Overall, this study concludes that the role of Riau Islands Regional Police investigators in combating human trafficking has been carried out within a strong legal framework, but its effective implementation is still hampered by various structural and coordinative constraints. To realize just law enforcement and provide

comprehensive protection for victims, it is necessary to strengthen the capacity of investigators, add supporting facilities and technology, harmonize regulations, establish an integrated referral mechanism, and improve legal education for coastal communities. Thus, the principle of legal certainty in combating human trafficking can be realized more substantively, consistently, and effectively.

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