

## Law Enforcement Against Human Trafficking: Challenges and Solutions from a Criminal Law Perspective

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### ABSTRACT

*Human trafficking is a complex transnational crime with widespread impacts on human dignity and worth. In Indonesia, efforts to eradicate human trafficking are regulated by Law Number 21 of 2007 concerning the Eradication of the Crime of human trafficking, which serves as the *lex specialis* for handling this case. However, reality shows that law enforcement practices regarding human trafficking still face various challenges. This study aims to analyze the challenges of human trafficking law enforcement in Indonesia and propose solutions from a criminal law perspective. The method used is normative-juridical legal research. The analysis shows that law enforcement efforts regarding human trafficking need to be strengthened through the application of maximum criminal sanctions, comprehensive protection for victims, increased capacity of officers, the use of digital technology in investigations, and strengthened international cooperation. With these steps, it is hoped that human trafficking law enforcement in Indonesia can be more effective in preventing, prosecuting, and breaking the chain of human trafficking crimes.*

**Keywords:** law enforcement; TIP; criminal law; victim protection

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### INTRODUCTION

Human trafficking is a form of serious crime that threatens human values and is gender-based (Dean, 2025). The United Nations Office on Drugs and Crime (2022) calls trafficking in persons (TPPO) a transnational crime involving organized networks, with an increasingly complex modus operandi along with technological developments and globalization. Indonesia, as a source country, transit, as well as a destination for trafficking in persons, faces great challenges in efforts to counter this crime (Kosandi et al., 2017; Langie, 2024).

Legally, Indonesia has passed Law Number 21 of 2007 concerning the *Eradication of the Crime of Trafficking in Persons* as a juridical basis to ensnare perpetrators (Karma et al., 2023). This law affirms trafficking as an extraordinary crime whose handling requires a comprehensive approach, both in terms of prevention, prosecution, and protection of victims (Augustson, 2016; Fouladvand, 2018). However, despite the legal framework in place, cases of trafficking continue to emerge, even with the trend of new modus operandi that leverages social media and digital technology to recruit victims, especially women and children (Kaur et al., 2025; Pawar, 2022).

This condition shows that law enforcement against trafficking in Indonesia still faces a number of problems (Thamrin, 2021). Some of the main obstacles are the limited capacity of law enforcement officials and the lack of optimal protection of victims in the form of rehabilitation, restitution, and social reintegration (Mulyadi et al., 2024; Sinaga, 2024). In some cases, the verdict against the perpetrator is also considered to have not provided an adequate deterrent effect (Lee & McCrary, 2017). Normatively, the provisions of Indonesian criminal law have contained important elements in ensnaring traffickers (Nasution & Santoso, 2024). However, obstacles such as the difficulty of proof, limited resources for law enforcement

officials, and the lack of optimal protection for victims are still major problems (Sanjaya and Irhammudin, 2025).

In response, Indonesia established a strong legal foundation through Law Number 21 of 2007 concerning the *Eradication of the Crime of Trafficking in Persons*. This law serves as a *lex specialis*, defining TIP as an extraordinary crime that demands a comprehensive approach encompassing prevention, prosecution, and victim protection. Previous research has explored various dimensions of this issue. Studies such as those by Sanjaya and Irhammudin (2025) and Puspawati (2025) have identified recurring challenges, including the evolving modus operandi of perpetrators and capacity constraints within law enforcement agencies. Furthermore, research by Santoso and Satria (2023) highlights issues of legal synchronization, noting the weak coordination between Law No. 21/2007 and other related regulations, such as the *Law on Sexual Violence*, which impacts the effectiveness of restitution and victim protection. Internationally, scholars like Zulyadi et al. (2024) emphasize the necessity of balancing penal and non-penal measures and strengthening cross-border cooperation.

However, a critical research gap remains. While existing studies often describe these challenges in isolation, there is a lack of comprehensive analysis that consolidates the multifaceted obstacles in TIP law enforcement from a specifically criminal law perspective and formulates an integrated solution framework. Many studies focus either on legal norms or enforcement practices, but rarely bridge the two to provide a holistic strategy that addresses both the punitive and restorative justice aspects effectively.

This gap underscores the urgency of this research. The persistent and evolving nature of TIP, exacerbated by the use of digital platforms for recruitment, demonstrates that current enforcement mechanisms are not fully effective. Victims continue to suffer from inadequate protection and a lack of access to comprehensive restitution and rehabilitation, while perpetrators often receive sentences that do not reflect the severity of their crimes. Therefore, a critical re-evaluation and strengthening of the criminal law response is urgently needed.

The novelty of this study lies in its focused approach to synthesizing the dispersed challenges into a coherent analysis from a criminal law standpoint and proposing a targeted, integrated set of solutions. It moves beyond mere description to prescriptively formulate strategies encompassing stringent sanctioning policies, enhanced victim protection mechanisms, capacity building for officers leveraging technology, and fortified international cooperation — all through the lens of modern criminal law principles that balance retribution with restoration and victim rights.

This problem prompts critical questions regarding the effectiveness of law enforcement against human trafficking in Indonesia, the principal challenges impeding its success, and the formulation of viable solutions from a criminal law perspective. In response, this article aims to analyze these enforcement challenges and to formulate effective, victim-oriented legal solutions grounded in criminal law principles. The findings are expected to provide significant academic and practical contributions to the development of criminal law, particularly in strengthening strategic efforts to eradicate human trafficking in Indonesia.

## **METHOD**

This research used a normative-juridical legal method focusing on the study of prevailing positive legal norms and their application in law enforcement of trafficking in persons (TPPO).

The approaches included the statute approach, analyzing provisions in Law Number 21 of 2007 concerning the Eradication of Trafficking, the Criminal Code (KUHP), and related regulations; the conceptual approach, understanding concepts of law enforcement, victim protection, and criminal accountability in modern criminal law; and the case approach, examining court decisions related to trafficking to assess consistency and effectiveness in law application.

Legal materials consisted of primary sources, including laws, regulations, court decisions relevant to trafficking, and international instruments such as the Palermo Protocol (2000). Secondary sources included criminal law literature, journal articles, research findings, and official reports from government agencies and international organizations like the Ministry of Women's Empowerment and Child Protection (KemenPPPA), UNODC, and IOM.

Legal materials were collected through library research by reviewing regulations and scientific literature. These materials were analyzed descriptively and analytically to describe the legal framework and enforcement practices of trafficking in Indonesia, and prescriptively to propose solutions and recommendations from a criminal law perspective aimed at improving the effectiveness and fairness of law enforcement.

## **RESULTS AND DISCUSSION**

Law enforcement against the crime of trafficking in persons (TPPO) in Indonesia is based on Law Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons. This law is present as a *lex specialis* that provides special arrangements regarding the definition of trafficking in persons, elements of criminal acts, types of sanctions, and victim protection mechanisms. In addition, the Criminal Code and various other laws, such as the Child Protection Law, are also a reference in the enforcement of trafficking laws. The presence of this regulation shows the state's commitment to take action against perpetrators while protecting victims. However, even though the normative framework is already quite comprehensive, implementation in the field often does not go optimally.

Human trafficking is a violation of human rights as a form of slavery. This condition encourages the Government of Indonesia to protect human rights through legal regulation with the issuance of Law Number 21 of 2007 concerning the Eradication of Trafficking in Persons. The forms of trafficking in persons based on Law Number 21 of 2007 are sexual exploitation (prostitution), child trafficking as workers and child trafficking through adoption. Responding to this reality, criminal law policies in handling trafficking in persons are contained in the Criminal Code, RKUHP 2015, and Law Number 39 of 1999 concerning Human Rights, Law Number 23 of 2002 concerning Child Protection and Law Number 21 of 2007 concerning the Crime of Trafficking in Persons which contains all provisions regarding trafficking in persons (Natsir and Natsir, 2017).

The main challenges of law enforcement of trafficking can be seen from several aspects. *Modi operandi* is increasingly complex perpetrators, for example through online recruitment, job vacancy fraud, and the use of cross-border networks. This makes it difficult for the authorities to detect and dismantle human trafficking networks. Strengthening law enforcement capacity, increasing international cooperation, and more effective supervision in areas prone to trafficking in persons (Puspawati, 2025).

Human trafficking for sexual exploitation on social media can be identified through the age of the victim as one of the important criteria (Hernández-Álvarez, 2019). In 2022,

Indonesia passed the Law on the Crime of Sexual Violence which aims to prevent the crime of sexual violence through prevention, coordination, and monitoring by central and regional law enforcement agencies. The law adopts sanctions and treatment in terms of criminal sanctions. However, the Law is still weak in terms of restitution which should be in the form of action sanctions rather than criminal sanctions and the lack of corporate criminal liability arrangements. The severity of the punishment adopted by the Law should be in the form of unlimited punishment to provide the maximum deterrent effect. In addition, there is a lack of synchronization between the Law and other laws, including the Law on Trafficking in Persons, Pornography, and the Elimination of Domestic Violence (Santoso and Satria, 2023). Relatively light court verdicts are an obstacle in creating a deterrent effect. Some court rulings show that the punishment handed down to the perpetrator is not proportional to the impact of the crime experienced by the victim. This gives the impression that trafficking has not been seen as an extraordinary crime that requires serious handling.

Strengthening the implementation of criminal law through the application of strict and maximum sanctions to have a deterrent effect on perpetrators. Judges need to interpret trafficking as an extraordinary crime, so severe punishment is the first option. Comprehensive protection for victims must be a priority. This protection is not only in the form of physical rescue, but also psychological recovery, restitution, and social reintegration programs to prevent revitalization. According to Buchbinder (2012), one prevention strategy may seek to improve the education system and employment opportunities to prevent outward migration, while another strategy uses the power of the law to arrest and prosecute traffickers.

Law enforcement officers need specialized training in trafficking investigations, including the ability to leverage digital technology to track online networks. Fourth, the use of information technology can be an effective instrument in preventing and cracking down on trafficking, for example through online reporting systems, integrated databases, and monitoring of online activities that have the potential to be a means of recruiting victims. Digital technology can improve data mining which allows governments to improve their cybersecurity. The government needs to make more efforts to mitigate cyber exploitation and human trafficking, this can be realized when acts of human trafficking are reported to law enforcement to bring perpetrators to justice (Mangwanya, et al., 2025).

The government is required to strengthen international cooperation considering that trafficking is a cross-border crime. Indonesia needs to expand its network with neighboring countries and international organizations, both in the exchange of information and the mechanism for extradition of perpetrators. According to Zulyadi, et al., (2024) an effective approach to combating human trafficking requires a balance between penal and non-penal measures, strong adherence to territorial sovereignty, and increased international cooperation in strengthening law enforcement emphasizing the need for a specific legal framework to address human trafficking. Although penal policies serve as a deterrent, non-penal strategies such as victim protection and public awareness campaigns are equally important. Because currently victim protection is not optimal, especially related to access to rehabilitation, restitution, and social reintegration. Many victims are exploited again due to the lack of continuous assistance.

With these measures, the enforcement of the law on trafficking not only emphasizes the repressive aspect in the form of punishing the perpetrator, but also the preventive and protective

aspects. This is in line with the goals of modern criminal law which is not only oriented towards retribution, but also on the protection of the community and the restoration of victims' rights.

## CONCLUSION

Law enforcement against trafficking in persons (TPPO) in Indonesia has a strong juridical foundation through Law Number 21 of 2007 and supporting regulations, but implementation faces significant challenges, including evolving complex modus operandi of perpetrators, limited capacity and integrity of law enforcement officials, weak coordination among agencies, and inadequate victim protection. These obstacles contribute to the ongoing difficulty of eradicating trafficking despite legal provisions. To address this, stricter criminal sanctions are necessary to deter offenders, along with enhanced victim protection encompassing physical, psychological, and social recovery and restitution rights. Capacity building through specialized training and digital technology use is crucial, as is improving inter-agency coordination and sustaining international cooperation to combat cross-border trafficking. Future research should focus on evaluating the effectiveness of integrated law enforcement strategies and victim-centered approaches, as well as exploring how digital tools can be optimally employed to detect and prevent trafficking in Indonesia's diverse regional contexts, thereby promoting more comprehensive and just outcomes in criminal law enforcement.

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