

Analysis of Law Enforcement Arrangements Against Human Trafficking Practices as Organized Crime: A Legal Certainty Perspective

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Abstract

Basically, the Indonesian State has been actively combating the crime of trafficking in persons based on jurisdiction, but in reality the practice of trafficking in persons is still rampant against the background of various challenges and obstacles originating internally and externally which are directly related to current law enforcement methods. The urgency of eradicating the practice of trafficking in persons as a crime that is currently rampant must be resolved immediately with several strategies such as reconstructing law enforcement towards a more responsive and prioritizing preventive action in the form of prevention and repressive action, namely the protection of victims of trafficking in persons to achieve legal certainty. This research aims to examine the reconstruction of ideal law enforcement in eradicating the practice of human trafficking in order to realize the value of legal certainty. This research uses qualitative analysis with empirical juridical research method elaborated with statute approach and sociological approach. The results showed that law enforcement has been rigid so that responsive law enforcement is needed in accordance with the needs of the parties concerned between the victim and the perpetrator in order to achieve legal certainty.

[Secara umum, Negara Indonesia telah secara aktif memerangi kejahatan perdagangan orang berdasarkan yurisdiksi, namun pada kenyataannya praktik perdagangan orang masih marak terjadi di tengah berbagai tantangan dan hambatan yang berasal dari dalam dan luar negeri, yang secara langsung terkait dengan metode penegakan hukum yang berlaku saat ini. Urgensi memberantas praktik perdagangan orang sebagai kejahatan yang saat ini merajalela harus segera diatasi dengan beberapa strategi, seperti merekonstruksi penegakan hukum menjadi lebih responsif dan memprioritaskan tindakan preventif dalam bentuk pencegahan dan tindakan represif, yaitu perlindungan korban perdagangan orang untuk mencapai kepastian hukum. Penelitian ini bertujuan untuk mengkaji rekonstruksi penegakan hukum yang ideal dalam memberantas praktik perdagangan manusia guna mewujudkan nilai kepastian hukum. Penelitian ini menggunakan analisis kualitatif dengan metode penelitian yuridis empiris yang dikembangkan dengan pendekatan statuta dan pendekatan sosiologis. Hasil penelitian menunjukkan bahwa penegakan hukum telah kaku sehingga diperlukan penegakan hukum yang responsif sesuai dengan kebutuhan pihak-pihak terkait antara korban dan pelaku guna mencapai kepastian hukum.]

Keywords: Responsive Law Enforcement; legal certainty; Legal Reconstruction.

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INTRODUCTION

The crime of human trafficking (TPPO) is one of the biggest threats to human rights that has existed for thousands of years and continues to occur today in the midst of glittering technological advances (Naibaho, 2023). The practice of human trafficking includes a variety of cruel acts such as recruiting, transporting, hiding, sending, moving / receiving a person by coercion, threatening, violence, abduction, forgery, fraud, debt bondage and abuse of power with the aim of controlling the victim for profit (Mustafid, 2019). Today, the crime of trafficking in persons is analogous to the practice of slavery, which is understood as a condition in which a person is under the control/ownership of another person (Kosandi et al., 2017; Permana & Lesmana, 2022).

Therefore, the crime of trafficking in persons is said to be a modern form of human slavery because it is classified as the worst act of violation of human dignity (Yuliani & Nisa, 2023). The ease with which traffickers can carry out their operations through the use of technological developments is increasingly threatening and dangerous for society, especially for women and children (M. Bouk et al., 2023). Factors such as the lack of decent jobs, limited access to knowledge/education, high poverty rates, gender inequality, and the failure of the state to enforce the law are surplus to the proliferation of human trafficking in Indonesia today (AS et al., 2018; Dewi, Putri, et al., 2023)

To date, the number of trafficking victims detected is like an iceberg, where the number hidden below the surface is greater than that seen above it and cases of human trafficking continue to increase dramatically, especially in vulnerable areas (Alhakim et al., 2023). Technically, the main difficulty in dealing with the rampant practice of trafficking in persons lies in the complexity of proving / disclosing a trafficking practice accompanied by a lack of legal evidence because it is an organized crime, the slow handling of law (Agustin & Wahyudi, 2025; Kusnadi et al., 2022).

Therefore, the urgency of eradicating the practice of trafficking in persons as an organized crime that is currently rampant in Indonesia must be resolved immediately with various strategies such as reconstructing law enforcement towards a more responsive and prioritizing preventive measures in the form of prevention and repressive measures, namely the protection of victims of trafficking in persons (Farisin & Fazha, 2025). Reconstruction of law enforcement on trafficking in persons as an organized crime should be a step that can re-realize the value of legal certainty. Law enforcement against human trafficking is still rigid (procedural justice) so that the law is unable to function as commander in responding to the needs and aspirations of the community (responsive justice) (Nur, 2023).

According to Nonet and Selznick with responsive legal theory, every law enforcement must have high sensitivity and adjust to developments in society so that the law can become a facilitator. Law enforcement is not only limited to punishing criminals but also realizing justice for victims of crimes that have occurred (DM, 2022). The implementation of responsive justice has the aim of creating recovery for victims and other related parties such as witnesses and preventing

the occurrence of human trafficking crimes. The concept of responsive law enforcement reconstruction can be described by prioritizing prevention over prosecution, community-oriented, prioritizing victim protection, transparency to strengthen security and protection of human rights (Fadhila, 2023).

Basically, there are several previous studies that also offer ideas related to the eradication of human trafficking as an organized crime, such as by Firdaus & Simangunsong, 2023 which discusses legal protection, especially for migrant workers who are victims of human trafficking. Research by Restanto & Pangestika, 2023 which analyzes human trafficking in Indonesia as a violation of human rights and the urgency of strengthening law enforcement. Furthermore, research conducted by Dewi, Arida, et al., 2023 which discusses the protection and prevention of criminal acts of trafficking in persons which is juridically reviewed by emphasizing state responsibility. And research by Anastasi et al., 2024 which discusses law enforcement against the crime of trafficking in persons for the purpose of labor exploitation with a case study of decision No.20/Pid.Sus/2020/PN.Jkt.Tim.

The current research has a significant difference with previous studies as well as having the advantage of discussing specifically related to law enforcement arrangements for the eradication of trafficking in persons as an organized crime from the perspective of legal certainty. Therefore, there are two problem formulations that will be studied in this research, namely: 1) How is the impact of law enforcement arrangements on the perpetrators of trafficking in persons as an organized crime in Indonesia?; and 2) How is the reconstruction of law enforcement against perpetrators and victims of human trafficking as an organized crime from the perspective of legal certainty?

METHOD

This research uses qualitative analysis with empirical juridical research method elaborated with statute approach and sociological approach. The statutory approach is carried out by analyzing all laws and regulations relating to the legal issues studied, especially those relating to the crime of trafficking in persons (Disemadi, 2022). The laws and regulations used include the 1945 Constitution, Law No. 21/2007 on the Eradication of the Crime of Trafficking in Persons, Law No. 35/2014 on the Amendment to Law No. 23/2002 on Child Protection, Government Regulation No. 22/2016 on the Protection of Victims and Witnesses and other regulations relating to the crime of trafficking in persons.

While the sociological approach is used to discuss an object based on the existing society/an approach that is used to understand and study society (Tan, 2021). The data used in this research is primary data obtained directly from sources and field observations and supplemented by secondary data consisting of primary legal materials, secondary legal materials and tertiary legal materials. The data is obtained directly through survey, interview and observation methods and is complemented by library research and then the data is analyzed descriptively.

RESULTS AND DISCUSSION

The Impact of Law Enforcement Arrangements on Trafficking in Persons as an Organized Crime in Indonesia

The crime of trafficking in persons, hereinafter referred to as the crime of trafficking in persons, refers to the illegal trade in human beings for commercial purposes that leads to the crime of sexual exploitation/forced labor and other acts of human rights violations (Advenita et al., 2020; Rochmah & Simangunsong, 2023). Until now, Indonesia is not only a sending/recipient country but also a transit area for human trafficking activities. The crime of trafficking in persons is carried out across the boundaries of a state's jurisdiction,

therefore strategic areas such as Indonesia, which is an archipelago, are one of the places that are actually utilized by criminal networks to carry out the practice of trafficking in persons (Sandria, 2016; Tempali & Burhan, 2025)

Basically, the government has actively designed various strategies to combat trafficking in persons nationally, including through juridical channels based on Law No. 21/2007 on Trafficking in Persons, the formation of the Task Force for the Prevention and Handling of Trafficking in Persons as stipulated in Presidential Regulation No. 69/2008, and the establishment of a national action plan to eradicate trafficking in persons 2009-2014, 2015-2019, and 2020-2024 (Soraya et al., 2023). Based on these three policies, it will be implemented in regional level policies that are filled by regional agencies such as regional police, women's empowerment and child protection offices, social services, and other related agencies, but in reality cases of trafficking in persons are still rampant with various method or technique, especially in several vulnerable areas (Awaliyah, 2023). Based on data from Databoks, there are 10 provinces with the most trafficking victims in Indonesia (throughout 2023), namely:

Table 1. Provinces With The Most Trafficking Victims in Indonesia

NO	Province	Total of TPPO cases
1.	North Sumatra	379 Cases
2.	Riau Islands	366 Cases
3.	Riau	334 Cases
4.	Central Jawa	273 Cases
5.	West Kalimantan	272 Cases
6.	East Nusa Tenggara	255 Cases
7.	West Nusa Tenggara	227 Cases
8.	West Jawa	221 Cases
9.	East Jawa	181 Cases
10.	North Kalimantan	125 Cases

Source: (Ahdiat, 2024)

These provinces are directly connected to other countries such as Singapore, Malaysia, Thailand, Myanmar, the Philippines and Cambodia (Febrianti, 2023). The target prey of human trafficking is not limited by age, ethnic background, education, but everyone, both men, women and children, are vulnerable to becoming victims of human trafficking (Alunaza et al., 2023). The increase in the crime of trafficking in persons is increasing over the years with an increase in the number of victims. Even in the criminal act of trafficking in persons also involves elements from the ranks of the apparatus / authorized parties as accomplices in launching the implementation of criminal acts of trafficking in persons at the national to international level (TPPO: *"Iming-iming gaji besar" hingga "bekingan oknum aparat", lima masalah utama di balik kasus perdagangan orang*, 2023). Therefore, human trafficking can be classified as an organized crime and has a direct relationship with the use of science and technology in its implementation, making human trafficking classified as a serious crime.

The perpetrators of human trafficking crimes are generally carried out by educated people / having power and high positions and entering into criminal networks. The increasingly sophisticated technology has also modernized the method or technique of human trafficking in Indonesia today, as evidenced by the drastic increase from year to year in cases of human trafficking that began during the Covid-19 pandemic until now with various method or technique (Sahputra & Persada, 2021). One of the method or technique of trafficking in persons is even done openly, using the mode of job recruitment through social media as shown in Figure 1 below:



Figure 1: Modes of Trafficking through Job Recruitment
(Facebook Group called Indo Cambodian Community Sihanoukville (Private))

The Illegal Financial Activities Eradication Task Force (SATGAS PASTI) has issued an appeal for fraudulent job vacancies on several social media with lucrative salaries. The method or technique is that the victim will be given a certain amount of money to be invited into the community to be given further information regarding the job vacancy that will be given. The perpetrators make promises to victims such as providing assistance, especially in taking care of travel passports, visas and other requirements (Salamena et al., 2023). After that the victim will be dispatched to the place/location that has been determined by the perpetrator. After the victim is dispatched and arrives at the predetermined place, the victim will work and be given facilities and a high salary, but in reality after the victim has arrived, the victim is forced to work without pay/slavery and even tortured if he/she does not reach the predetermined target (Rsd, 2023). In some cases, victims are sold to other perpetrators as sex slaves/illegal organ sales.

The occurrence of human trafficking crimes can be caused by various factors and different problems, especially from the victim's side so that it has the potential to lead to human trafficking crimes such as: (1) Lack of legal awareness, the majority of people immigrate to work but do not realize the risks/ consequences of the dangers of human trafficking and the sophisticated method or technique used to lure and trap the majority of people into forced labor/slavery (Bakker et al., 2023). (2) As a result of high poverty, the majority of victims of trafficking are low-income people, and many people adopt cultural livelihood strategies such as seeking legal/illegal employment abroad in order to improve their family's livelihood rather than seeking employment in Indonesia with insufficient income. (3) The desire to get rich quickly, the desire for different assets and a higher standard of living in society is the impetus and motivation to work abroad either legally or illegally, which has a high risk of human trafficking. (4) Lack of education, people with low/limited education, skills and employment opportunities are more vulnerable to becoming victims of human trafficking because of their lack of critical thinking/adequate understanding of the risks and limited options (Najib & Juned, 2025; Rachman & Aida, 2023).

Meanwhile, the occurrence of human trafficking crime is caused by the perpetrators, namely: (1) Socio-Economic Inequality, high social and economic inequality, especially in Batam City, makes some people with socio-economic limitations very vulnerable to exploitation. People living in poverty or in marginalized areas are often easy targets for traffickers who offer the lure of jobs or better life opportunities in other countries. (2) Weak law enforcement, weak sectors related to law enforcement allow traffickers to

operate freely without fear of serious consequences. Weak law enforcement can be caused by the high number of corruption cases, officials who accept bribes to the game of buying and selling laws in human trafficking cases (Islam et al., 2024). (3) Lack of research and accurate data on the crime of human trafficking, the lack of accurate data and comprehensive research on human trafficking can hinder efforts to combat this crime. Without an in-depth understanding of the scale and patterns of trafficking, countermeasures may not be effective (M. Bouk et al., 2023). (4) Lack of information related to trafficking, the general public may not have sufficient knowledge of what trafficking is, how to identify it, and what to do if they encounter a suspected case. The lack of education and information means that awareness of the risks and dangers of trafficking remains low (Christi & Atman, 2025).

The prevalence of trafficking in persons with the method or technique of foreign job offers in Indonesia reflects the low effectiveness of the national TPPO Law. On the one hand, the regulation on trafficking in persons has stipulated quite severe penalties as a form of deterrent effect on the perpetrators as outlined in the TPPO Law, namely:

Article of the Anti-Trafficking Law	Sanctions
Article 2 paragraph 1 : “Any person who recruits, transports, harbors, sends, transfers, or receives a person by threat of force, use of force, abduction, harboring, forgery, fraud, abuse of power or a position of vulnerability, debt bondage or the provision of payments or benefits despite the consent of a person in control of another person, for the purpose of exploiting that person in the territory of the Republic of Indonesia”	Imprisonment of at least three years and a maximum of fifteen years and a fine of at least Rp120 million and a maximum of Rp600 million.
Article 3 : “Any person who imports persons into the territory of the Republic of Indonesia with the intention of exploitation in the territory of the Republic of Indonesia or exploitation in another country”	Imprisonment of at least three years and a maximum of fifteen years and a fine of at least Rp120 million and a maximum of Rp600 million.
Article 4 : “Any person who brings an Indonesian citizen outside the territory of the Republic of Indonesia with the intention of exploitation outside the territory of the Republic of Indonesia”	Imprisonment of at least three and at most fifteen years and a fine of at least Rp120 million and at most Rp600 million.
Article 5 : “Any person who performs child adoption by promising something or giving something with the intention of exploitation”	Imprisonment of at least three years and a maximum of fifteen years and a fine of at least Rp120 million and a maximum of Rp600 million.
Article 6 : “Any person who sends a child into or out of the country by any means resulting in the exploitation of the child”	Imprisonment of at least three years and a maximum of fifteen years and a fine of at least Rp120 million and a maximum of Rp600 million.

Source: Author's Analysis

Although the TPPO Law provides an adequate legal basis with penalties that are sufficiently burdensome for perpetrators (deterrent effect), its effectiveness in cracking down on perpetrators of organized crime is still questionable. The main problem in law enforcement against human trafficking crimes involves limited law enforcement resources

(Kusumaningrum & Wibawa, 2024). Ineffective inter-agency coordination, as well as challenges in tracing criminal networks that often cross national borders, are problems that are difficult to resolve. In addition, the complexity of organized crime networks in TPPO makes handling these cases require a multi-faceted approach, which includes cross-sectoral and international cooperation (Soraya et al., 2023).

Indonesia has established various cooperation with other countries and international organizations to eradicate TPPO, but legal harmonization among partner countries still needs to be improved to ensure that perpetrators cannot easily escape the existing laws to achieve legal certainty. The impact of this suboptimal law enforcement is not only in terms of preventing the rise of TPPO, but also in terms of achieving justice for victims, which is often overlooked due to the difficulty of the legal process against TPPO perpetrators.

Reconstruction of Law Enforcement Against Perpetrators and Victims of Trafficking in Persons as Organized Crime from the Perspective of Legal Certainty

There are several main problems that cause the high number of human trafficking cases that can come from the contribution of the victim and the perpetrator so that in the eradication of human trafficking cases. There are several obstacles in an effort to minimize the occurrence of trafficking in persons, especially in strategic but very vulnerable areas, such as the rampant activities of trafficking in persons in Indonesia which is an organized crime so that it is massive in Indonesia as an archipelagic country (Dabukke, 2024). Trafficking in persons is an organized crime which means that a crime is not committed individually but has been structurally planned by a certain group and there is a division of tasks and roles in launching the crime of trafficking in persons both from the perpetrator in charge of recruiting targets of trafficking in persons (initial facilitator) in the area of origin, the perpetrator in charge of shelter until sending the target as a victim to the transit location and destination location. This massive division of tasks and roles makes human trafficking an organized crime that is very difficult to eradicate by the authorities (Pamungkas & Sutrisno, 2025).

Furthermore, in addition to the sophisticated method or technique of the perpetrators, in handling cases of human trafficking crimes (Butarbutar, 2023), It is often difficult for law enforcement agencies to know the identity of the perpetrators who are in control of a network of trafficking cases. In the course of human trafficking crimes, victims and perpetrators often coordinate with each other without meeting in person and considering the sophisticated technology, it is very difficult to trace the whereabouts/position of the perpetrator. This is still one of the obstacles to finding the chain of trafficking networks to find evidence by law enforcement officials.

In addition, the limited budget for the eradication of trafficking in persons is also a serious problem because the long process of solving a case of trafficking in persons from conducting investigations, investigations to uncovering the perpetrators of a case of trafficking in persons is certainly a very difficult thing and requires a lot of time, energy and budget considering the crime of trafficking in persons itself is an organized crime and method or technique involving sophisticated technology (Lumenta et al., 2024). In fact, in proving and resolving a case of human trafficking, experts from various fields/multidisciplines are also needed because human trafficking itself has a different method or technique so that there are also different treatments (special solutions in some cases of human trafficking, especially those involving women and children). In addition to the large budget required to uncover a network of human trafficking crimes, another obstacle is the amount of budget that is diverted for the protection of victims of human

trafficking crimes. In addition, there is a low level of public legal awareness which results in low compliance with the law itself (Najib & Juned, 2025).

Based on the obstacles and challenges that have been found by the researchers above, although Indonesia has been intensive and massive in eradicating human trafficking crimes based on several juridical arrangements, in reality, cases of human trafficking are still high due to the rigidity and lack of transparency of law enforcement on the eradication of human trafficking crimes and the lack of participation from the community (Hidayah, 2023). Therefore, it is necessary to immediately reconstruct the ideal law enforcement against the perpetrators of human trafficking in order to create legal certainty.

So far, law enforcement is only understood as carrying out written rules / laws that are rigid and too focused on the legal system without seeing the relationship between legal science and social problems. The characteristics of the law should pay attention to the needs of society so that law enforcement is not rigid and flexible. Law enforcement is not only limited to implementing written rules but must also contain social logics. This is a challenge for all parties involved in the law enforcement process from the police, prosecutors, judiciary and advocates to be able to free themselves from the confinement of rigid and analytical law enforcement. Basically, law enforcement against human trafficking is still formal-positivist in nature, which is only able to explain the normal process of positive law itself, but to explain the atmosphere of chaos and turmoil that occurs still has many limitations (Fitri & Jeumpa, 2023).

This can be seen in the legal ability to deal with the crime of trafficking in persons, which only focuses on formal enforcement, which until now has no satisfactory results, in other words, there is no priority for the establishment of preventive legal protection accompanied by participation from the community (Djohan, 2023). By presenting a responsive legal approach to law enforcement against trafficking offenders, it provides the ability for legal institutions to be more thorough and responsive in considering social facts in the legal process.

Reconstruction of ideal law enforcement based on achieving legal certainty, among others: (1) Presenting the firmness of the law, law enforcement against the perpetrators of human trafficking must be accompanied by strict punishment in the sense of severity in accordance with the expectations of the community in order to provide a deterrent effect and most importantly be realized. This is in accordance with the consideration that the crime of trafficking in persons is an organized crime and violates human rights (extraordinary crime) with the complexity of disclosing cases of trafficking in persons in Indonesia (Syaputra, 2023). Strict, severe, proportional and enforceable penalties are key to eradicating this crime and must be applied to show the public that trafficking in persons is a serious crime that cannot be tolerated for any reason.

(2) Enhance preventive protection (Utami, 2023), Responsive law is a law that is also based on social logic which means that the law must understand the problems and needs of the community itself, such as the government must increase more jobs to reduce poverty, increase public legal awareness, improve education and educate the nation's life, improve socio-economic inequality in society and other solutions that can reduce the occurrence of intentions (*mens rea*) to actions (*actus reus*) of human trafficking crimes from both perpetrators and victims. (3) Improve victim protection (Nugroho et al., 2023), Responsive law in addition to law enforcement against trafficking offenders must also prioritize the protection and recovery of trafficking victims. Protection of victims of trafficking can take the form of providing access to physical and mental health services, safe shelter, legal aid support to the establishment of training and assistance for the socio-economic reintegration of victims.

(4) Community empowerment (Daffa, 2023), In combating human trafficking, it is necessary to empower and support the community. This can be done by providing better access, especially in areas that increase public awareness, such as the formation of anti-human trafficking organizations/groups directly or community groups that increase human resources to reduce socio-economic inequality, which is one of the triggers of human trafficking in Indonesia. (5) Massive cooperation between law enforcement agencies (Bondi et al., 2023), Considering that the crime of trafficking in persons is an organized crime and even crosses national borders (transnational crime), more massive cooperation is needed between law enforcement agencies both domestically and abroad as a form of promotion of upholding human rights. In addition to establishing strong cooperation, information exchange and harmonization of laws between countries related to human trafficking can also be carried out in order to achieve responsive legal formation, especially in combating human trafficking in order to achieve legal certainty.

By reconstructing law enforcement, which was initially rigid and only focused on the law, shifting to be responsive and considering social logics in accordance with the needs of society is the right step to eradicate human trafficking in order to achieve legal certainty. Basically, the law is a shield for the entire community to get welfare, peace and tranquility. Law is not just the highest power but contains the values of justice, certainty and expediency. To realize effective countermeasures against human trafficking in Indonesia, it is hoped that reconstruction steps towards ideal law enforcement can be carried out immediately to reduce the high number of human trafficking in Indonesia today in order to achieve legal certainty.

CONCLUSION

Considering that the crime of trafficking in persons is a criminal act that is very difficult to eradicate because it is classified as an organized crime and the use of technological sophistication has also helped modernize its method or technique, especially in Indonesia today. So far, law enforcement is only understood as limited to implementing written rules / laws that are rigid (formal-positivist) and unable to answer the atmosphere of chaos and turmoil that occurs dynamically in society, especially in the face of rampant trafficking in persons. Therefore, it is necessary to reconstruct law enforcement towards a more responsive direction in accordance with the needs of society and prioritize preventive action in the form of prevention and repressive action in the form of protecting victims of human trafficking in order to achieve legal certainty. As a form of achievement of legal certainty, it must be able to present legal firmness, increase victim protection, empower the community to form more massive cooperation between law enforcement agencies in Indonesia in order to achieve legal certainty. To realize effective countermeasures and legal certainty against human trafficking in Indonesia, it is hoped that reconstruction steps towards more responsive law enforcement in order to achieve the ideal can be done immediately to reduce the high number of human trafficking crimes today.

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