

Article Title

Criminal Law Enforcement in the Suppression of the Crime of Human Trafficking

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ABSTRACT

This study aims to analyze the regulation and enforcement of criminal law in combating the crime of human trafficking in Indonesia from a normative legal perspective. The research method employed is normative legal research using statutory and conceptual approaches through an examination of the 1945 Constitution of the Republic of Indonesia, Law Number 21 of 2007 on the Eradication of the Crime of Human Trafficking, the Criminal Code (KUHP), and the Criminal Procedure Code (KUHAP). The findings indicate that, normatively, Indonesia has established a relatively comprehensive legal framework through the Anti-Trafficking Law (UU PTPPO) as a *lex specialis* emphasizing both the punishment of perpetrators and the protection of victims. However, the effectiveness of law enforcement still faces various challenges, including the complexity of proving chain crimes, limited investigative capacity—particularly regarding digital evidence—disharmony in the application of legal provisions, weak inter-agency coordination, and suboptimal victim recovery mechanisms that risk causing revictimization. Effective criminal law enforcement requires the integration of repressive and restorative approaches through the implementation of a victim-centered approach, strengthening witness and victim protection mechanisms, enhancing technology-based evidentiary capacity, and promoting cross-sectoral as well as international coordination. Therefore, criminal law enforcement against human trafficking must be directed not only toward legal certainty but also toward substantive justice and the restoration of victims' dignity within a human rights-oriented rule of law framework.

Keywords: *Criminal Law Enforcement, Human Trafficking, Victim Protection*

INTRODUCTION

The Indonesian nation is currently facing various complex problems that reflect a multidimensional crisis, including a crisis in criminal law enforcement. This condition is not only evident from the low effectiveness in prosecuting perpetrators of crime, but also from the suboptimal protection afforded to victims. Law enforcement often tends to emphasize formalistic aspects that prioritize legal certainty alone (Situmeang & Meilan, 2025). As a result, the values of substantive justice and legal utility have not been fully achieved in criminal justice practice. This phenomenon indicates a gap between ideal legal norms and their implementation in reality (Haslam, 2025).

As a state based on the rule of law, as affirmed in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, every action of state administrators should be subject to the principle of the supremacy of law. A rule-of-law state requires guarantees of human rights protection and limitations on power through fair legal mechanisms. The principle of equality before the law, as stipulated in Article 27 paragraph (1) of the 1945 Constitution, serves as a fundamental basis in the criminal justice system. Furthermore, Article 28D paragraph (1) guarantees every person the right to fair legal certainty. However, the implementation of these constitutional norms still faces various challenges in practice (Saraswati, 2025).

The imbalance between legal certainty, justice, and legal utility often becomes a source of criticism toward Indonesia's law enforcement system. Law enforcement

officials tend to prioritize formal procedures without considering the social and humanitarian context underlying criminal events (Firdaus, 2025). This condition causes law to lose its social function as a means of protection for vulnerable groups. In certain contexts, an overly legalistic approach may even produce new forms of injustice. Therefore, a more humane law enforcement paradigm oriented toward human rights protection is required.

One form of crime that reflects the complexity of criminal law enforcement is the crime of human trafficking. This crime does not only involve violations of criminal law but also touches upon social, economic, and cultural aspects of society (Susanti, Kurnia & Lestari, 2025). Women and children are among the most vulnerable groups affected by trafficking practices. The exploitation experienced by victims often occurs systematically and repeatedly. This situation demands a comprehensive and victim-oriented law enforcement approach (Lase, Rahardiansyah & Notoprayitno, 2025).

Human trafficking is not a new phenomenon in global or national criminal history. The modus operandi of this crime continues to evolve along with advances in information technology and cross-border human mobility (Lubis, Lestariks & Sari, 2025). Perpetrators exploit regulatory loopholes, economic disparities, and weak supervision in border areas. Trafficking networks typically involve multiple actors operating in an organized manner. These conditions indicate that human trafficking is a serious crime requiring systematic countermeasures (Djo, Manuain & Fanggi, 2024).

Normatively, the state has established a firm legal framework through Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking. This law defines human trafficking as a series of actions ranging from recruitment to exploitation conducted unlawfully. The definition emphasizes that human trafficking constitutes a serious violation of human dignity. Additionally, the law highlights the importance of victim protection. Thus, law functions not only as an instrument of punishment but also as a means of recovery.

Strengthening victim protection is also reflected in Law Number 13 of 2006 concerning the Protection of Witnesses and Victims, as amended by Law Number 31 of 2014. This regulation provides guarantees of security, medical rehabilitation, and psychosocial assistance to victims of crime (Yani & Rohman, 2025). The rights to restitution and compensation are essential components of victim recovery. However, in practice, the implementation of these protections still encounters various obstacles. Many trafficking victims have yet to fully obtain their rights within the criminal justice process (Maryam & Prasetyo, 2025).

From a human rights perspective, human trafficking constitutes a serious violation that contradicts fundamental humanitarian principles. Law Number 39 of 1999 concerning Human Rights affirms that the right to life and personal liberty cannot be reduced under any circumstances (Mustafid, 2019). The exploitation

experienced by trafficking victims clearly violates these principles. The state has a constitutional obligation to prevent and prosecute all forms of human rights violations. Therefore, criminal law enforcement against human trafficking must be placed within a comprehensive human rights protection framework (Chandrawaty, 2020).

Protection of children as a vulnerable group is also regulated under Law Number 23 of 2002 concerning Child Protection, which has undergone several amendments. The law affirms that every child has the right to protection from economic and sexual exploitation (Aryananda, Junaidi & Faried, 2023). Child trafficking is categorized as a serious crime requiring special handling. Child protection approaches must consider the best interest of the child. This necessitates coordination among law enforcement agencies, social institutions, and the broader community (Riza, & Sibarani, 2021).

Human trafficking also has a transnational dimension, making it part of organized cross-border crime. Perpetrators often utilize international networks to evade national legal sanctions. Weak border supervision and differences in regulatory frameworks among countries present additional challenges (Apriani, Lestarika & Sary, 2025). Therefore, international cooperation becomes a crucial element in combating human trafficking. A multilateral approach is needed to break the global chain of crime.

The development of Indonesia's criminal law system has been further strengthened by the enactment of Law Number 1 of 2023 concerning the National Criminal Code. The new Criminal Code introduces a more humane paradigm oriented toward the protection of human rights. The principles of proportionality and restorative justice have become integral components of modern sentencing systems. This shift indicates that criminal law is no longer purely repressive. A more balanced approach among the interests of the state, perpetrators, and victims is expected to improve the quality of law enforcement.

In the context of human trafficking, the new National Criminal Code functions as a *lex generalis* providing a philosophical foundation for the criminal law system. Meanwhile, Law Number 21 of 2007 remains the *lex specialis* regulating trafficking offenses specifically. Synchronization between these two regulations is essential to avoid normative disharmony. Without proper harmonization, law enforcement may face legal uncertainty. Therefore, regulatory integration becomes key to establishing an effective legal system.

The primary issues in law enforcement against human trafficking do not only lie in normative aspects but also in social and economic factors. Structural poverty, low levels of education, and limited employment opportunities serve as major drivers of trafficking practices. Development disparities between regions further increase community vulnerability to exploitation (Simbolon & Nababan, 2026). These conditions demonstrate that criminal law approaches must be accompanied by

comprehensive social policies. Effective law enforcement must address the structural roots of the problem.

In addition, law enforcement practices often face challenges due to a lack of coordination among law enforcement institutions. Investigative and trial processes frequently proceed slowly and are not sufficiently sensitive to victims' needs. Revictimization often occurs when victims must repeatedly provide testimony during legal proceedings. This indicates that victim-oriented approaches have not been fully implemented. Reform of the criminal justice system has become an urgent necessity to ensure more optimal protection.

Based on the overall description above, it can be concluded that criminal law enforcement in addressing the crime of human trafficking requires a holistic and human rights-oriented approach. Legal certainty must go hand in hand with justice and legal utility to provide real protection for victims. Firm and consistent law enforcement is expected to create a deterrent effect for perpetrators. At the same time, the state bears responsibility to restore the dignity of victims through fair legal mechanisms. Based on these considerations, this study adopts the title "Criminal Law Enforcement in the Suppression of the Crime of Human Trafficking" as an effort to examine in depth the effectiveness of Indonesia's criminal law system in addressing human trafficking crimes.

METHOD

This study employs a normative legal research approach that focuses on examining norms, principles, and legal rules within the positive legal system. The normative approach is chosen because the research aims to analyze the legal construction related to criminal law enforcement in cases of human trafficking by assessing the conformity of legal norms with the principles of justice, legal certainty, and human rights protection. The analysis covers various statutory regulations, including the 1945 Constitution of the Republic of Indonesia, Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking, the Indonesian Criminal Code (KUHP), and the Indonesian Criminal Procedure Code (KUHAP). In addition, this research adopts a conceptual approach to examine legal doctrines and theories developed in academic literature, as well as a statute approach to systematically review national regulations and international instruments relevant to the issue of human trafficking. Through these approaches, the study is expected to provide a comprehensive and argumentative normative analysis of the legal issues under examination.

The legal materials used in this research consist of primary, secondary, and tertiary sources obtained through library research. Primary legal materials include the constitution, statutes, and other binding regulations, while secondary legal materials consist of textbooks, scientific journals, research reports, and academic works related

to legal theory, criminal law enforcement, and the protection of human trafficking victims. Tertiary legal materials, such as legal dictionaries, encyclopedias, and other reference sources, are used to strengthen conceptual understanding. The collection of legal materials is conducted through the review of printed literature and electronic sources, including journal databases and official websites of credible state institutions. Furthermore, the analysis of legal materials is carried out qualitatively through legal interpretation, legal reasoning, and deductive conclusion drawing in order to produce a systematic, logical, and academically accountable analysis.

RESULT AND DISCUSSION

A. Criminal Law Regulation on the Crime of Human Trafficking in Indonesia

Human trafficking is one of the most serious forms of crime in the development of modern criminal law because it directly reduces human beings from autonomous legal subjects into objects of economic exploitation. Victims are not positioned as persons with free will, dignity, and autonomy, but are treated as “commodities” that can be recruited, moved, sheltered, and exploited. This pattern shows that the core of the crime is dehumanization—namely, the stripping away of the victim’s human qualities for the perpetrator’s benefit. For that reason, human trafficking cannot be understood merely as an ordinary criminal offense, but rather as an attack on the very values of humanity itself. Consequently, criminal law must respond through a regulatory and enforcement framework that is firmer, more progressive, and grounded in a human rights perspective.

Conceptually, human trafficking contains three principal elements—an act, the means, and the purpose of exploitation—which together form a distinctive offense structure. The act element includes recruitment, transportation, harboring, shipment, transfer, or receipt of a person as a series of interconnected actions. The means element consists of threats, violence, fraud, abuse of power, or abuse of a position of vulnerability that undermines the victim’s freedom of will. The ultimate purpose is exploitation in various forms, ranging from forced labor, slavery, and sexual exploitation to organ removal. This three-element structure demonstrates that human trafficking is a “process crime,” systematically designed to subdue the victim’s will and eliminate their autonomy.

From the perspective of legal philosophy, human trafficking contradicts the principle that human beings are ends in themselves, not instruments for the interests of others. This principle is a foundation of modern ethics and also explains why trafficking is not merely a violation of criminal norms. The crime injures human dignity, which lies at the core of the human rights concept. Therefore, the dimensions of trafficking are not only juridical but also moral and social, because it normalizes the use of humans as economic instruments. Law enforcement that ignores the dignity dimension risks viewing victims merely as evidentiary tools rather than rights-holders.

This is why an approach combining repressive, preventive, and restorative aspects is essential.

In the development of international law, human trafficking has conceptual proximity to crimes against humanity, particularly when carried out as a widespread or systematic attack against a civilian population. Not every trafficking case reaches the threshold of a crime against humanity in the strict sense of international criminal law, but the systematic, organized, and repetitive character often reflects a similar pattern of attack. Trafficking networks typically have a well-structured organization and division of roles, ranging from recruiters, intermediaries, transporters, and document forgers to those who exploit the victims. Victims generally come from vulnerable groups such as women, children, migrant workers, impoverished communities, and those with limited access to education. These conditions confirm that trafficking is not an incidental crime, but a structural criminal phenomenon.

That systematic character strengthens the understanding that human trafficking is a modern form of slavery, long condemned as one of the gravest violations of humanity. This crime thrives in unequal power relations, where victim vulnerability is capitalized into profit. Exploitation patterns are also frequently accompanied by physical violence, threats, psychological control, debt bondage, and social isolation that make it difficult for victims to escape the criminal cycle. As a result, victims' suffering does not end with a single incident, but continues over the long term. Therefore, criminal law regulation should not merely target perpetrators at the end point, but must be able to disrupt networks, financial flows, and the control mechanisms employed. Such an approach requires integrated law enforcement across institutions and jurisdictions.

The categorization of human trafficking as an extraordinary crime can be explained through several characteristics that emphasize its "exceptional" nature. First, trafficking is generally organized and continuous, making proof complex and requiring investigative strategies that target networks. Second, it is often transnational, involving countries of origin, transit, and destination, so jurisdictional issues and differences in legal systems become real challenges. Third, its impact is systemic because it damages moral and social order, increases inequality, and strengthens criminal economies. Fourth, victims suffer trauma that requires sustained recovery, meaning the response must involve rehabilitation services and social reintegration. With such characteristics, the criminal law response must be more than mere punishment; it must integrate prevention, protection, and victim recovery.

The human rights dimension of trafficking is highly prominent because the violations strike at the most fundamental rights. The rights to life, personal liberty, freedom from slavery, and security are all clearly deprived in trafficking practices. In the Indonesian context, these guarantees are firmly rooted in the 1945 Constitution of the Republic of Indonesia, particularly Chapter XA on Human Rights. Article 28A

guarantees the right to life, Article 28D paragraph (1) guarantees fair legal certainty, Article 28G paragraph (1) guarantees security, and Article 28I paragraph (1) affirms the right not to be enslaved as a right that cannot be reduced under any circumstances. Therefore, trafficking does not merely violate ordinary statutes but also injures the constitutional mandate of a rule-of-law state.

The status of the right not to be enslaved as a non-derogable right places the state under an absolute obligation to prevent and prosecute trafficking. Within the rule-of-law framework under Article 1 paragraph (3) of the 1945 Constitution, the state must not remain passive in the face of systematic human rights violations. Criminal law enforcement against trafficking should be read as constitutional protection of human dignity. In other words, a state's failure to prevent and prosecute may be assessed as negligence in fulfilling the constitutional mandate. Therefore, the development of regulations, strengthening of law enforcement institutions, and provision of victim services are binding state obligations. This orientation demands a criminal justice system that is not merely legalistic, but also just and victim-centered.

In modern human rights theory, state obligations are not only negative—i.e., to refrain from violating rights—but also positive, namely to protect and fulfil them. These duties are commonly understood in three dimensions: to respect, to protect, and to fulfil. In the trafficking context, the duty to respect means the state must not be involved in, or allow state officials to become part of, exploitative practices. The duty to protect requires the state to prevent third parties from trafficking through regulation, supervision, enforcement, and network dismantling. The duty to fulfil requires the state to provide victim recovery, including rehabilitation, restitution, compensation, and social reintegration. Thus, trafficking-related criminal law regulation should be understood as an instrument for fulfilling the state's constitutional obligations to safeguard human dignity.

Within the framework of criminal policy, trafficking requires a comprehensive approach that combines penal and non-penal strategies. Penal measures are necessary to prosecute perpetrators firmly, disrupt networks, and create a deterrent effect. However, non-penal measures are equally crucial because trafficking often has structural roots, such as poverty, unemployment, gender inequality, and low legal literacy. Therefore, social policies—poverty alleviation, access to education, and protection for migrant workers—must operate in parallel with law enforcement. With an integrative approach, criminal law functions as an *ultimum remedium* supported by strong preventive policies. Without structural policies, law enforcement tends to be reactive and fails to address the real sources of the problem.

Trafficking also cannot be separated from the social dimensions that shape victim vulnerability and increase opportunities for networks to operate. In many cases, victims are recruited through promises of high-paying jobs, educational opportunities, or narratives of a better life. Economic vulnerability becomes the primary entry point,

while information inequality and low legal literacy make it difficult for victims to recognize risk. Recruitment often relies on psychological approaches and close social relationships, creating emotional bonds that trap victims. Therefore, prevention strategies must target public education, community economic empowerment, and the development of responsive social protection systems. Without these efforts, trafficking networks will continue to find a steady “supply of victims” from the same vulnerable groups.

The evolution of trafficking regulation in Indonesia’s legal system shows a paradigm shift from a fragmented approach to a comprehensive one. Before the enactment of a specific law, trafficking cases relied heavily on the colonial-era Criminal Code, which was not designed to accommodate the complexity of modern trafficking. Relevant provisions were scattered across offenses such as kidnapping, deprivation of liberty, trafficking in women and children, and morality-related offenses, none of which formed a coherent trafficking offense structure. As a result, one trafficking incident was often broken down into separate offenses that failed to capture the full criminal process. These limitations led to ineffective proof, disproportionate sanctions, and minimal attention to victim recovery. This condition became a key driver for the need for a special trafficking regulation.

Post-1998 constitutional reform strengthened human rights guarantees in the 1945 Constitution and provided a normative foundation for more responsive regulation. The strengthening of Chapter XA confirmed the constitutional rights violated by trafficking, including the right not to be enslaved. Moreover, global developments and international commitments encouraged harmonization of national law with international standards. In this context, trafficking is no longer viewed as a purely domestic issue, but as a global phenomenon requiring an integrated response. Globalization pressures and increasing cross-border mobility have made trafficking more complex and harder to address with older instruments. Hence, legislative action became necessary to close legal gaps and strengthen enforcement capacity.

International standards—especially the act-means-purpose framework—encouraged a more modern and systematic formulation of the trafficking offense. This framework broadened regulation not only in terms of criminalization, but also prevention, cross-border cooperation, and victim protection. It is in this context that Law No. 21 of 2007 emerged as a key instrument recognizing trafficking as a stand-alone crime. The law provides a comprehensive definition and affirms that victim consent is irrelevant when obtained through unlawful means such as fraud or abuse of vulnerability. A coherent offense structure gives law enforcement clear guidance to charge perpetrators within a systematic trafficking framework. Accordingly, proof becomes more focused and sanctions can be more proportionate to the gravity of the crime.

The normative definition under the Anti-Trafficking Law confirms trafficking as a process crime, allowing enforcement to begin once a series of acts is directed toward exploitation. The act element broadens criminalization from recruitment to receipt of victims, including conduct facilitated by digital technology. The means element emphasizes the violation of the victim's freedom of will through threats, violence, fraud, and abuse of vulnerability, confirming that "tainted consent" cannot justify the perpetrator's conduct. The purpose element—exploitation—is the core component that distinguishes trafficking from other situations such as lawful labor migration or migrant smuggling. This cumulative structure strengthens legal certainty because officials have clear parameters for qualifying the offense. At the same time, it reinforces a victim-protection orientation, particularly for children who receive special treatment in evidentiary requirements.

Regulation of legal subjects in trafficking also shows development by recognizing corporations as potential perpetrators in addition to individuals. This recognition is important because trafficking is often concealed within seemingly legal activities, such as labor recruitment or placement services. Corporate criminal liability reflects a modern orientation that targets not only field-level actors but also organizational structures that enable crime. The sanctions system under the Anti-Trafficking Law is designed to be strict through relatively heavy imprisonment and fines, including aggravation in certain circumstances such as child victims or outcomes involving serious injury or death. On the other hand, victim protection is placed as an integral part through rights to rehabilitation, security protection, restitution, and legal assistance, in line with a victim-centered approach. Thus, Indonesia's criminal law regulation on trafficking demonstrates a commitment to enforce the law firmly while restoring victims' dignity within a rule-of-law framework grounded in human rights.

B. Criminal Law Enforcement in Combating the Crime of Human Trafficking in Indonesia

Criminal law enforcement is the most decisive stage in the functioning cycle of law, because it is at this stage that abstract legal norms are tested for their validity and practical effectiveness within social reality. In human trafficking cases, law enforcement serves as a bridge between *das sollen* (what ought to be) and *das sein* (what actually happens). Norms that have been comprehensively formulated can lose their social meaning if enforcement is weak, inconsistent, or insensitive to victims. Therefore, a discussion of law enforcement cannot stop at the statutory text, but must assess how those norms are operationalized within the criminal justice system. From this point, the quality of law enforcement becomes a concrete measure of whether the state is truly present in protecting human dignity.

In normative legal research, criminal law enforcement is not understood merely as the factual practice of law enforcement officials, but as a juridical process whose conformity with legal norms, principles, and mechanisms governing state authority

must be examined. The central focus is whether existing legal instruments and procedures are adequate to achieve the objectives of legal protection, justice, and legal certainty in tackling human trafficking. Thus, the normative assessment does not only ask “were procedures followed,” but also “did those procedures produce protection and justice.” Law enforcement that is purely legalistic risks neglecting the victim’s human dimension. Conversely, enforcement grounded in legal principles and the purposes of criminal law will maintain a balance between prosecuting offenders and restoring victims.

Normatively, the handling of human trafficking offenses is carried out through the criminal justice system involving the police as investigators, the prosecution service as public prosecutors, and the courts as institutions that examine and adjudicate cases. These three institutions operate within the authority framework set by the Criminal Procedure Code (KUHAP) and the special provisions of the Anti-Trafficking Law (UU PTPPO) as *lex specialis*. Their working relationship requires synergy so that case handling is not disrupted, overlapping, or mutually weakening. In trafficking cases that often cross regions and even national borders, synergy is a prerequisite for proving the process-based nature of the crime in a complete manner. Therefore, enforcement effectiveness depends heavily on consistent coordination and uniform legal perceptions among law enforcement actors.

The success of criminal law enforcement cannot be measured solely by the fulfillment of formal procedures, but by the capacity of the process to realize the aims of criminal law: protecting society’s legal interests, upholding justice, and preventing crime. In the trafficking context, these aims must be evident in two simultaneous directions: firm action against perpetrators and maximal protection for victims. If perpetrators are punished while victims are left without recovery, substantive justice has not been achieved. Conversely, if victims are restored but criminal networks remain intact, sustained protection is not guaranteed. Hence, an ideal system must balance repressive and restorative orientations at the same time.

The legality principle (*nullum delictum nulla poena sine lege*) functions as the normative foundation that both limits and legitimizes enforcement. In combating trafficking, the Anti-Trafficking Law provides a more specific and more suitable legal basis than reliance on the general provisions of the Criminal Code (KUHP), which tend to be fragmented. The existence of this special law enables more targeted enforcement because the offense elements are formulated in an integrated manner and oriented toward exploitation. However, the legality principle also demands precision in legal qualification so that there is no misapplication of articles or reduction of trafficking cases into other, lesser offenses. Thus, legal certainty and accurate application of *lex specialis* are essential conditions for fair enforcement. In practice, weaknesses at the qualification stage often become an entry point for evidentiary failure during trial.

Although the normative framework is relatively comprehensive, criminal law enforcement against trafficking still faces complex normative problems. These problems relate to offense construction, evidentiary systems, regulatory harmonization, and the relationship between criminal law and human rights protection. In other words, enforcement obstacles do not always stem solely from technical-operational issues, but also from the complex character of the offense, which requires adaptive enforcement methods. Human trafficking is a modern crime that moves quickly, changes its modus operandi, and often exploits procedural loopholes. Therefore, an analysis of these normative problems must be situated within an integrated criminal justice system that is sensitive to evolving criminal dynamics.

One of the main problems lies in evidentiary complexity, because trafficking is a chain crime carried out in stages and involving multiple actors across different places and times. Recruiters, transporters, shelter providers, intermediaries, and exploiters are often separated by space and time, even across jurisdictions. Normatively, each stage can be prosecuted as part of the offense, even if exploitation has not fully occurred, as long as the series of acts is directed toward exploitation. However, presenting the full construction of events within a single evidentiary process is often constrained by limited evidence, coordination challenges, and restricted access to cross-regional evidence. As a result, cases that should be qualified as trafficking may fragment into simpler offenses that fail to reflect the full scope of the crime. At this point, evidentiary failure does not mean the norm does not exist, but rather that it has not been effectively operationalized.

Within the KUHAP framework, proof requires legally recognized evidence and the judge's conviction, meaning offense elements must be proven cumulatively and convincingly. In trafficking cases, the "means" element and the "purpose of exploitation" element are often the most critical, because perpetrators frequently disguise their conduct as employment relationships or agreements that appear formally lawful. Administrative documents that look legitimate may conceal exploitative power relations beneath the surface. Therefore, proof requires a comprehensive reconstruction of facts to demonstrate fraud, abuse of vulnerability, or control mechanisms that paralyze the victim's free will. Without a contextual reading, enforcement risks being trapped by a "legal-looking" form whose substance is exploitative. This is why context-sensitive evidentiary methods become an urgent normative necessity.

The development of digitally based modus operandi widens the gap between ideal norms and available enforcement capacity. Recruitment through social media, fake job advertisements, encrypted communications, and digital transactions makes criminal traces more dispersed and harder to map. Normatively, the offense formulation in the Anti-Trafficking Law is broad enough to capture such patterns, but implementation depends on officials' ability to interpret electronic evidence and build

a coherent evidentiary narrative. If digital investigative capacity is weak, broad norms will remain “law on paper.” In this context, enforcement effectiveness is not only about the courage to act, but also methodological competence in proving cases. Hence, strengthening technology-based evidentiary capacity must be understood as a normative consequence of the ever-changing nature of the crime.

Another important normative problem concerns the position of victims within the criminal justice process. Victims often experience trauma, fear, threats, and stigma, so their testimony may be unstable or difficult to deliver in a complete manner. At the same time, the evidentiary system still heavily relies on witness testimony, including victim statements, meaning victim vulnerability can weaken the prosecution’s case construction. Victims may also be pressured by criminal networks, making them reluctant to testify or leading them to withdraw statements. If the justice system is not sensitive to victim psychology, legal proceedings may produce revictimization and worsen victims’ conditions. Consequently, the protective purpose that forms the core spirit of the Anti-Trafficking Law will not be realized in practice.

Therefore, mechanisms for witness and victim protection must be optimally implemented as mandated by the relevant protection law. Protection must not be narrowly understood as physical security alone, but also includes psychological support, legal assistance, confidentiality of identity, and facilitation of victims’ needs throughout proceedings. Effective protection strengthens proof while safeguarding victims’ dignity as rights-bearing subjects, not merely “evidentiary tools.” If protection fails, cases may collapse due to weakened testimony or victims’ unwillingness to continue the process. Normatively, victim protection is not an accessory but an integral part of fair criminal law enforcement. At this point, the success of prosecution depends on the system’s success in protecting victims.

The next normative problem appears in the form of overlapping regulations and issues of harmonizing legal provisions. Human trafficking frequently intersects with migrant smuggling, child exploitation, sexual violence, or labor violations, forcing officials to choose legal articles with different sentencing consequences and evidentiary requirements. Divergent perceptions in qualifying conduct can create disparities in case handling and even reduce the seriousness of the crime when trafficking is downgraded to lighter offenses. This disrupts legal certainty because the same event may be treated differently depending on officials’ interpretation. To address this, a uniform interpretive approach grounded in the exploitative nature of the conduct and the act–means–purpose structure is needed so cases do not fall into erroneous qualification. Harmonization is also crucial so enforcement does not become fragmented and remains oriented toward victim protection.

Coordination among law enforcement institutions is also a critical point that determines enforcement effectiveness. Normatively, the division of authority is clear, but cross-regional and cross-border cases require data integration, synchronized

strategies, and continuous actions from investigation through execution of judgments. Coordination barriers may include differing legal perceptions, limited resources, and administrative problems that prevent evidence from being consolidated. If coordination is weak, perpetrators' networks can exploit institutional gaps to eliminate traces and intimidate victims. Therefore, coordination is not merely a technical issue but a normative one, because it determines whether the criminal justice system operates as a "system" or merely as a collection of separate institutions. In trafficking cases, a non-integrated system will be outmatched by criminal networks that are highly organized.

Tension between repressive and restorative approaches is another normative problem requiring careful structuring. Criminal law demands punishment of perpetrators, but in trafficking cases victims' needs do not end with a criminal verdict. Victims require rehabilitation, continued protection, and socio-economic recovery, while the justice process often stops at punishment. Restitution and compensation mechanisms that are normatively available frequently prove difficult to realize because perpetrators' assets are not traced, perpetrators lack resources, or proof of victim losses is not prepared from the outset. If recovery fails, enforcement becomes incomplete because justice for victims is not concretely realized. Thus, effective enforcement must combine punishment with operational and measurable victim recovery strategies.

The principle of legal certainty is a pillar of the rule of law and a prerequisite for the legitimacy of criminal law enforcement, especially because it involves restrictions on liberty through criminal sanctions. Legal certainty presupposes clear norms, consistent application, and predictability, so society understands the legal consequences of conduct. In trafficking enforcement, legal certainty requires consistent application of the Anti-Trafficking Law without discrimination, reflecting equality before the law. Certainty also has a preventive function because the certainty of punishment is often more effective in suppressing crime than heavy penalties that are rarely applied. However, legal certainty must not be reduced to mechanical procedural formalism, because trafficking has social complexity that requires sensitivity to victims' circumstances. Therefore, the proper form of legal certainty is certainty that is just, anchored in legality but open to contextual interpretation that protects human dignity.

The normative effectiveness of criminal law enforcement can be assessed through several interrelated indicators. First, the clarity and completeness of norms, including offense definitions, the scope of criminalization, and victim protection mechanisms, which to some extent are provided by the Anti-Trafficking Law. Second, consistency in enforcing sanctions, because sentencing disparities and overly lenient punishments weaken deterrence and undermine public trust. Third, the degree of victim protection and recovery, because effective enforcement must recognize victims as rights-bearing subjects who need rehabilitation, protection, and dignity restoration. Fourth, the

alignment between sentencing objectives and achieved outcomes, namely the simultaneous realization of repressive, preventive, and restorative functions. If enforcement only produces punishment without victim recovery, then the aims of criminal law have not been fully achieved. Therefore, criminal law enforcement against trafficking must be understood as systemic work: firmly prosecuting perpetrators, effectively dismantling networks, and tangibly restoring victims within a rule-of-law framework grounded in human rights.

CONCLUSION AND SUGGESTIONS

Criminal law enforcement in combating human trafficking in Indonesia already has a relatively strong normative foundation through the Anti-Trafficking Law (UU PTPPO) as a *lex specialis* oriented toward punishing perpetrators while simultaneously protecting victims. However, its effectiveness still faces challenges related to proving chain crimes, harmonizing the application of legal provisions, investigative capacity (including digital evidence), inter-agency coordination, and victim recovery mechanisms that are often not yet optimal and risk causing revictimization. Therefore, it is recommended that law enforcement officials strengthen the implementation of a victim-centered approach through safe and trauma-informed operational standards, integrate witness and victim protection as well as restitution mechanisms from the investigation stage, enhance technology-based evidentiary capacity and asset tracing to disrupt criminal profits, build integrated coordination across institutions and jurisdictions (including international cooperation in transnational cases), and develop clear guidelines on offense qualification and sentencing so that the application of the Anti-Trafficking Law remains consistent, proportional, and capable of delivering fair legal certainty and genuine restoration of victims' dignity..

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