

VICTIM PROTECTION AND LAW ENFORCEMENT IN THE REGULATION OF CROSS-BORDER HUMAN TRAFFICKING

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ABSTRACT

Human trafficking requires a legal framework that combines criminalisation, victim protection, recovery, institutional coordination, and cross-border cooperation. This article examines three issues: the current construction of trafficking offences following recent developments in Indonesian criminal law, the legal position of victim protection and recovery, and the role of institutional and regional cooperation in prevention and response. The study employs doctrinal legal research combined with an academic literature review of criminal legislation, victim-service regulations, international and ASEAN instruments, and relevant scholarly works. The synthesis shows that the legal framework has changed following the entry into force of the national Criminal Code, which partially repealed the principal trafficking provision in the 2007 anti-trafficking statute and relocated the core offence to Article 455, subsequently adjusted in 2026. Victim protection remains governed through specialised mechanisms covering identification, health and social rehabilitation, legal assistance, safe return, reintegration, and confidentiality. Effective regulation further requires coordinated national institutions and ASEAN cooperation. A coherent response must preserve criminal accountability while ensuring continuous, rights-based protection for trafficked persons.

Keywords: Human trafficking, trafficking in persons, criminal law, victim protection, victim recovery, institutional coordination, ASEAN cooperation.

INTRODUCTION

Human trafficking is a form of exploitation that brings together issues of criminal law, human rights, migration, labor, victim protection, and organized crime. This act can take place through the recruitment, transportation, transfer, harboring, or receipt of persons by means of force, threat, fraud, abuse of power, or taking advantage of vulnerability for the purpose of exploitation. Gallagher (2010) explains that the development of international law on human trafficking evolved from the need to connect the suppression of transnational crime with state obligations to protect human beings from exploitation. This connection renders human trafficking distinct from crimes evaluated solely through the acts of the perpetrators. The legal system needs to pay attention to the process leading

a person into exploitation, the profits obtained by perpetrators, the position of victims, and state obligations after victims are identified. Such a framework positions prosecution, prevention, protection, and cooperation as components performing distinct functions within a single legal regime.

Human trafficking possesses a character capable of penetrating territorial borders while simultaneously taking place entirely within a single country. Definitions that rely excessively on cross-border movement can obscure situations where recruitment and exploitation occur from one region to another or even within the same territory. Distinguishing between human trafficking, migrant smuggling, forced labor, and other forms of exploitation also demands precision, as each concept contains distinct legal elements. Chuang (2014) warns against expanding the use of the term human trafficking to various forms of exploitation that can blur the conceptual boundaries of the legal regime. Accurate classification has direct consequences for law enforcement, as determining the elements of an offense affects evidentiary proof, perpetrator liability, and victim status. Adequate regulation must be sufficiently broad to reach evolving modes of exploitation without losing the boundaries that render human trafficking distinguishable from other legal violations.

The human rights approach provides another dimension to the issue. Victims of human trafficking may experience deprivation of liberty, physical or sexual violence, labor exploitation, document retention, debt bondage, threats, communication restrictions, and various forms of control that degrade human dignity. Obokata (2006) situates human trafficking in relation to state obligations under human rights law and emphasizes that the legal response cannot end with punishing perpetrators. Victim protection constitutes part of the obligations that must proceed alongside prevention and enforcement. This understanding generates normative consequences for officials and service agencies. An individual who has experienced exploitation should not be treated merely as a source of information for criminal proceedings. Victims hold interests in safety, health services, social support, legal assistance, safe repatriation, and life recovery after exiting trafficking situations (Utama et al., 2024).

Human trafficking regulations also face changing modes of recruitment and exploitation. Employment relationships, job offers, marriage, travel, informal recruitment, and communication through digital means can be utilized to build trust before victims are placed in exploitative situations. This type of crime frequently involves a series of acts committed by multiple individuals performing different functions; thus, liability cannot always be centralized solely on the person directly controlling the victim in the final stage (Ambarwati et al., 2024). Gallagher (2010) demonstrates that human trafficking law develops at the intersection of transnational criminal law, human rights, state responsibility, and migration policy. This complexity demands regulations capable of assessing the entire sequence of acts without assuming every case follows an identical pattern. The law must distinguish acts constituting part of human trafficking from

legitimate migration or employment relationships, while ensuring that shifting recruitment techniques do not create liability-free spaces.

The next scholarly issue lies in the relationship between a law enforcement orientation and victim protection. Systems overly focused on arrest numbers or convictions risk treating victims primarily as evidentiary tools. Conversely, systems that disregard criminal proof risk failing to hold perpetrator networks adequately accountable. Chuang (2014) reveals that human trafficking discourse frequently shifts between paradigms of crime, forced labor, slavery, and rights protection. Divergent paradigms influence the targets of legal intervention. Balanced regulation requires clear affirmation regarding offense elements, authority powers, victim rights, recovery mechanisms, and inter-agency relations (Nuraini et al., 2021). This separation of functions is necessary so that victim protection does not depend entirely on prosecutorial success. An individual may require assistance and safety from the identification stage, long before a case receives a final and binding court judgment.

Discussions on human trafficking often center attention on the Law on the Eradication of the Crime of Human Trafficking as the primary mechanism, whereas criminal law developments applicable in 2026 require a fresh reading of the relationship between this special statute and the national Criminal Code (Lukmantara et al., 2022). At the same time, victim protection possesses its own mechanisms that do not always operate according to prosecutorial logic. Human rights literature on trafficking demonstrates that state obligations encompass protective dimensions extending beyond criminalization. Obokata (2006) places state obligations and victim protection as central elements in responding to human trafficking. Addressing this gap requires a synthesis connecting criminal norm developments with victim rights and inter-agency mechanisms.

This study aims to build an understanding of human trafficking regulation through three interconnected layers: the construction of criminal offenses and perpetrator liability, victim protection and recovery, and institutional coordination alongside regional cooperation. This approach allows human trafficking law to be read as a regime possessing simultaneous repressive and protective functions. Gallagher (2010) affirms the broad interconnections between trafficking law, transnational criminal law, human rights, and state responsibility. Chuang (2014) highlights the necessity of maintaining conceptual boundaries so that expanding anti-exploitation agendas do not obscure the essential elements of human trafficking. Drawing from both perspectives, the value of this article lies in mapping the relationship between accurate criminalization and the protection of exploited individuals. Practically, this framework assists in interpreting the powers of law enforcement, service agencies, task forces, and cross-border cooperation mechanisms as mutually reinforcing parts of a legal system (Hardyansah et al., 2022).

There are three research questions. First, how is the criminal regulation of human trafficking constructed following developments in national criminal law and in relation to international legal standards? Second, how do legal regulations position the protection

and recovery of trafficking victims as an integral part of handling criminal offenses? Third, how do institutional coordination and regional cooperation shape the prevention and handling of human trafficking involving multiple jurisdictions and agencies? The first question addresses offense elements and structural shifts in positive law; the second centers on the position of victims as rights-holders; and the third evaluates the division of authority and cooperation. Together, these three questions enable human trafficking regulation to be evaluated as a legal structure connecting prosecution, protection, recovery, prevention, and coordination.

METHODS

This research employs doctrinal legal research combined with an academic literature study. Doctrinal research is used to identify applicable norms, shifting relationships between regulations, elements of criminal offenses, victim rights, institutional powers, and the normative consequences of ratifying international and regional instruments. Hutchinson and Duncan (2012) explain that doctrinal research focuses on discovering, organizing, reading, and synthesizing law and legal concepts to formulate answers to normative issues. Legal materials are selected according to hierarchy, validity status, amendatory or repealing relationships, and their relevance to the three research questions. The reading of regulations is supplemented by document analysis, taking into account the purpose, structure, terminology, and content relationships of the documents. Bowen (2009) describes document analysis as a systematic process of examining and interpreting documents to extract meaning and develop an understanding of the researched issues.

The literature search is directed at academic works concerning human trafficking law, victim rights, health and recovery, legal methodology, and the governance of human trafficking eradication. Sources are included if they possess verifiable bibliographic identities, bear direct relevance to the research questions, and provide conceptual or empirical bases to interpret the legal materials. Popular sources and writings whose publication credentials cannot be verified are excluded from the primary synthesis. Literature is not treated as a mere collection of summaries; rather, it is compared according to concepts, objects, and implications for normative interpretation. Snyder (2019) explain.

RESULTS AND DISCUSSION

Construction of Criminal Offenses and Liability in Human Trafficking

The legal construction of human trafficking in Indonesia was initially established on a specific basis through Law Number 21 of 2007 on the Eradication of the Crime of Human Trafficking (UU TPPO). This law constructed a framework encompassing the crime of

human trafficking, related criminal acts, investigation and prosecution, witness and victim protection, prevention, and institutional cooperation (Pasaribu, 2023). The position of this specific statute holds significance because human trafficking involves a series of elements that cannot always be adequately addressed through general criminal offenses. The regulation views human trafficking as an act carried out through the recruitment, transportation, harboring, sending, transfer, or receipt of persons using specific means for the purpose of exploitation. This structure positions both the process and the purpose of exploitation as integral components in defining the offense, thereby enabling the law to intervene before exploitation reaches its most extreme forms, provided the required statutory elements are fulfilled (Soltan, 2025).

This formulation closely mirrors the definition of human trafficking in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol). The Protocol establishes a definition built upon three primary elements: the action, the means, and the purpose of exploitation. The action may consist of recruitment, transportation, transfer, harboring, or receipt of persons; the means may take the form of threat, force, coercion, abduction, fraud, abuse of power, or taking advantage of a position of vulnerability; and the ultimate purpose is exploitation. For children, the legal construction differs, as the element of means is not required in the same manner as for adult victims. Indonesia ratified this protocol through Law Number 14 of 2009, thereby integrating these international standards into the state's legal commitment toward prevention, criminal prosecution, and victim protection.

This three-element model serves to delineate human trafficking from routine human mobility. Cross-border or inter-regional travel does not, in and of itself, constitute human trafficking, as the legal focus centers on the sequence of acts, the methods of control or abuse, and the underlying purpose of exploitation. Similarly, the presence of initial consent does not negate the trafficking nature of the act if such consent was obtained through means that nullify free will, as stipulated under the protocol framework. This distinction is particularly relevant in employment recruitment cases where a victim initially agrees to work or travel, but the promised conditions fundamentally diverge from the coercive situation subsequently imposed. Legal evaluation must examine how consent was obtained and how the victim's position was exploited by the perpetrator. This understanding prevents overly simplistic interpretations suggesting that voluntary departure automatically precludes the occurrence of human trafficking.

Subsequent developments in national criminal law transformed the relationship between Law Number 21 of 2007 and the Criminal Code (KUHP). Law Number 1 of 2023 on the Criminal Code partially repealed Law Number 21 of 2007, specifically revoking Article 2, which previously contained the primary statutory definition of the crime of human trafficking. Official regulatory databases categorize Law Number 21 of 2007 as partially repealed by the national Criminal Code, rather than completely invalidated. Consequently,

a reading of positive law in 2026 cannot treat the entirety of the UU TPPO as non-binding. Other provisions regarding related offenses, victim rights, procedural rules, prevention, and institutional frameworks remain fully applicable insofar as they have not been repealed or amended by new legislation (Pratama et al., 2022). This structure creates a functional interplay between the updated general criminal law and the special anti-trafficking regime.

Article 455 of the national Criminal Code has now become the primary reference for the core offense of human trafficking previously governed by Article 2 of the UU TPPO. This shift must be interpreted alongside the principle that transferring a core offense into the Criminal Code does not abolish the specialized statutory apparatus governing human trafficking. On January 2, 2026, Law Number 1 of 2026 on Criminal Adjustments was enacted and brought into force to harmonize various criminal provisions with the national Criminal Code. Official legislative documents indicate amendments to Article 455 of the Criminal Code as part of the 2026 criminal adjustments. This legal landscape demands meticulous precision in drafting indictments, prosecutions, and judicial decisions, as officials must determine applicable provisions based on the time the act was committed, the principle of legality, transitional rules, and the interaction between the Criminal Code and remaining special statutory provisions.

The relocation of the core offense also carries structural consequences for cross-referencing consistency within the UU TPPO. Statutory provisions that previously referenced Article 2 must now be read in light of the substitution rules established under the Criminal Code and the 2026 adjustments. This demonstrates that criminal law reform operates beyond mere changes in article numbering. Such alterations influence how investigators, public prosecutors, defense counsel, and judges link the core elements of the offense to provisions governing corporate criminal liability, attempts, participation, statutory aggravating factors, victim protection, and the asset forfeiture of illicit gains that remain codified in other legal instruments. Erroneously assuming that the UU TPPO has been entirely repealed risks dismantling specialized mechanisms that retain full statutory force. Conversely, relying exclusively on the former Article 2 as the sole basis for the core offense following these legal changes fails to align with positive law.

Perpetrator liability must account for the fact that human trafficking frequently involves multiple actors within a operational chain. Recruiters may differ from transporters, harborers, managers of exploitation sites, falsifiers of identity documents, or parties profiting from the exploitation (Sidun, 2018). Human trafficking regulations are designed to reach these networks so that liability is not confined merely to individuals in direct contact with the victim during the final stage. The international legal framework similarly imposes criminalization as a state party obligation, explicitly linking it to efforts against organized crime. The Palermo Protocol stands as the principal global instrument regarding human trafficking, supplementing the UN Convention against Transnational Organized Crime. Nonetheless, determinations of criminal liability must remain anchored

in proving the specific acts of each perpetrator, as the existence of a network cannot substitute for the requirement to establish individual criminal involvement under statutory standards.

Corporate entities may also incur liability when business structures are utilized to commit or facilitate human trafficking. Placement agencies, recruitment firms, commercial establishments, or other legal entities can be misappropriated as vehicles to conceal exploitative practices. Legal assessment regarding corporate entities requires distinguishing legitimate business operations from the intentional use of an organization to facilitate criminal acts. The possession of a valid business permit does not preclude corporate criminal liability if statutory elements are fulfilled, whereas administrative non-compliance cannot automatically be equated with human trafficking (Safar et al., 2024). Maintaining this distinction is vital to ensure criminalization remains strictly bound to defined legal elements. The human trafficking legal regime provides a broader framework for liability than individual fault alone, while the national Criminal Code supplies general principles of corporate criminal liability that must now be read in conjunction with the remaining special statutory provisions.

Human trafficking must also be clearly distinguished from migrant smuggling. In migrant smuggling, the primary legal focus involves facilitating the illegal entry of a person into a state for financial or material benefit, whereas human trafficking centers on exploitation and can occur without any international border crossing. This distinction carries profound implications for the legal status of the individuals involved. Victims of human trafficking are rights-holders entitled to protection, whereas illegal migration is evaluated under a separate legal regime (Belles, 2018). The Palermo Protocol on trafficking in persons was intentionally drafted as an instrument distinct from the protocol on migrant smuggling, reflecting that while the two phenomena may overlap in practice, they are not legally identical. Proper terminology prevents trafficking victims from being treated merely as immigration violators and keeps criminal investigations focused on the exploitation inflicted upon the victim.

The legal construction of the crime must also accommodate the diverse forms exploitation can take. International law defines exploitation as encompassing, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude, or the removal of organs. This non-exhaustive list underscores that human trafficking is not synonymous with any single form of exploitation. National regulations must apply to any conduct fulfilling the statutory elements without expanding criminal liability indiscriminately. The concept of exploitation must always remain tied to the required acts and means specified by law, except within the specialized legal construction applicable to children. This approach maintains legal certainty while providing the legal system with the flexibility to respond to evolving tactics employed by perpetrators.

Finally, the criminal law reforms implemented in 2026 necessitate operational

synchronization. Investigators, public prosecutors, judges, legal aid providers, and government agencies must navigate the updated statutory architecture, particularly concerning the core offense of human trafficking. The UU TPPO retains its status as a specialized legal regime whose substantive provisions remain largely in force, while Article 455 of the Criminal Code assumes the core offense function previously held by Article 2. Law Number 1 of 2026 subsequently adjusted Article 455 within the broader framework of criminal law harmonization. Accurate legal application requires reading these three legislative layers in conjunction. An overly rigid separation between the Criminal Code and the UU TPPO risks legal error, as victim protection mechanisms and specialized procedures remain embedded within the UU TPPO regime.

In summary, the criminal regulation of human trafficking is currently constructed through the intersection of international standards, the largely active UU TPPO, the national Criminal Code, and the 2026 criminal adjustments. The statutory structure of the offense is built upon the elements of action, means, and purpose of exploitation, with specialized rules governing child trafficking. While Article 2 of the UU TPPO has been partially repealed by the Criminal Code transferring the core offense to Article 455, which was subsequently adjusted in 2026 this shift does not invalidate the broader UU TPPO framework. Law enforcement must maintain precise application of statutory elements, distinguish human trafficking from unlawful migration or ordinary labor violations, and reach perpetrators performing distinct functions along the exploitation chain. This legal construction forms the necessary foundation to evaluate its secondary dimension: ensuring that criminal proceedings simultaneously guarantee the rights and recovery of trafficked persons.

Victim Protection and Recovery in the Legal System

Victim protection forms a fundamental part of human trafficking regulation because this crime can result in physical, psychological, sexual, social, and economic suffering that persists far beyond the period of exploitation (Feriadi et al., 2023). Government Regulation Number 9 of 2008 establishes the procedures and mechanisms for integrated services for witnesses and/or victims of the crime of human trafficking. The official elucidation of the regulation describes services as a continuum that begins with victim identification and encompasses health rehabilitation, social rehabilitation, legal assistance, repatriation, and social reintegration. This structure indicates that protection is not restricted to immediate safety upon victim discovery (Ramadhan & Widiarto, 2025). The legal system recognizes the necessity of multi-layered recovery arising because exploitation can damage health, social relations, economic security, and an individual's ability to resume an independent life.

Identification constitutes the initial stage determining a victim's access to services. A person who fails to be recognized as a victim risks being treated according to their administrative status—for example, as a troubled worker, an undocumented migrant, or an individual deemed voluntarily involved in certain activities. Such misclassification can

impede access to rehabilitation, support, and legal assistance (Davis, 2025). Government Regulation Number 9 of 2008 positions identification as part of an integrated service continuum, ensuring that service delivery does not wait for all criminal elements to be proven in court. Disentangling identification for protection purposes from establishing the perpetrator's guilt is essential so that victims can receive assistance from the earliest phase. While officials must still rigorously examine facts, safety needs should not be delayed until all judicial proceedings conclude.

Integrated services reflect the multidimensional nature of victim needs. Government Regulation Number 9 of 2008 connects health rehabilitation, social rehabilitation, repatriation, social reintegration, advocacy, counseling, and legal assistance within a unified service system. The regulation also emphasizes speed of service, ease of access, comfort, safety, confidentiality, and fee exemptions for victims. The inclusion of these components demonstrates that the law cannot entrust complete recovery to a single profession or institution. Victims may require physicians for physical injuries, mental health professionals for psychological distress, social workers to restore social functioning, legal companions for judicial proceedings, and government support for safe repatriation. Service interconnectedness is a prerequisite so that vulnerable victims are not forced to navigate a fragmented system.

The health dimension illustrates why recovery requires time and sustained services. Zimmerman, Hossain, and Watts (2011) developed a conceptual model demonstrating that health risks in human trafficking can emerge at various stages from pre-departure, transit, and exploitation, to detention or release, and through to reintegration. Health impacts do not automatically cease when a victim exits a perpetrator's control. This perspective is vital for the law because services provided solely at the moment of rescue may fail to address consequences that manifest later. Physical injuries, anxiety, depression, trauma, disease, reproductive health issues, and other medical problems can affect a victim's capacity to participate in criminal proceedings or return to work. Legal protection must accommodate recovery tailored to individual circumstances rather than imposing uniform service durations without needs assessments (Meshkovska et al., 2023).

Confidentiality holds a critical position because victims may face stigma, threats, or retaliation if their identity and experiences of exploitation are disclosed. Government Regulation Number 9 of 2008 incorporates confidentiality obligations as a mandatory component of integrated services. Information management must balance investigative needs while restricting access to data irrelevant to legal proceedings. Medical records, residential addresses, family relationships, or shelter locations can heighten risk if accessed by perpetrator networks. Confidentiality also enables victims to speak about traumatic experiences without fear that personal details will be used to humiliate them. This provision is not intended to shield cases from legal oversight (Lalande et al., 2023); rather, its objective is to ensure personal data is used in a limited, lawful manner strictly

necessary for protection and judicial processes.

Repatriation must be distinguished from merely returning a victim to their region or country of origin. Government Regulation Number 9 of 2008 defines repatriation as a return process that prioritizes protection and the fulfillment of victim needs. This consideration is necessary because a place of origin is not automatically safe. Victims may have been recruited by individuals known to their families, carry debts to recruiters, face social stigma, or return to economic conditions identical to those before trafficking occurred. Repatriation conducted without risk assessments risks returning an individual to the very factors that made them vulnerable to re-exploitation. The repatriation process must consider transit security, family or community readiness, health requirements, and potential threats from perpetrators. The measure of success does not end when a victim arrives in their place of origin; rather, it extends to their ability to live without falling back under the control of trafficking networks.

Social reintegration pertains to a victim's ability to resume social functioning safely and with dignity. Government Regulation Number 9 of 2008 establishes reintegration as a core component of integrated services, linking it with families, substitute families, or communities capable of providing protection and fulfilling basic needs. Reintegration demands individualized evaluation because while some victims can safely return to their families, others may face heightened risks if previous locations or relationships are maintained. The availability of education, employment, social support, identity documentation, and healthcare services determines the sustainability of recovery. Policies measuring reintegration solely by administrative return overlook conditions that facilitate re-trafficking. Protection must be oriented toward restoring a victim's agency and decision-making capacity over their own life.

Legal assistance serves functions extending beyond representation during trials. Victims require information regarding their rights, case developments, potential restitution or compensation, legal risks, and choices when interacting with officials (Garahan, 2020). Government Regulation Number 9 of 2008 includes legal assistance within the scope of integrated services. Comprehensible information helps victims decide whether and how to participate in judicial proceedings (Prasetyo et al., 2024). Communication methods must also account for a victim's age, language, literacy, disabilities, and psychological state. Legal accompaniment must not turn into pressure forcing victims to give statements when their health status does not yet permit it. Law enforcement needs can proceed alongside respect for exploited human beings when procedures are designed with adequate safeguards.

The interaction between victims and criminal proceedings must account for the risk of re-traumatization. Zimmerman et al. (2011) demonstrate that the health experiences of trafficked persons span multiple phases of travel and exploitation, making post-rescue interactions part of a longer recovery trajectory. Repeated interrogations by multiple agencies add burdens if questioning is uncoordinated. Integrated service systems reduce

unnecessary repetition through lawful information sharing, scheduling coordination, and accompaniment. This does not mean a victim's statement must be accepted without scrutiny. Criminal proceedings still require evidentiary verification; however, proof requirements can be managed without treating victims as mere objects of the process (Hemmings et al., 2016). This approach enhances statement quality, as victims who feel secure are better equipped to participate stably throughout legal proceedings.

Specialized protections are imperative when victims are children. Dependency, psychological development, and a child's limited ability to comprehend legal processes mean child handling cannot be equated with adult cases. Government Regulation Number 9 of 2008 mandates that child services be delivered specifically in accordance with the best interests of the child. This principle requires provisions for legal guardians or companions, age-appropriate interviewing, identity protection, schooling, safe housing, and avoiding contact that induces trauma. Repatriation evaluations must also assess whether the family environment is safe. In certain cases, individuals expected to protect the child may themselves be involved in the exploitation process. Individualized assessments are necessary so that protection policies do not assume all family relationships provide safety.

Ultimately, service quality depends on inter-agency relationships. Government Regulation Number 9 of 2008 designs integrated services as a system operating either under one roof or through a networked framework of institutional duties and functions. A networked model is essential because capacities for healthcare, social welfare, legal aid, security, and repatriation reside in different institutions. The legal challenge lies in allocating responsibility so that victims do not lose services when transitioning between agencies. Service standards, referral mechanisms, record-keeping, data consent protocols, and appointing designated case officers help ensure continuity. When coordination is weak, victims risk having to recount their cases repeatedly or remaining uninformed about which agency is accountable for specific needs.

In summary, legal regulations position victims as rights-holders entitled to a comprehensive protection framework encompassing identification, safety, health rehabilitation, social rehabilitation, legal assistance, repatriation, reintegration, confidentiality, and accessible, cost-free services under applicable instruments (Joseph, 2023). Recovery does not depend entirely on successful perpetrator convictions, as victim needs arise from the moment of identification. The health dimension demonstrates that trafficking impacts persist after exploitation ends, necessitating continuous services tailored to individual circumstances (Rezza et al., 2024). Furthermore, child protection demands specialized standards. This system can function effectively only when healthcare, social welfare, legal, and law enforcement agencies are connected through clear referral mechanisms. These coordination challenges lead directly to the discussion of task force structures and cross-border cooperation.

Institutional Coordination and Regional Cooperation in Prevention and Handling

Human trafficking is difficult to handle through a single institution because the criminal process can involve recruitment, transportation, travel documents, employment relationships, border crossings, financial transactions, exploitation, and victim repatriation. This necessity formed the basis for establishing the Task Force for the Prevention and Handling of the Crime of Human Trafficking through Presidential Regulation Number 69 of 2008, which subsequently underwent amendments. Presidential Regulation Number 22 of 2021 adjusted the organization, membership, duties, functions, integrated data management, and funding sources, while Presidential Regulation Number 49 of 2023 enacted a second amendment focusing primarily on organizational structure. These developments demonstrate that coordination is treated as an institutional matter requiring adaptation whenever government structures change. The function of the task force does not displace the authority of individual agencies; rather, it bridges fragmented prevention and handling actions (Susilawati et al., 2024).

Coordination serves a primary function in preventing data and response fragmentation. Recruitment information may reside within labor agencies, departure data within immigration, victim reports within the police, rehabilitation needs within social and health services, while migrant worker information may be held by other bodies (Fabbri et al., 2023). Presidential Regulation Number 22 of 2021 specifically incorporated adjustments regarding integrated data management as one of the rationale points for modifying the task force. Interconnected data can assist in identifying patterns without eliminating the need to protect personal information. Data exchange must possess a clear purpose, access restrictions, and an explicit legal basis. The desire to enhance coordination cannot be used as a pretext to open all victim data to every agency. A well-designed information system must reconcile prevention needs with individual confidentiality and safety.

Prevention requires a different form of coordination than law enforcement. Law enforcement officials focus on identifying criminal offenses and perpetrators, whereas prevention may involve monitoring job recruitment, public education, strengthening migration governance, document oversight, reducing vulnerability, and building official capacity (Yusuf, 2025). The task force provides a forum for each agency to understand that actions taken at an early stage can influence trafficking risks at subsequent stages. Organizational modifications under Presidential Regulation Number 49 of 2023 were intended to align the composition of agencies involved in prevention and handling. The division of labor must remain distinct so that coordination does not result in jurisdictional duplication. Meetings and reporting hold value only if they yield traceable actions and clear determinations of accountability for follow-up measures.

The transnational dimension renders regional cooperation a vital component of regulation. Indonesia ratified the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP) through Law Number 12 of 2017. This

ratification incorporated regional commitments regarding the prevention and suppression of human trafficking, perpetrator punishment, victim protection, and the enhancement of inter-state cooperation into Indonesia's framework of international obligations. ACTIP was designed as a regional instrument recognizing that human trafficking in Southeast Asia can involve distinct origin, transit, and destination jurisdictions. Cross-border case management requires inter-authority communication, information exchange, mutual legal assistance, repatriation, and victim protection. A state cannot rely solely on domestic processes when perpetrators, victims, evidence, or criminal proceeds reside within the territory of another state.

ACTIP pursues objectives that encompass preventing and combating trafficking in persons, protecting and assisting victims with respect for human rights, and enhancing cooperation among state parties. The instrument gives special attention to women and children and contains principles related to protection against re-victimization. The position of victims in cross-border cooperation is critical because the process of repatriation or giving testimony can place an individual back into a vulnerable situation. Inter-state coordination should not transform victims into objects of administrative transfer. Safety assessments, identity verification, service requirements, and retaliation risks must form part of the decision-making process. While origin states and destination states may hold differing interests, victim protection provides a normative baseline that both must uphold.

One principle developing strongly at the ASEAN level is the non-punishment principle—a safeguard ensuring that trafficking victims are not penalized for unlawful acts they were compelled to commit as a direct consequence of their trafficking situation. ACTIP contains the foundation for this principle, and ASEAN published regional guidelines for its implementation in 2025. This principle is highly relevant when victims are forced to use forged documents, engage in illegal activities, or carry out acts controlled by perpetrators. Individualized assessments must still be conducted to ensure that victim status is not misused to absolve liability for acts unrelated to exploitation. The function of this principle is to prevent the legal system from punishing an individual for conduct directly arising from trafficking control, as such punishment can impede victim identification and cooperation with law enforcement.

Regional cooperation also concerns uniformity of understanding among officials. Differing interpretations regarding who qualifies as a victim can cause an individual to be identified as a victim in one country but treated as an offender in another. ASEAN positions ACTIP as its primary regional instrument and develops various tools to enhance understanding of victim-centered approaches. Uniformity does not imply that all states must possess identical domestic procedures. What is more fundamental is alignment on core principles, such as criminalization, victim protection, information exchange, legal cooperation, and avoiding re-victimization. Shared principles facilitate coordination when a case involves two or more member states.

The relationship between the national task force and regional cooperation must be established through clear coordination points. A proliferation of ministries and agencies can prolong processes if every international request must traverse multiple units without a designated point of accountability. Presidential Regulation Number 49 of 2023 maintains the task force approach while adjusting its organizational composition to align with government structures. Such institutional structures can serve as mechanisms to ensure that information from regional cooperation is conveyed to agencies possessing domestic authority (Hardyansah et al., 2022). Nevertheless, the task force must respect formal mechanisms for mutual legal assistance, diplomatic relations, immigration protocols, and law enforcement. Coordination is not a substitute for formal legal procedures, but rather a mechanism to ensure those procedures operate seamlessly without losing connectivity.

Local governments also hold a significant position because victim recruitment and repatriation frequently connect with regions of origin. The national task force structure requires connections with local mechanisms so that information regarding recruitment patterns can be translated into localized preventive action. Human trafficking can develop through highly localized social networks before victims are moved to other areas. The existence of central regulations does not automatically yield detection capabilities at the local level. Coordination must bridge national data with local knowledge concerning recruitment channels, vulnerable populations, operating companies or intermediaries, and the experiences of repatriated victims. Institutional shifts in Presidential Regulation Number 22 of 2021 and Presidential Regulation Number 49 of 2023 illustrate that coordination structures require updating alongside changes in governmental organization.

Cooperation with civil society and non-governmental organizations fulfills a necessary function because victims do not always come into contact with law enforcement first (Saadi et al., 2024). Information may surface through families, communities, labor organizations, service providers, or support groups (Pajón, 2024). ACTIP recognizes the need for victim protection and cooperation as integral parts of the regional response. However, civil society involvement should be positioned within clear jurisdictional boundaries. Non-governmental organizations can provide services and information, but investigative actions remain strictly within the purview of legally empowered agencies. This distinction maintains the evidentiary integrity of proceedings while enabling victims to receive support from trusted parties. Proper coordination creates space for information exchange without delegating state functions to unauthorized entities.

Institutional evaluation needs to shift from administrative metrics toward function-related outcomes. The number of task force meetings held or coordination documents generated is insufficient to demonstrate that prevention and handling are functioning effectively. Evaluation should be directed toward the speed of information exchange, accuracy of victim identification, continuity of referrals, success in cross-jurisdictional

case coordination, safe repatriation, and the capacity to map recruitment patterns (Ray, 2023). Presidential Regulation Number 22 of 2021 cites the need to streamline and guarantee the execution of preventive and handling measures as the rationale for revising organization, functions, data, and funding. This direction indicates that institutions must be evaluated by their ability to generate tangible coordination. Furthermore, evaluation must preserve victim data protection so that accountability requirements do not expose individual identities.

In conclusion, the prevention and handling of human trafficking demand vertical and horizontal coordination, spanning central agencies, local governments, law enforcement, service providers, and inter-state cooperation (Farinpour & Farinpour, 2025). The task force provides a national coordination structure that has been adjusted several times to respond to organizational changes and data integration needs. At the regional level, ACTIP supplies the foundation for ASEAN cooperation while positioning victim protection as a central element. The relationship between these two tiers must yield clear flows of information, referrals, legal assistance, protection, and repatriation. The success of coordination is not measured by the number of agencies listed within an organizational structure, but by the system's ability to connect prevention, law enforcement, and victim protection without creating gaps in responsibility.

CONCLUSION

Legal regulation of human trafficking is constructed through the interplay between criminal law, victim protection, and inter-agency governance. The structure of criminal law underwent development following the enactment of the national Criminal Code (KUHP), marked by the partial repeal of Article 2 of the Law on the Eradication of the Crime of Human Trafficking (UU TPPO) and the transfer of the primary offense to Article 455 of the Criminal Code, which subsequently underwent adjustment in 2026. Other provisions within the TPPO Law retain their function under a specialized regime. Victims hold rights to identification, safety, health and social rehabilitation, legal assistance, repatriation, reintegration, and confidentiality. Human trafficking necessitates national and regional coordination because the stages of the crime and the needs of victims are dispersed across numerous institutions and jurisdictions. Human protection and perpetrator accountability must be maintained as two objectives operating side by side.

Human trafficking law must be understood as a hybrid regime linking criminalization, human rights, victim recovery, and institutional cooperation. Changes in the relationship between the TPPO Law and the national Criminal Code require a legal interpretation that accounts for partial repeals alongside the continuity of other specialized provisions. Law enforcement agencies must ensure that the statutory bases applied conform to the 2026 criminal law developments, while service providers must maintain victim access to recovery without conditioning all assistance on the ultimate outcome of prosecution. Task

forces need to focus coordination on measurable functions, such as information exchange, referral accuracy, data protection, and cross-jurisdictional case management. Furthermore, ASEAN cooperation expands the protective scope when victims, perpetrators, or evidence are located in different countries.

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