

# Criminological Perspectives on Criminal Law Enforcement in Human Trafficking Cases: A Literature Review

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**ABSTRACT** – This study aims to analyze the criminological aspects underlying criminal law enforcement efforts in dealing with trafficking in persons (TPPO) in Indonesia. This study highlights the role of the criminological approach in understanding the background of perpetrators, the dynamics of crime, as well as the implications for victim protection. This study discusses strategies that can be applied to strengthen regulations and policies in preventing and eradicating TPPO. This study uses a normative juridical method with a literature study approach. The analysis shows that although regulations such as Law No. 21/2007 on the Eradication of Human Trafficking have provided a strong legal foundation, implementation in the field still faces various obstacles, such as weak law enforcement, lack of victim protection, and the complexity of transnational crime networks. The critical criminology approach is relevant in providing a broader perspective on the root causes of TPPO, including the social, economic and political factors behind this crime. Recommendations put forward in this study include strengthening inter-agency synergies, improving training for law enforcement officers, and developing criminology-based policies to reduce the risk of trafficking in the future.

**Keywords:** trafficking in persons, criminology, criminal law, victim protection, law enforcement, regulation, human trafficking.

## A. INTRODUCTION

The crime of human trafficking has become a major concern in Indonesia. This phenomenon involves economic aspects and has a serious impact on human rights. Based on data released by legal institutions and international organizations, Indonesia has become a sending, receiving, and transit country for victims of human trafficking. This shows the complexity of

the problem that cannot be solved with a legal approach alone, but also requires a criminological approach to understand the root of the problem.

Trafficking in persons often occurs due to weak supervision in border areas, regulatory uncertainty, and limited law enforcement. According to Nurhana et al. (2022), children are often victims of human trafficking. This situation is exacerbated by weak prevention efforts by local authorities. Many trafficking cases go undiscovered due to limited evidence and lack of reporting by the community.

Regulations governing trafficking in persons, such as Law No. 21/2007 on the Eradication of the Crime of Trafficking in Persons, have provided a strong legal foundation for trafficking in persons. However, the effectiveness of its implementation is still questionable. Hadi and Sukardi (2020) mentioned that law enforcement officials often face challenges in proving the elements of human trafficking crimes, especially if the perpetrators use sophisticated *modus operandi*.

From a criminological perspective, human trafficking is often considered a form of extraordinary crime. Rediansyah (2010) states that human trafficking involves single perpetrators, and organized criminal networks that take advantage of legal loopholes and weak oversight. This phenomenon becomes more complex with the involvement of certain individuals who are supposed to protect the community.

Trafficking is also closely linked to poverty, low education, and gender inequality. Siregar et al. (2022) noted that most victims come from vulnerable groups who do not have access to education and decent work. This creates an opportunity for the perpetrator to exploit the victim's socio-economic condition. This problem occurs in urban areas and extends to rural areas.

A criminological approach is necessary to understand the dynamics of this crime. For example, Bjelland (2017) emphasized the importance of data-driven analysis to identify patterns and trends in human trafficking. The study shows that many trafficking cases go unreported due to a lack of trust in the legal system.

Lolo (2016) also underlines that human trafficking is a crime that involves various forms of violence, deception, and coercion. Perpetrators often use sophisticated methods to avoid detection, complicating law enforcement efforts. This suggests the need for a more adaptive and proactive criminological approach.

Abdullah (2019) states that many trafficking victims do not receive adequate legal protection. This situation often occurs due to law enforcement officers' lack of understanding of victimology and the trauma experienced by victims. In many cases, victims are criminalized because they are considered to be involved in illegal activities.

Human trafficking is also influenced by globalization. The development of information technology has provided new opportunities for perpetrators to carry out cross-border operations. By utilizing social media and digital platforms, perpetrators can recruit victims more quickly and efficiently.

Children are often the main targets in human trafficking crimes. Children are more easily exploited due to their ignorance of the risks and their limited ability to resist. This is a big challenge for the government and society to protect the younger generation from the threat of human trafficking.

This research aims to provide an in-depth understanding of the criminological aspects of law enforcement against the crime of trafficking in persons in Indonesia. By analyzing various approaches and policies, this research is expected to contribute to the development of a more effective and comprehensive response strategy.

Many previous studies have discussed the crime of human trafficking from a legal perspective, but not many have integrated the criminological approach. This paper will fill that void by providing a comprehensive analysis of how a criminological approach can support more effective law enforcement.

This research offers a unique approach by combining legal and criminological analysis to understand the dynamics of human trafficking in Indonesia. This research will state the role of technology in supporting or hindering law enforcement efforts against human trafficking. This research aims to analyze the role of the criminological approach in criminal law enforcement against human trafficking in Indonesia and identify strategies that can be used to improve the effectiveness of handling this case.

## B. METHOD

This research uses a normative juridical approach with a focus on literature study. This approach is relevant to analyze the criminological aspects of law enforcement against the crime of trafficking in persons. The normative juridical study allows this research to explore the existing legal regulations, the practices applied, and how a criminological approach can provide a new perspective on law enforcement.

This type of research is based on document analysis, which includes relevant laws and regulations, court decisions, and academic literature such as journals, books, and dissertations. This document analysis aims to understand the legal basis and criminological approach that has been applied in the enforcement of human trafficking law.

The data in this study were obtained from secondary sources, namely legal documents and scientific literature. These sources include:

1. Legislation: Law No. 21/2007 on the Eradication of the Crime of Trafficking in Persons, other relevant regulations, as well as international documents such as the Palermo Protocol.
2. Academic Literature: Scientific journals, books, and dissertations relevant to the research topic.
3. Court Decision: A study of trafficking cases that have been decided in Indonesian courts.

Data was collected through literature searches in libraries, legal repositories and credible online journal databases.

Data validity was ensured through source triangulation, by comparing information from various sources to ensure consistency and validity. All legal documents and literature used were verified for authenticity and relevance to the research topic.

Data analysis was conducted using a descriptive-analytical approach. This research describes the data obtained and analyzes it with reference to the theory of criminal law and criminology. This technique allows the research to identify gaps in legal regulation and implementation, and provide evidence-based recommendations to improve existing approaches.

As a legal foundation, this research is guided by national and international regulations, including:

1. Law No. 21/2007 on the Eradication of the Crime of Trafficking in Persons.
2. Criminal Code (KUHP).
3. The Palermo Protocol as the international standard for addressing trafficking in persons.

This research method is expected to provide a comprehensive and applicable analysis to understand and mitigate challenges in law enforcement against human trafficking.

### C. RESULTS AND DISCUSSION

#### **Criminological Aspects of Criminal Law Enforcement against Human Trafficking Crime in Indonesia**

Trafficking in persons is an extraordinary crime that has a serious impact on human rights and legal governance. In Indonesia, this crime is regulated through Law No. 21/2007 on the Eradication of the Crime of Trafficking in Persons, which covers prevention, eradication, and victim protection. However, implementation is faced with major challenges, including weak law enforcement, lack of coordination between agencies, and limited resources for investigation and prosecution. The complexity of trafficking networks, which often involve perpetrators across national borders, complicates overall eradication efforts.

Juridical approaches to these crimes often focus on punishing perpetrators without giving adequate attention to restoring victims' rights. Aribowo (2022) notes that the use of restorative justice approaches in addressing human trafficking can be an innovative solution to overcome the limitations of retributive approaches. Through dialog and mediation, victims get the space to voice their aspirations and have the opportunity to obtain proper compensation. However, implementing this approach requires a supportive legal system, including clear regulations and the presence of

competent facilitators to assist in the mediation process. With proper implementation, this approach has the potential to restore the dignity of the victim while providing a deterrent effect to the perpetrator.

From a juridical point of view, courts often experience obstacles in proving the elements of the crime of trafficking in persons, especially in cases involving international networks. Attention to the social conditions of victims, such as psychological impact and economic vulnerability, is often less of a priority. Prayitno (2012) emphasizes the importance of integrating a restorative justice value-based approach that punishes perpetrators and restores victims comprehensively. This approach must be accompanied by an increase in the capacity of law enforcement agencies to handle trafficking cases with a perspective that is more adaptive to the needs of victims. On the other hand, monitoring and evaluation mechanisms are also needed to ensure that victims' rights are fully protected throughout the legal process.

A criminological perspective provides an analytical framework to understand the root causes and dynamics of these crimes, while offering a more comprehensive approach to handling them. By examining factors such as poverty, low education and economic inequality, this approach can help design strategies that focus on punishment and address the structural causes that perpetuate trafficking. The criminological perspective provides insight into how to identify crime network patterns, so that eradication efforts can be carried out more effectively and purposefully. The integration of criminological and juridical approaches in dealing with human trafficking can create a legal system that is responsive to the needs of victims and oriented towards long-term prevention.

This study found that the implementation of Law No. 21/2007 on the Eradication of Trafficking in Persons often faces obstacles in the implementation aspect.

Based on the analysis, weak coordination between agencies is one of the biggest challenges in handling human trafficking cases in Indonesia. The lack of synchronization between the Ministry of Social Affairs, the National Police, and the judiciary often results in unintegrated and ineffective handling of cases. Zakiri and Mahfud (2017) noted that limited communication and coordination in the

investigation process, victim assistance, and prosecution of perpetrators often prolong the time to resolve cases. Overlapping authority between agencies has caused victim protection policies to not run optimally, resulting in many victims losing access to adequate rehabilitation. This shows that the existing handling system still needs to be redesigned to ensure integration between agencies at every stage of the legal process.

This lack of coordination also impacts the implementation of existing regulations, such as Law No. 21/2007 on the Eradication of Trafficking in Persons, which requires cross-sectoral cooperation to be effectively implemented. For example, victim protection mechanisms are often not well integrated between legal proceedings and social services. Victims who have reported crimes often do not receive ongoing psychological assistance due to a lack of coordination between law enforcement officials and social protection agencies. To overcome this challenge, a unified system is needed that organizes the distribution of tasks and ensures effective communication between agencies. Strengthening coordination should also be accompanied by joint training between agencies to improve understanding and synergy in handling trafficking cases, so that each party can carry out its role optimally.

From a criminological perspective, economic motives are the main driver in trafficking crimes, with the huge profits from exploiting victims being the main attraction for perpetrators. This exploitation typically includes sexual and labor exploitation, which provides very significant financial benefits to the perpetrator network. Hadi and Sukardi (2020) revealed that human trafficking is often carried out by organized groups that have neat structures and extensive international networks. The complexity of these networks makes it difficult for conventional law enforcement to reach the main perpetrators, especially as they often operate using multiple layers of intermediaries to conceal their identity and activities. This shows that the economic motive in these crimes creates exploitation of victims, and builds a crime system that is difficult to dismantle.

Such organized trafficking networks also take advantage of weaknesses in countries' legal and economic systems to strengthen their operations. Lack of surveillance in border areas, weak migration controls, as well as the lack of

economic opportunities for the poor are loopholes utilized by these groups to recruit victims and expand their networks. Hadi and Sukardi (2020) add that perpetrators often use threats, manipulation and financial dependence to maintain control over victims. To face this challenge, a more comprehensive law enforcement strategy is needed, such as increased cross-border cooperation, the use of advanced technology to track networks, and an intelligence-based approach to break the crime chain from the highest level. Thus, the law enforcement system can be more effective in tackling trafficking networks rooted in economic motives.

Strain theory provides an effective analytical framework for understanding the phenomenon of trafficking, especially in areas of high poverty. The theory explains that structural poverty can create psychological and social pressures that push individuals to seek alternative solutions outside of legal channels. Lolo (2016) underscores that poor economic conditions often make individuals feel hopeless because they are unable to achieve social and economic goals that are considered reasonable in society. Under these conditions, some individuals may take extreme decisions, including engaging in human trafficking, either as perpetrators selling labor or as victims trapped in exploitation. This phenomenon shows that the social pressures of poverty have implications for individuals, and contribute to the formation of trafficking networks in the community.

The structural poverty described by Lolo (2016) creates pressure on individuals, and builds an ecosystem that supports the flourishing of human trafficking. Areas with limited economic opportunities are often the base of operations for networks of traffickers, who exploit vulnerable individuals by offering false promises of employment or a better life. When these social pressures are combined with unequal access to education and low legal awareness, the risk of involvement in human trafficking increases significantly. Strain theory helps explain individuals' motivations for engaging in human trafficking, and offers insight into how social, economic, and cultural factors work together to reinforce the sustainability of this phenomenon. By understanding the relationship between social stress and trafficking, more comprehensive policies can be designed to address the root causes, including poverty alleviation and the provision of more equitable economic opportunities.

Criminology-based approaches that emphasize the root causes of problems, such as poverty, inequality and lack of opportunity, are particularly relevant in this regard. To effectively tackle human trafficking, we need to go beyond a purely repressive approach and focus on more effective preventive efforts. This involves interventions that focus on law enforcement, and also on inclusive economic development, reduction of social disparities, and provision of adequate social services.

Social control theory can also complement our understanding of human trafficking. Individuals who have weak social ties to family, school or community tend to be more susceptible to negative influences and more easily entangled in criminal activity. Therefore, efforts to strengthen social ties and build more cohesive communities are also an important part of trafficking prevention strategies.

Strain theory provides important insights into understanding the phenomenon of trafficking, but it only covers one aspect of the complexity of the problem. The focus on the stresses of structural poverty and the inability of individuals to achieve social and economic goals that are considered reasonable is relevant, especially in areas of high poverty. However, trafficking is also influenced by a range of other interrelated factors, such as cultural norms, gender inequality and the impact of globalization. These factors suggest that the phenomenon of trafficking is rooted in economic pressures as well as in broader social structures and global dynamics.

Cultural norms and gender inequality play a significant role in amplifying individuals' vulnerability to trafficking. In some societies, norms that place women as a subordinate group increase their risk of becoming victims of sexual exploitation or forced labor. These gender inequalities are often exacerbated by women's lack of access to education and employment opportunities. Globalization has opened up migration channels that are often exploited by human trafficking networks. As the world becomes more connected through technology and transportation, these criminals can easily expand their networks and reach vulnerable individuals in different countries.

An interdisciplinary approach is needed to understand the complexities of trafficking more thoroughly. Combining perspectives from sociology, psychology, economics and law can provide a deeper understanding of the

dynamics of trafficking and how these factors interact. Sociology helps understand how cultural norms and social pressures shape individual behavior, while psychology provides insight into the impact of trauma on victims. Economic perspectives highlight the influence of poverty and inequality, while legal approaches help design effective policies and regulations. With this approach, intervention strategies can be more specifically designed and oriented to local and global needs.

A deeper understanding of the root causes of trafficking allows for the development of more effective and sustainable prevention strategies. Social pressure theory, for example, points to the importance of poverty alleviation as a first step in reducing individuals' vulnerability to exploitation. These efforts can be reinforced by policies that create jobs, improve access to education, and provide adequate social security. On the other hand, prevention strategies should also include raising public awareness about the risks of trafficking and strengthening legal protection systems for vulnerable groups.

Overall, by addressing issues of poverty, inequality, and lack of opportunity, the appeal of human trafficking can be significantly reduced. A comprehensive, interdisciplinary-based approach helps prevent trafficking and contributes to the establishment of a more just, inclusive and safe society for all. This approach enables the design of more effective interventions, both at the individual and systemic levels, thereby creating long-term solutions capable of eradicating trafficking altogether.

### **A Criminological Perspective on Traffickers**

Traffickers can generally be classified into two main categories: individuals working independently and organized groups with the majority of trafficking cases committed by syndicates with international networks. These syndicates take advantage of regulatory weaknesses at the national and international levels to carry out their operations without significant hindrance.

One of the key findings of this research is that traffickers often take advantage of weaknesses in the legal system, particularly loopholes in the oversight of employment agencies. This lack of oversight provides syndicates with the opportunity to illegally recruit victims under the pretext of offering promising jobs. The lack of regulations governing employment agencies,

both formal and informal, is a major factor that allows trafficking practices to go undetected. The lack of an ongoing monitoring mechanism for the activities of employment agencies further exacerbates this situation, leaving victims often without adequate legal protection from the initial recruitment process.

Weak oversight of employment agencies is often linked to loopholes in immigration policy. Non-standardized recruitment procedures for migrant workers allow human trafficking syndicates to operate more freely. In some cases, perpetrators even use fake documents to authorize the departure of migrant workers, which could have been prevented by stricter supervision. Revisions to immigration policies are needed to strengthen control mechanisms, especially in ensuring that every employment agency involved is legally licensed and follows recruitment procedures in accordance with the law.

Revisions to immigration policies need to cover technical aspects such as documents and permits, and must pay attention to aspects of protection of prospective migrant workers. This includes the provision of clear information on labor rights and obligations and access to effective grievance services. This way, migrant workers can be better prepared to face risks and report potential violations before they become victims. New regulations should encourage collaboration between immigration agencies, law enforcement officials, and civil society organizations to ensure more comprehensive oversight.

Strengthening this supervision must also be accompanied by increasing the capacity of related institutions, both in terms of human resources and technology. Digitalization systems can be utilized to monitor the activities of employment agencies in real-time, thereby reducing opportunities for syndicates to take advantage of administrative weaknesses. With better policing, criminals no longer have room to exploit legal loopholes, and potential victims can be protected more effectively.

There is an urgent need to revise immigration policies as part of a systemic effort to combat trafficking. Strengthening regulations governing the recruitment of migrant workers, including supervision of employment agencies, is an important step to reduce legal loopholes that have been exploited by traffickers. The revision aims to prevent illegal recruitment and to protect the rights of migrant workers more thoroughly, creating a fairer and safer system for all parties involved.

Criminological approaches also identify patterns of offender behavior that often have moral justifications for their actions. This view suggests the need for repressive, as well as preventive and educative law enforcement strategies.

### **A Criminological Perspective on Victims of Human Trafficking**

Victims of trafficking in Indonesia are mostly from vulnerable groups, including women and children. Most victims come from weak economic backgrounds, with low levels of education. This makes them vulnerable to the deceit of recruiters who promise high-paying jobs.

Abdullah (2019) explains that from a victimology perspective, victims of human trafficking often experience deep physical and psychological trauma. The victim protection system in Indonesia is far from adequate. For example, many victims do not receive proper legal assistance or rehabilitation after being rescued from trafficking networks.

One of the main challenges in dealing with victims is the social stigma attached to them, especially for victims of sexual exploitation. A national campaign is needed to raise public awareness on the importance of supporting victim rehabilitation. A criminological approach in this regard can provide guidance to design more effective rehabilitation programs.

### **Strategies to Prevent and Combat Trafficking in Persons**

Strategies for preventing and combating trafficking in persons require a multidimensional approach involving various sectors. Research by Radiansyah (2010) confirms that effective policies must combine preventive, repressive and rehabilitative measures. From a criminological perspective, preventive measures play a crucial role. Community education on the dangers and modus operandi of human trafficking, as well as strengthening the local economy to reduce dependence on high-risk work, are strategic steps in preventing exploitation. Cross-sectoral cooperation, both at the national and international levels, is also crucial to breaking the increasingly complex trafficking networks.

Bjelland (2017) emphasized the urgency of strengthening the capacity of law enforcement officials in detecting and handling trafficking cases. The Norwegian case study, which shows an increase in the effectiveness of law

enforcement after specialized training for law enforcement officers, can be an inspiration for Indonesia. With a focus on improved inter-agency coordination, comprehensive training covering legal, sociological, and psychological aspects, and access to relevant data and information, Indonesia can effectively prevent and combat trafficking in persons. Periodic evaluation of the implemented program is also key to ensuring sustainability and improvement in this law enforcement effort.

Technological approaches offer significant potential in human trafficking prevention and response efforts. Utilizing big data to analyze online activities can be an effective tool in identifying human trafficking networks that operate covertly on digital platforms. The application of blockchain technology in tracking labor documents can provide transparency and integrity in the recruitment process, thereby minimizing the potential for illegal recruitment. Thus, the integration of information technology in the law enforcement system can be a game-changer in combating these complex transnational crimes.

Through the implementation of these strategies, criminal law enforcement against human trafficking in Indonesia can be more effective, both in preventing this crime and providing protection to victims. A criminological approach provides a comprehensive and evidence-based perspective for designing policies that address the challenges at hand.

#### D. CONCLUSIONS

This research shows that criminal law enforcement against human trafficking in Indonesia faces various complex challenges, especially in the aspects of regulation implementation and victim protection. From a criminological perspective, economic, social, and legal structural weaknesses are the main causes of the high prevalence of this crime. Traffickers often take advantage of regulatory loopholes and weak supervision, both at the national and international levels. On the other hand, victims often come from vulnerable groups who have limited access to legal protection and rehabilitation.

Countermeasure strategies involving multidimensional approaches, such as education, strengthening local economies, and the use of technology, have been identified as effective measures to prevent and address trafficking offenses. Criminological approaches

also underscore the importance of regulatory reform and strengthening the capacity of law enforcement officials to improve the effectiveness of law enforcement.

Efforts to prevent and address trafficking in persons require synergy between the government, law enforcement agencies, and the community. The government needs to strengthen regulations related to increasing supervision of employment agencies and involving technology to detect human trafficking networks. Community education, especially in vulnerable areas, should be prioritized to reduce the risk of trafficking through increased awareness and economic independence.

Victims of trafficking should receive special attention through comprehensive rehabilitation programs, including legal, psychological and social assistance. Law enforcement officers need to be given specialized training to detect and handle human trafficking cases in a professional and empathy-based manner. With the implementation of these measures, it is hoped that human trafficking crimes in Indonesia can be significantly reduced, while at the same time providing proper protection to victims.

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