

Law Enforcement Against Human Trafficking Through Migrant Workers

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ABSTRACT

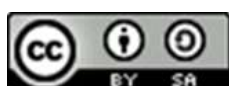
Trafficking in persons through migrant-labor schemes has become an increasingly complex transnational crime in Indonesia. This study examines the effectiveness of law enforcement against trafficking in persons (TIP) committed under the guise of migrant worker placement. Using a normative and socio-legal approach, the research evaluates the adequacy of legal instruments, inter-agency coordination, and socio-economic dynamics influencing vulnerability to trafficking. Data were collected from primary legal sources, judicial decisions, official government reports, and international organizations monitoring migration and trafficking. The findings reveal that, despite Indonesia's comprehensive legal framework under Law No. 21/2007 and Law No. 18/2017, alongside its commitment to the Palermo Protocol, implementation challenges persist. These include fragmented institutional coordination, limited cyber-investigation capacity, loopholes in administrative oversight, and socio-economic pressures that drive individuals to migrate irregularly. The study concludes that a holistic strategy combining penal, administrative, and community-based approaches is essential. Strengthening coordination between the National Police, BP2MI, Immigration, and the Ministry of Foreign Affairs, enhancing digital migration governance, and implementing community empowerment initiatives in migrant-sending regions are key to preventing exploitation and dismantling trafficking networks.

Keywords: ASEAN; Migrants; Protection; Trafficking.

INTRODUCTION

Human trafficking through migrant workers has become a complex and growing form of transnational crime over the past two decades. The United Nations Office on Drugs and Crime (UNODC) notes that more than 50% of global human trafficking cases occur through labor migration schemes, both formal and informal, with the majority of victims being women and children.¹ In the context of international migration, the International Labor Organization (ILO) estimates that more than 27 million people will be trapped in forced labor worldwide by 2022, with the labor

¹ UNODC. (2023). *Global Report on Trafficking in Persons 2023*. United Nations Office on Drugs and Crime.



migration sector being one of the most vulnerable to exploitation.² Human trafficking through migrant workers not only causes economic and social losses, but also constitutes a violation of human dignity and human rights, thus requiring serious attention from national and international legal instruments.

The phenomenon of human trafficking through labor migration is increasing in line with globalization and cross-border labor mobility. Many labor-sending countries, such as Indonesia, the Philippines, Myanmar, and Bangladesh, face structural vulnerabilities in the form of limited employment opportunities, income inequality, and uneven development, which encourage citizens to seek employment opportunities abroad.³ However, behind these economic opportunities, criminal syndicates often exploit administrative loopholes, weak migration governance, and the ignorance of prospective workers to carry out illegal recruitment that leads to sexual exploitation, modern slavery, and forced labor.⁴ These cases show that human trafficking is no longer carried out only through kidnapping or forced transportation, but also through seemingly legal means such as the process of arranging for workers to depart.

Indonesia is one of the largest contributors and transit countries for migrant workers in Southeast Asia. The Indonesian Migrant Worker Protection Agency (BP2MI) notes that the number of Indonesian migrant workers in 2023 will reach more than 4.3 million people, with Malaysia, Saudi Arabia, the United Arab Emirates, Hong Kong, and Taiwan as the main destinations.⁵ Although the government has improved regulations on the placement and protection of migrant workers, there are still thousands of Indonesian citizens who are dispatched non-procedurally each year and end up as victims of human trafficking.⁶ Data from the Indonesian National Police's Criminal Investigation Unit shows that throughout 2022-2023, there was an increase in the number of human trafficking cases related to the sending of migrant workers, with more than 700 victims successfully rescued from illegal recruitment syndicates.⁷ This surge in numbers proves that human trafficking through labor migration has become a real threat to society.

The modus operandi of human trafficking through labor migration is very diverse, ranging from recruitment through illegal agencies, the use of tourist visas for work, document forgery, to placement in the destination country without a valid employment contract.⁸ In addition, the development of digital technology and social media has expanded the reach of human trafficking syndicates, which now conduct recruitment through online platforms, quick job advertisements, and WhatsApp groups targeting economically vulnerable groups.⁹ On the other hand, limited legal literacy and

² International Labour Organization. (2022). *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage*. ILO.

³ IOM. (2022). *World Migration Report 2022*. International Organization for Migration.

⁴ Gallagher, A. (2021). *The International Law of Human Trafficking*. Cambridge University Press.

⁵ BP2MI. (2023). *Statistik Penempatan Pekerja Migran Indonesia 2023*. Badan Perlindungan Pekerja Migran Indonesia.

⁶ BP2MI. (2023). *Laporan Penanganan PMI Non-Prosedural*.

⁷ Divhubinter-Bareskrim Polri. (2023). *Data Penanganan TPPO 2022–2023*. Kepolisian Republik Indonesia.

⁸ Komnas Perempuan. (2022). *Catatan Tahunan Kekerasan terhadap Perempuan*. Komisi Nasional Anti Kekerasan terhadap Perempuan.

⁹ International Labour Organization. (2021). *Recruitment Fees and Related Costs in Labour Migration*. ILO.

information among prospective migrant workers further increases the risk of becoming victims of fraud and exploitation.

Normatively, Indonesia already has comprehensive legal instruments to combat TPPO. Law No. 21 of 2007 on the Eradication of Criminal Acts of Trafficking in Persons is the main legal umbrella that broadly defines human trafficking, including in the context of labor recruitment for exploitation.¹⁰ In addition, Law No. 18 of 2017 concerning the Protection of Indonesian Migrant Workers reinforces the role of the state in protecting migrant workers from pre-placement to post-placement, including supervision of placement agencies and sanctions against illegal placement actors.¹¹ Indonesia has also ratified the 2000 Palermo Protocol through Law No. 14 of 2009 as a commitment to combating transnational crime.¹²

However, the implementation of the law still faces various challenges. First, weak cross-sectoral coordination between the National Police, BP2MI, Immigration, the Ministry of Foreign Affairs, local governments, and community institutions has resulted in a lack of integration in prevention and enforcement policies.¹³ Second, limited law enforcement resources and oversight of departures in migrant-dense areas such as NTT, NTB, Central Java, and South Sulawesi create loopholes that are exploited by syndicates. Third, the process of proving TPPO cases, which often involves transnational jurisdictions, creates legal and administrative obstacles, particularly in gathering evidence and repatriating victims.¹⁴

From a socio-legal perspective, the factors driving human trafficking through labor migration are closely related to socio-economic dynamics. High unemployment rates in rural areas, unequal access to education, and economic pressures on families encourage migration as a survival strategy.¹⁵ Social constructs that view overseas work as a path to social mobility further reinforce vulnerability.¹⁶ In certain cases, families themselves become part of the decision to migrate illegally due to a limited understanding of the risks.¹⁷ Therefore, law enforcement efforts cannot be solely repressive; public education, economic empowerment, and safe migration literacy are important elements.

At the international level, the IOM notes that Asia has seen the highest growth in undocumented migrant workers over the past five years, making it a region prone to exploitation.¹⁸ Indonesia, as part of ASEAN, is committed to the ASEAN Convention Against Trafficking in Persons (ACTIP), but implementation at the domestic level

¹⁰ Undang-Undang Republik Indonesia Nomor 21 Tahun 2007 tentang Pemberantasan Tindak Pidana Perdagangan Orang.

¹¹ Undang-Undang Republik Indonesia Nomor 18 Tahun 2017 tentang Perlindungan Pekerja Migran Indonesia.

¹² Undang-Undang Nomor 14 Tahun 2009 tentang Pengesahan *United Nations Convention against Transnational Organized Crime* dan *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (Palermo Protocol).

¹³ Kementerian Luar Negeri RI. (2023). *Laporan Diplomasi Migrasi Indonesia*. Kemlu RI.

¹⁴ Pusat Penelitian Hukum Badan Litbang Hukum dan HAM. (2023). *Evaluasi Penegakan Hukum TPPO dalam Penempatan PMI*.

¹⁵ BPS. (2023). *Statistik Ketenagakerjaan 2023*. Badan Pusat Statistik.

¹⁶ Siregar, D. (2022). Migrant aspirations and social networks in Southeast Asia. *Asian Journal of Migration*, 9(2), 211-232.

¹⁷ Komnas Perempuan. (2023). *Laporan Perlindungan Korban TPPO Perempuan Migran*.

¹⁸ IOM. (2023). *Asia Regional Trafficking Overview Report*. IOM Asia-Pacific.

requires system harmonization, capacity building of officials, and effective cross-border coordination mechanisms.¹⁹

Although the issue of human trafficking through the migrant worker *modus operandi* has been widely studied, there are still relevant research gaps that need to be analyzed in depth. For example, research by Suryani (2021) in an article entitled “Implementation of Protection of Victims of TPPO from a Human Rights Perspective” focuses more on victim protection and a human rights approach, but does not evaluate the effectiveness of cross-agency coordination among law enforcement agencies in preventing the illegal recruitment of migrant workers. Then, research by Hakim and Rafiuddin (2022) entitled “Law Enforcement Against Human Trafficking Crimes in Indonesia” reviews aspects of criminal prosecution, but does not highlight the forms of migration manipulation and the dynamics of the digital recruitment information system. Furthermore, a study by Larasati (2023) in “BP2MI Policy in Preventing Non-Procedural PMI Dispatch” focuses more on administrative policies and governance of migrant worker protection, but does not comprehensively describe the challenges of cross-jurisdictional evidence and legal literacy gaps in migrant enclaves.

The main difference in this study is the placement of the issue in the integration between the TPPO legal regime and migrant worker protection law, particularly through a socio-legal analysis of the coordination mechanisms between the National Police, BP2MI, Immigration, local governments, and Indonesian representatives abroad, while also paying attention to the shift in crime modes through digital platforms. Thus, this study offers the novelty of simultaneously mapping the penal, administrative migration, and socio-economic variables that influence the vulnerability of victims, and emphasizes that preventing TPPO requires a combination of law enforcement, migration diplomacy, and community empowerment.

In line with this, the objective of this study is to analyze the effectiveness of law enforcement against human trafficking through the migrant worker *modus operandi* in Indonesia, by assessing the consistency of the implementation of Law Number 21 of 2007 and Law Number 18 of 2017, inter-agency coordination mechanisms among law enforcement agencies, patterns of evidence, shifts to digital modes, and the role of socioeconomic factors in shaping migration vulnerability and sustainable prevention strategies.

Therefore, this study aims to analyze the effectiveness of Indonesian law enforcement against human trafficking through migrant-worker schemes, identify structural and socio-legal barriers, and formulate integrated penal-administrative-community strategies. The research addresses how criminal and migration laws operate in TPPO cases, the effectiveness of inter-agency coordination, and the socio-economic factors influencing migrant vulnerability

METHODOLOGY

This study uses a legal-normative approach combined with a legal-empirical approach (socio-legal approach) to analyze law enforcement against human trafficking crimes through the *modus operandi* of migrant workers in Indonesia. The legal-normative approach is used to examine the positive legal norms that regulate TPPO and the protection of migrant workers, as contained in Law Number 21 of 2007 concerning

¹⁹ ASEAN Secretariat. (2020). *ASEAN Convention Against Trafficking in Persons Implementation Review*.

the Eradication of Criminal Acts of Trafficking in Persons and Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers, as well as international provisions such as the Palermo Protocol. This normative analysis examines the legal structure, the principle of *lex specialis*, the elements of criminal acts, and the mechanisms of criminal liability, as well as identifying the adequacy of national legal instruments in responding to the dynamics of transnational human trafficking.²⁰

To capture the reality of law implementation in the field, this study also uses a juridical-empirical/socio-legal approach, which places law not only as a static norm, but as a social practice influenced by economic structures, migration culture, and institutional dynamics. This approach bases its analysis on secondary empirical data on recruitment patterns, non-procedural departure routes, law enforcement patterns, and the role of institutions such as the Indonesian National Police, BP2MI, Immigration, and Indonesian representatives abroad in handling TPPO cases. The socio-legal perspective is also used to understand how migration risks, community legal literacy, and economic pressures contribute to the vulnerability of migrant workers to exploitation.²¹

The data in this study consists of primary, secondary, and tertiary legal materials, as well as empirical data from official documents such as reports from the LPSK, BP2MI, Bareskrim Polri, Komnas Perempuan, UNODC, ILO, and IOM. Data collection techniques were carried out through the study of legal documents and comparative analysis of court decisions related to TPPO of migrant workers. All data were analyzed qualitatively and descriptively through deductive-inductive legal reasoning to map the gap between legal norms and their implementation in the field, while identifying social factors that influence the effectiveness of law enforcement.²² This research reviewed 25 TPPO judicial decisions (2019–2023) and official agency reports, triangulated with doctrinal and socio-empirical sources.

RESULTS AND DISCUSSION

Legal Framework and Application of *Lex Specialis* in the Enforcement of TPPO through the Migrant Worker Modus

Law enforcement against the crime of human trafficking (TPPO) through the migrant worker *modus operandi* falls under the special crime regime, which has transnational characteristics, involves cross-border networks, and exploits administrative loopholes in the labor migration process. In Indonesia, the main legal framework used to combat this crime is Law No. 21 of 2007 on the Eradication of Trafficking in Persons and Law No. 18 of 2017 on the Protection of Indonesian Migrant Workers (PMI). Both of these laws are *lex specialis*, both in the context of victim protection and in the regulation of criminal mechanisms against perpetrators of illegal recruitment, harboring, transportation, and exploitation in the destination country.²³ These regulations show that the state views human trafficking as a serious violation of human dignity and rights, as well as a threat to state sovereignty in the management of labor mobility.

²⁰ Soeroso, R. (2020). *Pengantar Ilmu Hukum*. Jakarta: Rajawali Press.

²¹ Nonet, P., & Selznick, P. (2021). *Law and Society in Transition: Toward Responsive Law*. New York: Routledge.

²² Braun, V., & Clarke, V. (2021). *Thematic Analysis: A Practical Guide*. London: SAGE Publications.

²³ Undang-Undang Republik Indonesia Nomor 21 Tahun 2007 tentang Pemberantasan Tindak Pidana Perdagangan Orang.

The legal structure governing the handling of TPPO has multi-level law enforcement characteristics. At the national level, there are several key actors, such as the police (Bareskrim Polri and the special TPPO unit), the attorney general's office, the courts, and administrative agencies such as BP2MI and the Directorate General of Immigration. This collaboration is a logical consequence of the nature of the crime, which violates not only criminal norms but also administrative norms on migration and labor.²⁴ In addition, Law 21/2007 stipulates severe criminal sanctions for perpetrators, including a maximum penalty of 15 years in prison and fines of billions of rupiah, which aim to create a deterrent effect on syndicates and illegal recruiters. The enactment of this special criminal regime emphasizes that TPPO through the modus operandi of migrant workers cannot be viewed as a mere administrative violation, but rather as a form of organized crime that must be dealt with through comprehensive legal instruments.

On the other hand, the enforcement of TPPO laws is inseparable from Indonesia's international commitments under the United Nations Convention Against Transnational Organized Crime (UNTOC) and the Palermo Protocol. The ratification of the Palermo Protocol through Law No. 14 of 2009 provides a normative basis for Indonesia to cooperate with other countries in the prevention, investigation, and protection of victims of human trafficking, including in cases of labor migration.²⁵ This framework for international cooperation includes the exchange of intelligence information, extradition processes, and mutual legal assistance mechanisms, which are important for uncovering cross-border networks. Thus, law enforcement against TPPO is within a complementary national and international legal framework.

However, the implementation of these legal norms still faces structural challenges. One of the main obstacles is the weak coordination between law enforcement and administrative agencies. In a number of legal studies, it was found that the working relationship between the National Police, BP2MI, Immigration, and the Ministry of Foreign Affairs was not yet fully synchronized in the investigation of TPPO cases and the recovery of PMI victims.²⁶ There were overlapping authorities, inconsistent procedures, and limitations in the information system that hampered the process of identifying victims and perpetrators. This situation has implications for the slow investigation process, difficulties in prosecution, and the potential for perpetrators to escape justice.

In addition to coordination obstacles, evidence is an important challenge in enforcing TPPO laws through the migration modus operandi. Evidence in TPPO cases often involves electronic evidence, fake employment contracts, passports, and forged travel documents, requiring investigators and prosecutors to be able to read administrative and digital modus operandi.²⁷ Challenges also arise because most crimes occur across national jurisdictions, requiring more complex cross-regional evidence and tracking mechanisms than conventional crimes. In some cases, victims are placed in certain countries through administratively "legal" transit routes, but are part of an

²⁴ Undang-Undang Republik Indonesia Nomor 18 Tahun 2017 tentang Perlindungan Pekerja Migran Indonesia.

²⁵ Undang-Undang Nomor 14 Tahun 2009 tentang Pengesahan *United Nations Convention Against Transnational Organized Crime dan Protocol to Prevent, Suppress and Punish Trafficking in Persons*.

²⁶ Pusat Penelitian Hukum Badan Litbang Hukum dan HAM. (2023). *Evaluasi Penegakan Hukum TPPO dalam Penempatan PMI*.

²⁷ Prabowo, M., & Pratiwi, A. (2021). Pembuktian tindak pidana perdagangan orang dalam konteks migrasi pekerja. *Jurnal Hukum & Pembangunan*, 51(4), 621–639.

exploitative syndicate scheme.²⁸ This situation requires strengthening cyber investigation capabilities, financial tracing, and diplomatic cooperation in gathering evidence and repatriating victims.

In the socio-legal context, law enforcement issues cannot be separated from the social factors that influence the migration process. In a number of PMI pockets such as NTT, NTB, Central Java, and South Sulawesi, structural poverty, unequal access to education, and limited domestic employment opportunities are strong incentives for people to accept job offers abroad, even through unofficial channels.²⁹ Social narratives about economic success abroad also create a social imagination that migration is a way out of poverty, without considering the potential risks of crime.³⁰ Thus, law enforcement against TPPO requires social policy support and community empowerment so that potential victims do not fall prey to exploitation disguised as job opportunities.

In addition to victims and perpetrators, the success of law enforcement is greatly influenced by the role of the state in protecting migrant workers through the placement administration system. Law 18/2017 requires the state to be present in the protection process from pre-placement, placement, to post-placement, including ensuring that placement agencies are accredited and providing access to legal consultation for PMI.³¹ However, in practice, there are still agencies that conduct illegal recruitment and send prospective workers without official procedures, especially via sea routes, land border routes, and small airports.³² This inconsistency in supervision indicates the need to strengthen the administrative control and monitoring system for placement companies.

Thus, overall, the TPPO legal regime in Indonesia has a strong foundation in terms of normative aspects and international commitments. However, its successful enforcement has not been maximized due to institutional coordination barriers, limited digital investigation capacity, gaps in migration literacy among the public, and weak administrative supervision. Therefore, strengthening the legal system requires not only regulatory revisions, but also reform of the monitoring system, improvement of the competence of officials, integration of data across institutions, and social empowerment in migrant worker pockets as a holistic strategy for combating TPPO. Beyond legal norm examination, structural enforcement challenges emerge from institutional capability gaps, fragmented data systems, and local socio-economic incentives, requiring multidimensional interpretation rather than purely penal analysis.

Socio-Legal Dimensions, Socio-Economic Vulnerability, and Migration Culture in TPPO Crimes Involving Migrant Workers

The phenomenon of human trafficking through the migrant worker modus operandi in Indonesia is not only a law enforcement issue, but is also deeply rooted in socio-economic dynamics and cultural constructs regarding migration. A socio-legal approach is relevant to explain how legal norms interact with social realities, including poverty, development inequality, migration aspirations, patriarchal structures, and the role of the family in migration decisions. In many cases, migrant workers do not

²⁸ IOM. (2023). *Asia Regional Trafficking Overview Report*. International Organization for Migration.

²⁹ BPS. (2023). *Statistik Kemiskinan Indonesia 2023*. Badan Pusat Statistik.

³⁰ Siregar, D. (2022). Migrant aspirations, gender, and household strategies in Southeast Asia. *Asian Journal of Migration*, 9(2), 211–232.

³¹ Komnas Perempuan. (2022). *CATAHU: Perdagangan Perempuan dan Pekerja Migran Perempuan*.

³² BP2MI. (2023). *Laporan Daerah Rawan Sindikat Penempatan Ilegal PMI*. Badan Perlindungan Pekerja Migran Indonesia.

migrate forcibly in the traditional sense, but rather “volunteer” through a recruitment process that appears legal on the surface but is actually controlled by organized criminal networks.³³ This pattern shows that modern TPPO often operates in a “gray area” between administrative legality and criminal exploitation, thus requiring analysis that goes beyond the formal legal text.

Structural poverty is a major driver of informal migration. Poor and disadvantaged regions such as East Nusa Tenggara, West Kalimantan, and several areas in Central Java are the largest pockets of migrant worker TPPO victims.³⁴ BPS notes that these regions have poverty rates above the national average, accompanied by limited access to decent work and vocational education. These conditions create vulnerability for residents to accept job offers abroad without verifying the procedures due to family economic pressures. In line with this, an IOM report shows that 72% of TPPO victims in Indonesia come from low economic backgrounds and have below-average education levels.³⁵ This explains why law enforcement strategies must be accompanied by grassroots economic empowerment programs.

In addition to economic factors, the social culture surrounding migration also reinforces vulnerability. In some communities, working abroad is seen as a symbol of success, a social obligation, and even a source of family pride.³⁶ The narrative of “returning home with a lot of money” has become a social myth that has been passed down from generation to generation, encouraging young people to follow in the footsteps of their relatives or neighbors, even if it means going through unofficial channels. Ethnographic research shows that migration is often perceived not merely as an individual choice, but as a collective decision of the family and community.³⁷ At this point, state law is often overridden by social norms that condone the sending of migrant workers without official procedures as a normal practice, especially when formal channels are considered slow, expensive, and bureaucratic.

Women's vulnerability to TPPO is also related to patriarchal culture. Data from the National Commission on Violence Against Women shows that the majority of TPPO victims among migrant workers are women, especially in the domestic sector. Women from rural areas are often treated as the economic pillars of their families, while their knowledge of migrant workers' rights and legal protection mechanisms is minimal. Many victims report that they were offered domestic work in the destination country but then experienced sexual exploitation, forced labor, and passport confiscation. Thus, the legal approach must consider the gender perspective as part of victim protection efforts.³⁸

In addition, the shift in the modus operandi of TPPO due to digitalization poses new challenges in the socio-legal context. TPPO syndicates now use social media, job groups, and instant messaging applications as recruitment channels, so that prospective workers who could previously be identified through physical channels are now scattered

³³ Wijaya, A. (2022). *Trafficking in Persons and Migrant Smuggling in Southeast Asia: Socio-Legal Dynamics*. Jakarta: Penerbit Kompas.

³⁴ BPS. (2023). *Statistik Kemiskinan Indonesia 2023*. Badan Pusat Statistik RI

³⁵ International Organization for Migration. (2023). *Asia Regional Trafficking Overview Report*. IOM Asia-Pacific.

³⁶ Siregar, D. (2022). Migrant aspirations and social mobility in rural Indonesia. *Asian Journal of Migration*, 9(2), 211-232.

³⁷ Harkrisnowo, H. (2021). *Hukum dan Migrasi Transnasional*. Jakarta: Rajagrafindo Persada.

³⁸ Komnas Perempuan. (2023). *Laporan Perlindungan Korban TPPO Perempuan Migran*. Komnas Perempuan RI.

digitally. Job information is packaged in an attractive way: “big salary,” “quick departure,” “no fees,” or “boss's channel”, which manipulates people's economic aspirations. The lack of digital literacy and safe migration literacy makes it difficult for people to distinguish between official advertisements and criminal networks. Therefore, strengthening the cyber capacity of law enforcement officials and digital education for the community are key to prevention.

At the same time, non-procedural migration is often facilitated by local social networks, such as relatives, neighbors, or community leaders who act as local sponsors or brokers.³⁹ This adds to the complexity of law enforcement because the perpetrators do not always come from transnational networks, but also from community actors trusted by residents. In many cases, the victims' families themselves do not view the departure process as a violation of the law, but rather as part of a social strategy for economic mobility. As a result, victims often do not report even when they experience exploitation, due to shyness, social ties, or fear of repression.

In addition to individual and community factors, the structure of state administration also contributes to vulnerability. The official placement process for migrant workers involves administrative steps such as training, certification, document checks, and work eligibility. However, many prospective workers choose non-procedural channels because they perceive the formal channels to be slow, expensive, and a hindrance to departure. BP2MI notes that syndicates exploit this perception by offering fast tracks through smuggling via the Riau sea route, the Kalimantan-Malaysia land route, or flights through secondary airports. Therefore, strategies to eradicate TPPO through the migrant worker *modus operandi* must improve the efficiency of the official migration bureaucracy, not just tighten sanctions.⁴⁰

From a socio-legal perspective, law enforcement efforts must be balanced with community-based restorative and preventive approaches. Safe migration education programs, village legal clinics, the role of local government, and advocacy by civil society organizations are important components. Collaboration between BP2MI, local labor offices, religious leaders, and women's organizations has proven effective in increasing case reporting and disrupting illegal recruitment networks in several provinces.⁴¹ However, so far, the capacity of these prevention programs has not been evenly distributed across regions, resulting in gaps in legal literacy and social protection.

Thus, the socio-legal approach shows that the success of TPPO law enforcement through the migrant worker *modus operandi* is not only determined by criminal law instruments, but also by the effectiveness of social policies, public education, digital literacy, migration culture, and community economic empowerment. Law enforcement that is only oriented towards criminal prosecution without understanding the social context will result in repressive policies that do not solve the root of the problem. Therefore, reforms to combat TPPO must combine legal, social, and economic dimensions to create a fair and sustainable migrant worker protection system.

Institutional Coordination, Policy Reform, and Prevention Strategies in Combating TPPO Through Migrant Workers

³⁹ BP2MI. (2023). *Peta Daerah Rawan Sindikat Penempatan Illegal PMI*. Jakarta: BP2MI.

⁴⁰ BP2MI. (2023). *Rute Penyelundupan PMI Wilayah Barat & Timur Indonesia*. BP2MI.

⁴¹ Sulastrri, M. (2021). Peran tokoh lokal dalam pencegahan TPPO di NTB dan NTT. *Jurnal Sosiologi Pedesaan*, 9(3), 201-220.

Law enforcement against human trafficking through the migrant worker modus operandi requires synergy between state institutions and continuous community support. Given the nature of human trafficking, which involves cross-regional, cross-institutional, and cross-jurisdictional issues, the success of its prevention depends on the harmonization of legal systems, operational coordination, and the utilization of administrative instruments and technology. Normatively, Indonesia already has a clear legal framework, but the main challenges lie in implementation and institutionalization. Many studies show that the enforcement of human trafficking laws often faces structural obstacles, including weak information exchange, limited coordination between the central and regional governments, and inconsistent inter-agency procedures.⁴²

Cross-agency collaboration is a crucial component in combating TPPO. The National Police, as the spearhead of investigations, must work together with BP2MI to verify the status of workers, the Directorate General of Immigration to map departure routes, the Ministry of Foreign Affairs to protect Indonesian citizens abroad, and local governments as the first line of defense at the grassroots level. However, the reality of bureaucracy shows that coordination mechanisms are not yet fully optimal. There are still frequent cases of overlapping authority, delays in the exchange of data on victims and perpetrators, and weak procedures for case referral between law enforcement agencies.⁴³ This situation is exacerbated by limited human resources in migrant pockets, which often face geographical access and a lack of digital surveillance tools.

One important institutional reform effort is the strengthening of the migration intelligence system and the integration of databases between agencies. The development of the Indonesian Migrant Worker Information System (SIPMI) has been a strategic step in harmonizing data on migrant worker placements. However, the scope of this system needs to be expanded to allow shared access between the National Police, Immigration, the Attorney General's Office, and local governments. In addition, the digitization of the formal placement process must be accelerated to minimize the scope for document manipulation and the use of non-work visas as a means of falsifying migration status.⁴⁴ Countries with high success rates in preventing TPPO, such as the Philippines, implement a digital migration gatekeeping system that is integrated with airports, seaports, and the police system.

A repressive approach through the enforcement of criminal sanctions remains an important element of the strategy to eradicate TPPO. However, its effectiveness is greatly influenced by the ability of officials to identify the operating patterns of criminal groups, including tracing the money trail and links to local financiers or sponsors. TPPO crimes are often linked to other crimes, such as document fraud, cybercrime, and money laundering. Therefore, integrating a “follow the money” approach into law enforcement can strengthen the deterrent effect and break the financial supply chain of syndicates. In addition, mutual legal assistance (MLA) and extradition agreements are strategic components in dealing with perpetrators of international networks.⁴⁵

⁴² Yuniarto, P. (2022). Koordinasi penegak hukum dalam penanggulangan TPPO di Indonesia. *Jurnal Penegakan Hukum Indonesia*, 8(2), 175-192.

⁴³ Kemenkumham RI — Badan Litbang Hukum. (2023). *Evaluasi Mekanisme Koordinasi Penanganan TPPO*. Jakarta: Kemenkumham RI.

⁴⁴ BP2MI. (2023). *Sistem Informasi Pekerja Migran Indonesia (SIPMI): Evaluasi Implementasi*. BP2MI.

⁴⁵ Prabowo, M. & Pratiwi, A. (2021). Pembuktian tindak pidana perdagangan orang dalam konteks migrasi pekerja. *Jurnal Hukum & Pembangunan*, 51(4), 621-639.

However, enforcement alone is not enough if it is not balanced with an education-based prevention approach and community empowerment. The community-based prevention model has proven effective in reducing TPPO cases in several regions of Indonesia through the involvement of religious leaders, traditional leaders, women's organizations, and village officials in the dissemination of information on safe migration. This strategy involves the establishment of Productive Migrant Villages (Desmigratif) by the government with a focus on migration literacy, entrepreneurship, and the protection of Indonesian migrant workers. In addition, CSOs and international organizations such as IOM have played a role in assisting victims and educating vulnerable communities.⁴⁶

Within the framework of administrative prevention, reform of the placement system needs to remove bureaucratic barriers that encourage prospective workers to meet their economic needs through illegal channels. The formal placement process must be transparent, accessible, and affordable. Furthermore, supervision of Indonesian Migrant Worker Placement Companies (P3MI) and sub-licensed agencies must be strengthened, including the imposition of administrative and criminal sanctions for illegal placement. To provide a comparative overview of the institutional strategies required, the following table summarizes the models of coordination for the enforcement of TPPO laws:

Tabel 1. Key Institutional Strategies for Combating Trafficking in Migrant Labor Cases

Strategy Category	Core Measures	Expected Impact
Legal Enforcement	Strengthened criminal sanctions, joint investigation units, cyber & financial tracing	Higher conviction rates; disruption of syndicate networks
Institutional Coordination	Integrated databases, unified SOP across Polri–BP2MI–Immigration–MOFA	Faster case handling; reduced duplication of authority
Administrative Control	Digital migration system, strict licensing & monitoring of placement agencies	Reduction in illegal recruitment points and fake documentation
Community Prevention	Migration literacy, community surveillance, civil-society involvement	Empowered communities & early detection of trafficking risk
International Cooperation	MLA agreements, cross-border task forces, embassy coordination	Effective handling of cross-border cases & victim repatriation

The table above shows that combating TPPO through the migrant worker modus operandi is a multi-level process that requires a combination of criminal, administrative, and social instruments. Legal and governance reforms cannot proceed without considering the social and cultural dimensions of migration, as well as the demand for bureaucratic transparency. Therefore, a comprehensive strategy involving the central government, local governments, law enforcement agencies, the private sector, civil society organizations, and the community must be prioritized. Only through an integrative approach that emphasizes coordination, education, and economic

⁴⁶ IOM Indonesia. (2023). *Survivor Support & Case Management Report*. IOM Indonesia.

empowerment can Indonesia effectively curb the rate of human trafficking through migrant workers while enhancing the dignity and protection of its citizens on the global stage.⁴⁷

CONCLUSION

Law enforcement against human trafficking through the migrant worker *modus operandi* in Indonesia has a strong normative basis through Law No. 21 of 2007 and Law No. 18 of 2017, as well as international commitments through the Palermo Protocol. However, its implementation has not been fully effective due to obstacles in inter-agency coordination, gaps in data and surveillance systems, limited capacity of law enforcement agencies in handling digital and cross-jurisdictional methods, and weak migration literacy in areas with large numbers of migrant workers. These conditions show that even though the TPPO legal regime has been designed comprehensively, law enforcement has not been able to close the operational space of syndicates that exploit administrative, social, and digital loopholes.

Socio-economic and cultural factors related to migration play a significant role in increasing the vulnerability of prospective migrant workers to exploitation. Economic pressures, social perceptions of “success abroad,” local social networks that facilitate departure, and the dominance of unfiltered digital information make communities vulnerable to the persuasion of syndicates. Therefore, strategies to combat TPPO cannot rely solely on a penal approach, but must integrate the strengthening of the official placement system, increasing the legal and digital literacy of the community, economic empowerment, and the revitalization of social protection programs in migrant-dense villages.

In the future, efforts to eradicate TPPO will require strengthening coordination between the National Police, BP2MI, Immigration, and the Ministry of Foreign Affairs through database integration, expansion of cyber investigation units, application of a “follow the money” approach in enforcement, and implementation of strict monitoring mechanisms for placement agencies. In addition, the central and regional governments need to expand safe migration literacy programs, accelerate the digitization of formal migration services, and develop community-based prevention models. By combining legal, administrative policy, and social intervention approaches, Indonesia can strengthen the protection of migrant workers while breaking the chain of human trafficking in a sustainable manner.

Theoretically, this study contributes to socio-legal discourse on TPPO by demonstrating the necessity of integrating penal enforcement with migration governance, diplomatic coordination, and community-based economic security. Practically, it informs cross-sector policy design and operational collaboration between Polri, BP2MI, Immigration, and foreign missions. This study is limited by reliance on secondary data and case documentation; future research should employ field interviews and comparative ASEAN approaches to measure enforcement effectiveness and victim recovery outcomes

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⁴⁷ ASEAN Secretariat. (2020). *ASEAN Convention Against Trafficking in Persons Implementation Review*. ASEAN.

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