

Structural Barriers to Effective Human Trafficking Law Enforcement: A Normative Juridical Analysis in East Java, Indonesia

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ABSTRACT

Human trafficking (tindak pidana perdagangan orang/TPPO) constitutes a grave transnational crime that systematically violates human dignity through coercion, deception, and exploitation. This study examines the effectiveness of law enforcement against TPPO within the jurisdiction of the East Java Regional Police (Polda Jawa Timur), with reference to Law Number 21 of 2007 on the Eradication of Human Trafficking Crimes. A normative juridical method was employed, drawing on primary legal sources including applicable legislation and judicial decisions, secondary sources comprising academic literature and prior research findings, and tertiary sources for conceptual clarification. Analysis was conducted through a descriptive-analytical approach using deductive reasoning. The findings indicate that enforcement in this jurisdiction has progressed notably in its prosecutorial dimension, as demonstrated by increased case disclosure rates, the operationalization of an integrated multi-agency task force, and consistent suspect referral to judicial proceedings. However, enforcement effectiveness remains structurally incomplete, with victim protection, psychosocial rehabilitation, and reintegration support lagging behind punitive achievements. Principal obstacles include evidentiary challenges arising from victim trauma, insufficient officer specialization, fragmented inter-agency coordination, the absence of a unified national case management system, and a growing asymmetry between perpetrators' digital recruitment capabilities and the investigative capacity of regional units. This study recommends sustained investment in officer training, inter-agency data integration, victim service infrastructure, and international enforcement cooperation as priority measures to advance comprehensive and rights-based TPPO enforcement.

Keywords: *Criminal Justice; Human Trafficking; Institutional Coordination; Law Enforcement Effectiveness; Victim Protection*

Hambatan Struktural dalam Penegakan Hukum Tindak Pidana Perdagangan Orang: Analisis Yuridis Normatif di Jawa Timur, Indonesia

ABSTRAK

Tindak pidana perdagangan orang (TPPO) merupakan kejahatan transnasional serius yang secara sistematis melanggar martabat manusia melalui pemaksaan, penipuan, dan eksploitasi. Penelitian ini mengkaji efektivitas penegakan hukum terhadap TPPO di wilayah hukum Kepolisian Daerah Jawa Timur (Polda Jatim) dengan mengacu pada Undang-Undang Nomor 21 Tahun 2007 tentang Pemberantasan Tindak Pidana Perdagangan Orang. Metode yang digunakan adalah yuridis normatif dengan memanfaatkan bahan hukum primer berupa peraturan perundang-undangan dan putusan pengadilan, bahan hukum sekunder berupa literatur akademik dan hasil penelitian terdahulu, serta bahan hukum tersier untuk klarifikasi konseptual. Analisis dilakukan melalui pendekatan deskriptif-analitis dengan penalaran deduktif. Hasil penelitian menunjukkan bahwa penegakan hukum di wilayah ini telah mengalami kemajuan yang berarti dalam dimensi penindakan, yang tercermin dari peningkatan pengungkapan kasus, operasionalisasi satuan tugas terpadu lintas instansi, serta pelimpahan tersangka secara konsisten ke proses peradilan. Namun demikian, efektivitas penegakan hukum masih belum menyeluruh, terutama dalam aspek perlindungan korban, rehabilitasi psikososial, dan reintegrasi sosial yang belum sebanding dengan capaian penindakan. Kendala utama meliputi kesulitan pembuktian akibat trauma korban, keterbatasan spesialisasi aparat, koordinasi antarinstansi yang belum optimal, ketiadaan sistem manajemen perkara nasional yang terpadu, serta kesenjangan antara kemampuan rekrutmen digital pelaku dan kapasitas investigasi satuan wilayah. Penelitian ini merekomendasikan investasi berkelanjutan dalam pelatihan aparat, integrasi data antarinstansi, penguatan infrastruktur layanan korban, serta kerja sama penegakan hukum internasional sebagai langkah prioritas menuju penegakan TPPO yang komprehensif dan berbasis hak.

Kata kunci: *Efektivitas Penegakan Hukum; Keadilan Pidana; Koordinasi Kelembagaan; Perdagangan Orang; Perlindungan Korban*

INTRODUCTION

Human trafficking (*tindak pidana perdagangan orang*/TPPO) constitutes one of the gravest transnational crimes confronting contemporary legal systems, involving the systematic exploitation of human beings through coercion, deception, and abuse of power.¹ In Indonesia, the crime extends well beyond national borders and touches nearly every social stratum, yet its most visible casualties remain women and children from economically marginalized communities.² Perpetrators frequently disguise their operations as legitimate employment offers, both domestically and abroad, making detection and prosecution considerably difficult for law enforcement agencies.³⁴ The phenomenon demands a legal response that is simultaneously repressive, preventive, and rehabilitative in nature, given the multi-layered harm it inflicts on individual dignity and social order.

Within the jurisdiction of the East Java Regional Police (*Polda Jawa Timur*), the prevalence of TPPO has been consistently documented over recent years, with the region serving both as a point of origin and a transit corridor for trafficking networks operating across the archipelago and beyond. Institutional responses have evolved gradually, most notably through the establishment of integrated task forces (*Satuan Tugas/Satgas TPPO*) that coordinate efforts among the police, the social welfare department, immigration authorities, and civil society organizations. Despite these structural advancements, the volume of unreported cases and the persistent sophistication of trafficking syndicates suggest that existing enforcement mechanisms have not yet reached their full operational potential.⁵ A systematic evaluation of how legal provisions translate into practice thus becomes academically and practically indispensable.

The legal foundation for combating human trafficking in Indonesia is primarily established by Law Number 21 of 2007 on the Eradication of Human Trafficking

¹ Thariani Saffanah et al., "Strengthening Law Enforcement and Public Awareness to Combat Human Trafficking in Indonesia," *Al-Ahkam: Jurnal Ilmu Syari'ah Dan Hukum* 9, no. 2 (November 19, 2024): 91–112, <https://doi.org/10.22515/alahkam.v9i2.9686>.

² Sugeng Apriyanto, Fauzie Yusuf Hasibuan, and Atma Suganda, "Resolving Transnational Crime in the Indonesian Sea Border Area: Case Studies and Legal Effects," *LITERACY: International Scientific Journals of Social, Education, Humanities* 3, no. 2 (July 26, 2024): 98–113, <https://doi.org/10.56910/literacy.v3i2.1665>.

³ John Marc Hamel, "Perpetrator or Victim? A Review of the Complexities of Domestic Violence Cases," *Journal of Aggression, Conflict and Peace Research* 12, no. 2 (February 28, 2020): 55–62, <https://doi.org/10.1108/JACPR-12-2019-0464>.

⁴ Idoreyin Eyo and Glory Charles Okebugwu, "Analysis of Fundamental Challenges in the Combat of Transnational Crimes," *International Journal of Research and Innovation in Social Science* VIII, no. IV (2024): 1297–1318, <https://doi.org/10.47772/IJRIS.2024.804097>.

⁵ Rose Broad, Nicholas Lord, and Charlotte Duncan, "The Financial Aspects of Human Trafficking: A Financial Assessment Framework," *Criminology & Criminal Justice* 22, no. 4 (September 25, 2022): 581–600, <https://doi.org/10.1177/1748895820981613>.

Crimes (*Undang-Undang Nomor 21 Tahun 2007 tentang Pemberantasan Tindak Pidana Perdagangan Orang*). This statute sets out a comprehensive definitional framework, delineates criminal elements, and mandates victim protection measures. Complementary provisions are drawn from the 1945 Constitution of the Republic of Indonesia, particularly Articles 20, 21, and 28B(2), as well as from Government Regulation Number 9 of 2008 on the Mechanism of Integrated Services for Witnesses and Victims of Human Trafficking. Notwithstanding this regulatory density, field-level implementation frequently suffers from gaps in officer training, limited forensic capacity, and insufficient awareness of procedural norms, all of which collectively undermine enforcement outcomes.⁶

A recurring obstacle in TPPO prosecutions is the difficulty of establishing the evidentiary elements of exploitation, particularly when victims are reluctant or unable to testify due to sustained psychological trauma or ongoing intimidation by perpetrators. This evidentiary challenge compels investigators to adopt victim-centered, trauma-informed approaches that draw on the expertise of psychologists and social workers. In this regard, the provision of legal protection to victims is inseparable from the broader task of building a prosecutable case. Puspitasari and Efendi observed in their study of child victim protection in the Sidoarjo district that meaningful legal protection requires not only formal institutional frameworks but also sustained interdisciplinary collaboration among enforcement, welfare, and health agencies, a conclusion that holds equal relevance for TPPO cases across East Java.⁷

Prior scholarly work has examined TPPO enforcement from multiple perspectives, yet several dimensions remain insufficiently explored. Research by Satriyo and Karim on the fulfillment of prisoners' rights in Surabaya's Class 1 Correctional Institution highlights a broader systemic weakness in Indonesia's criminal justice infrastructure: the gap between normative guarantees and their practical realization inside state facilities, a gap that equally characterizes the post-arrest phase of TPPO proceedings.⁸ Separately, Hounmenou and Toepp documented that law enforcement against TPPO remains significantly hampered by coordination failures between investigative units and support agencies, while Arifin, Lemuel, and Nte

⁶ Revianto Anriz, Wahyu Prawesthi, and Bahrul Amiq, "LAW ENFORCEMENT AGAINST HUMAN TRAFFICKING IN THE POLICE JURISDICTION AT SANGIHE ISLANDS RESORT," *Journal of Court and Justice* 2, no. 4 (October 27, 2023): 31–42, <https://doi.org/10.56943/jcj.v2i4.409>.

⁷ Corona Hedo Puspitasari and Jonaedi Efendi, "IMPLEMENTATION OF LEGAL PROTECTION AGAINST CHILD RAPE VICTIMS IN THE FAMILY ENVIRONMENT (STUDY AT UPTD PPA SIDOARJO DISTRICT)," *DE RECHT (Journal of Police and Law Enforcement)*, January 31, 2024, 16–38, <https://doi.org/10.55499/derecht.v2i1.213>.

⁸ Leo Bagus Satriyo and Karim, "PROBLEMS IN THE IMPLEMENTATION OF THE FULFILLMENT OF THE RIGHTS OF PRISONERS IN THE FIELD OF EDUCATION IN CLASS 1 SURABAYA CORRECTIONAL INSTITUTION," *DE RECHT (Journal of Police and Law Enforcement)* 2, no. 2 (May 31, 2024): 33–39, <https://doi.org/10.55499/derecht.v2i2.227>.

emphasized the inadequacy of international legal instruments at the domestic implementation level, particularly for cases involving cross-border trafficking networks.⁹¹⁰ These studies collectively point to a pattern of structural insufficiency that calls for empirical examination within regional jurisdictions such as East Java.

Inter-agency coordination represents another variable whose quality directly determines enforcement outcomes. When communication channels between the police, immigration services, labor authorities, and social welfare institutions remain fragmented, both victim protection and criminal prosecution are compromised. The absence of unified information systems and the lack of standardized referral protocols further impede timely responses. Efforts to establish integrated service centers (*Pusat Pelayanan Terpadu*) for TPPO victims have shown promise, yet their geographic and operational reach across East Java's diverse districts remains uneven, meaning that a considerable portion of the population at risk continues to lack adequate access to institutional support.¹¹¹²

Community awareness and civic participation constitute the final yet critically enabling dimension of effective TPPO enforcement. Empirical evidence consistently demonstrates that legal action against trafficking networks depends in part on the willingness of ordinary citizens to report suspicious activities and to cooperate with authorities. In East Java, community-based education programs and social media campaigns have been deployed to raise public awareness, though their penetration into rural and peri-urban areas where trafficking victimization rates are disproportionately high remains limited. The involvement of local religious and community leaders has proven to be a culturally resonant strategy for building collective vigilance, and its systematic integration into law enforcement policy deserves greater institutional

⁹ Charles Hounmenou and Sachi Toepp, "Exploring Private Investigation Agencies' Experience of Collaboration with Law Enforcement in Investigations of Human Trafficking Cases," *Societies* 13, no. 2 (February 13, 2023): 44, <https://doi.org/10.3390/soc13020044>.

¹⁰ Ridwan Arifin, Yehezkiel Lemuel, and Ngaboawaji Daniel Nte, "International Legal Instruments in Responding to Human Trafficking," *Lentera Hukum* 8, no. 3 (November 30, 2021): 417, <https://doi.org/10.19184/ejllh.v8i3.22137>.

¹¹ Andi Fardian and Gerralda Chintyaarizma Putriaksa, "PERAN PUSAT PELAYANAN TERPADU PEMBERDAYAAN PEREMPUAN DAN ANAK (P2TP2A) DI INDONESIA DALAM MENANGANI KASUS HUMAN TRAFICKING," *Widya Pranata Hukum : Jurnal Kajian Dan Penelitian Hukum* 3, no. 1 (February 29, 2020): 40–55, <https://doi.org/10.37631/widyapranata.v3i1.83>.

¹² Pika Sari et al., "Enhancing Legal Safeguards for Human Trafficking Victims in Indonesia," *Jurnal Hukum Magnum Opus* 7, no. 2 (June 25, 2024): 147–61, <https://doi.org/10.30996/jhmo.v7i2.10981>.

attention.¹³¹⁴ It is against this complex backdrop that the present study undertakes a normative juridical analysis of TPPO law enforcement effectiveness within the jurisdiction of the East Java Regional Police, with the aim of identifying structural weaknesses and proposing actionable recommendations grounded in existing legal doctrine.

LITERATURE REVIEW

Law Enforcement Effectiveness

The concept of law enforcement (*penegakan hukum*) in Indonesian legal scholarship is understood as the active process through which legal norms are operationalized and given binding effect within the social order. Soerjono Soekanto identified five determinant factors that condition enforcement outcomes: the substance of the law itself, law enforcement apparatus, available facilities and infrastructure, community attitudes, and prevailing legal culture.¹⁵ This framework remains the dominant analytical lens in normative legal studies because it captures both institutional and societal variables without reducing enforcement to a merely technical exercise. Where any of these five elements is deficient, the overall effectiveness of enforcement is proportionally diminished, regardless of how well-crafted the underlying legislation may be.¹⁶

Scholars have further distinguished between total, full, and actual conceptions of enforcement. The total concept demands that every norm behind a legal rule be enforced without exception, while the full concept introduces procedural limits grounded in individual rights protections. The actual concept acknowledges that enforcement in practice operates through discretion, shaped by resource constraints and variable levels of public cooperation.¹⁷ For the purposes of evaluating TPPO enforcement, the actual concept is most operationally useful, as it accounts for the gap between formal legal mandates and the conditions under which investigators, prosecutors, and judicial officers routinely work. Enforcement effectiveness therefore

¹³ Pupu Sriwulan Sumaya, "PENINGKATAN KESADARAN DAN PENGETAHUAN MASYARAKAT TENTANG HAK-HAK HUKUM DAN PERLINDUNGAN KORBAN PERDAGANGAN ORANG MELALUI PROGRAM EDUKASI DAN PENYULUHAN," *ADIMA Jurnal Awatara Pengabdian Kepada Masyarakat* 2, no. 1 (September 14, 2024): 12–15, <https://doi.org/10.61434/adima.v2i1.233>.

¹⁴ Yenny Aman Serah et al., "Meningkatkan Peran Masyarakat Dalam Pencegahan Tidak Pidana Perdagangan Orang:," *Jurnal Kolaboratif Sains* 7, no. 11 (November 30, 2024): 4216–20, <https://doi.org/10.56338/jks.v7i11.6417>.

¹⁵ Soerjono Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum* (Jakarta: Rajawali Press, 2013).

¹⁶ Ishaq, *Dasar-Dasar Ilmu Hukum*, Edisi Revisi (Sinar Grafika, 2018).

¹⁷ Salim HS and Erlies Septiana Nurbani, *Penerapan Teori Hukum Pada Penelitian Disertasi Dan Tesis*, 1st ed. (Depok: Rajawali Press, 2019).

cannot be measured solely by conviction rates; it must also encompass victim identification, protection responsiveness, and inter-agency coordination quality.

Human Trafficking as a Criminal Offense

Human trafficking (*tindak pidana perdagangan orang*/TPPO) is defined under Article 1(1) of Law Number 21 of 2007 as the recruitment, transportation, sheltering, transfer, or receipt of persons through threat or use of force, abduction, fraud, deception, abuse of power or vulnerability, or debt bondage, for the purpose of exploitation. This statutory definition aligns with the *Palermo Protocol* of 2000, to which Indonesia is a signatory, and emphasizes that victim consent is legally irrelevant wherever any of the listed means have been employed.¹⁸ The offense is therefore distinguished from voluntary migration or labor mobility not by the act of movement itself, but by the accompanying coercion and exploitative intent.

The criminal elements of TPPO under Indonesian law comprise both objective and subjective components. Objectively, the offense requires a prohibited act (recruitment, transportation, sheltering, dispatch, transfer, or receipt), a coercive means (violence, abduction, confinement, fraud, deception, or abuse of vulnerability), and an exploitative purpose (sexual exploitation, forced labor, or organ trafficking). Subjectively, the offense requires *dolus specialis*, meaning deliberate intent directed toward the exploitation of another person.¹⁹ This dual-element structure creates particular evidentiary challenges in prosecution, since establishing subjective intent often depends on witness testimony that may be unavailable or compromised where victims remain under the influence or control of perpetrators.

Contributing factors to TPPO victimization in Indonesia have been extensively documented and cluster around economic vulnerability, limited educational attainment, dysfunctional household environments, and the presence of illegal labor recruitment networks (*Pengarah Jasa Tenaga Kerja Indonesia*/PJTKI ilegal). Poverty drives individuals to accept employment offers without adequate verification, while low levels of legal literacy render communities unable to distinguish legitimate migration channels from trafficking pipelines.²⁰ The availability of entertainment venues and informal economies further creates structural demand for exploitable labor, and

¹⁸ UNODC, “Global Report on Trafficking in Persons 2020,” 2021.

¹⁹ Yulia Nuzban, “‘For Private or Personal Use’: The Meaning of the Special Intent Requirement in the War Crime of Pillage under the Rome Statute of the International Criminal Court,” *International Review of the Red Cross* 102, no. 915 (December 4, 2020): 1249–72, <https://doi.org/10.1017/S1816383121000576>.

²⁰ Donald Kerwin, “International Migration and Work: Charting an Ethical Approach to the Future,” *Journal on Migration and Human Security* 8, no. 2 (June 1, 2020): 111–33, <https://doi.org/10.1177/2331502420913228>.

domestic violence conditions within households often compel women to seek income opportunities through channels that carry disproportionate trafficking risk.²¹

The Regulatory Framework and Its Practical Limitations

The primary legislative instrument governing TPPO in Indonesia is Law Number 21 of 2007, supplemented by a range of complementary instruments including Law Number 35 of 2014 on Child Protection, Law Number 39 of 1999 on Human Rights, Government Regulation Number 9 of 2008 on Integrated Services for Trafficking Victims, and Presidential Regulation Number 69 of 2008 establishing the National Task Force on TPPO Prevention and Response. Together, these instruments articulate a comprehensive normative framework that spans criminalization, victim protection, institutional coordination, and international cooperation. The constitutional basis rests on Articles 20, 21, and 28B(2) of the 1945 Constitution of the Republic of Indonesia, which affirm the state's obligation to protect every citizen from exploitation and abuse.

Despite the apparent regulatory comprehensiveness, practical application of this framework across regional jurisdictions, including East Java, reveals persistent gaps. Implementation of the integrated service center (*Pusat Pelayanan Terpadu*) model mandated under Government Regulation Number 9 of 2008 has been uneven, with some districts lacking the institutional capacity or budgetary allocation to maintain functioning centers. Preventive measures, including community education and labor migration monitoring, remain largely uncoordinated at the regional level.²² Habibi further observed that the criminal adjudication process itself, from investigation through final sentencing, is frequently impeded by procedural ambiguities and insufficient judicial familiarity with trafficking-specific evidentiary standards, a finding that underscores the need for specialized training across all tiers of the criminal justice system.²³

RESEARCH METHODOLOGY

This study employs a normative juridical research design, an approach that situates legal analysis at the intersection of enacted legislation, established legal doctrine, and scholarly commentary. Rather than gathering empirical field data, the study examines how existing legal norms governing TPPO, principally those contained in Law Number 21 of 2007, are applied, interpreted, and practically implemented

²¹ Victoria Flavia Namuggala and Marjoke Oosterom, "Social and Gender Norms Informing, Voicing, and Reporting against Sexual Harassment among Domestic Workers in Kampala's Informal Economy," *Development Policy Review* 41, no. 4 (July 15, 2023), <https://doi.org/10.1111/dpr.12710>.

²² Peter Mahmud Marzuki, *Penelitian Hukum*, Revision Edition (KENCANA, 2021).

²³ Miftachur R Habibi, "JUDGEMENT, LEGAL ATTEMPT AND EXECUTION OF CRIMINAL LAW IN INDONESIA," *DE RECHT (Journal of Police and Law Enforcement)* 2, no. 1 (January 31, 2024): 56–69, <https://doi.org/10.55499/derecht.v2i1.215>.

within the enforcement jurisdiction of the East Java Regional Police. This design is well suited to the research objectives because it allows for a systematic assessment of normative gaps between the statute's prescriptions and observed enforcement outcomes, without requiring the kind of primary data collection that would be methodologically more appropriate to empirical socio-legal inquiry.²⁴²⁵

Legal materials were gathered through a structured library-based approach and classified according to the tripartite hierarchy conventionally recognized in Indonesian normative legal research. Primary legal sources comprise the 1945 Constitution, Law Number 21 of 2007 on the Eradication of Human Trafficking Crimes, Law Number 35 of 2014 on Child Protection, Government Regulation Number 9 of 2008, Presidential Regulation Number 69 of 2008, and relevant judicial decisions. Secondary sources include academic monographs, peer-reviewed journal articles, legal commentaries, and prior research findings that bear directly on the study's thematic concerns. Tertiary sources such as legal dictionaries and encyclopedias were consulted where definitional clarification was required.

Once collected, all legal materials were subjected to qualitative descriptive-analytical processing. Relevant provisions and doctrinal positions were systematically mapped against the factual conditions documented in secondary enforcement data, including institutional reports from Polda Jawa Timur. Conclusions were drawn through deductive reasoning, proceeding from the general normative standards established by applicable law toward specific findings regarding enforcement performance in the regional context. This analytical orientation reflects the characteristic logic of normative legal scholarship, wherein the adequacy of legal practice is measured against the standard of what the law requires rather than against an externally constructed benchmark.²⁶

RESULTS AND DISCUSSION

Law Enforcement Against Human Trafficking in the East Java Regional Police Jurisdiction

Law enforcement against TPPO within the jurisdiction of the East Java Regional Police (*Polda Jawa Timur*) has recorded measurable institutional progress over recent years. The most visible indicator of this progress is the formation of an integrated TPPO Task Force (*Satuan Tugas/Satgas TPPO*) that operationalizes coordination among the police, the immigration service, the provincial social welfare department, and civil

²⁴ Marzuki, *Penelitian Hukum*.

²⁵ Jonaedi Efendi and Johnny Ibrahim, *Metode Penelitian Hukum Normatif Dan Empiris* (Jakarta: Prenada Media Group, 2016).

²⁶ Soerjono Soekanto and Sri Mamudji, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*, Edisi 1 Cet. 12 (Jakarta: Raja Grafindo Persada, 2010).

society organizations working in the fields of women's and children's protection. This multi-agency structure reflects a conscious policy shift away from purely reactive policing toward a more systemic response that acknowledges the transnational and organizationally layered character of trafficking networks.²⁷ The existence of such a task force is consistent with the mandate under Presidential Regulation Number 69 of 2008, which expressly requires the coordination of prevention and response efforts across multiple institutional actors.

Quantitative enforcement outputs further confirm the upward trajectory. According to the 2023 annual performance report of the East Java Regional Police Criminal Investigation Unit, more than forty TPPO cases were successfully disclosed during that reporting period, the majority of which involved illegal overseas labor placement and sexual exploitation. Suspects were identified, arrested, and referred for prosecution in a substantial proportion of disclosed cases, indicating that investigative capacity at the regional level has meaningfully improved relative to earlier periods. These figures are significant not only for their volume but for the range of trafficking typologies they represent, encompassing both domestic and cross-border forms of exploitation, which signals a broadening of the investigative lens beyond the most visible manifestations of the offense.

Notwithstanding these gains, enforcement effectiveness remains partial when assessed against the full normative standard established by Law Number 21 of 2007. The statute's protective provisions, including victim rehabilitation, psychosocial support, and reintegration assistance, have not been implemented with the same consistency as its punitive provisions.²⁸ Many survivors lack access to adequately resourced shelters, medical care, or legal representation during the post-rescue phase, and the rehabilitative mandate of Government Regulation Number 9 of 2008 has in practice been unevenly applied across districts within the province. This gap between prosecutorial achievement and victim-centered outcomes is a defining characteristic of enforcement that is effective in a narrow technical sense but incomplete from a rights-based perspective.

Obstacles Confronting Law Enforcement Officers in Handling TPPO Cases

The single most persistent obstacle in TPPO prosecutions is the difficulty of establishing the evidentiary elements of exploitation to the standard required for conviction. Victims who have sustained severe psychological trauma frequently exhibit

²⁷ Juliana Rinaldi-Semione and Ben Brewster, "Galvanizing Local Anti-Trafficking Partnership Work Using Intelligence: Profiling the Problem and Building Resilience," *Societies* 13, no. 3 (March 7, 2023): 61, <https://doi.org/10.3390/soc13030061>.

²⁸ Pemerintahan Republik Indonesia, "UU No. 21 Tahun 2007 Tentang Pemberantasan Tindak Pidana Perdagangan Orang," Sekretariat Negara § (2007).

reluctance or incapacity to deliver coherent testimony, and perpetrators systematically exploit this vulnerability by maintaining ongoing coercion even after initial rescue. The subjective elements of the offense, particularly the specific exploitative intent required under the *dolus specialis* standard, are exceptionally difficult to prove in the absence of victim cooperation, leaving investigators dependent on circumstantial evidence that courts may regard as insufficient.²⁹ The practical consequence is that cases which are factually well-founded may nonetheless fail at the prosecutorial stage due to evidentiary constraints that the existing legal framework does not fully resolve.

Human resource deficiencies compound these evidentiary difficulties. Not all officers stationed across East Java's diverse and geographically dispersed districts possess specialized competence in trauma-informed interviewing, gender-sensitive victim management, or the forensic techniques required to trace digital trafficking recruitment networks. Cases involving women and children as victims demand a particularly careful investigative approach that balances the need for evidence-gathering with the imperative to avoid secondary victimization, yet structured training programs equipping officers with these capabilities remain inadequate in their coverage.³⁰ The result is that enforcement quality is unevenly distributed across the jurisdiction, with better-resourced urban units producing comparatively stronger outcomes than their rural counterparts.

Inter-agency coordination failures represent a third structural weakness. While the Satgas TPPO model provides a formal coordination mechanism, communication between institutional actors in practice remains fragmented, particularly at the stages of victim referral, repatriation, and long-term rehabilitation. The absence of a unified national information system dedicated to TPPO case management means that data on victims, perpetrators, and syndicate networks are siloed across institutional databases that do not interface effectively with one another.³¹ This fragmentation impairs follow-up monitoring of victims who have returned from overseas and of convicted offenders who have completed their sentences, both of whom represent significant concerns for recidivism and re-victimization risk respectively.

Beyond institutional and procedural factors, enforcement is further complicated by socioeconomic and cultural conditions that create a permissive environment for

²⁹ Lukman Hakim Harahap et al., "Aspek Hukum Pembuktian Dalam Kasus Tindak Pidana Perdagangan Orang," *Journal of Law, Administration, and Social Science* 4, no. 6 (July 13, 2024): 1027–35, <https://doi.org/10.54957/jolas.v4i6.967>.

³⁰ Dale Ballucci and Felicia Stathakis, "Re-Conceptualizing Success: Investigating Specialized Units Responses to the Sexual Trafficking of Female Victim-Survivors," *Feminist Criminology* 17, no. 5 (December 8, 2022): 661–83, <https://doi.org/10.1177/15570851221114396>.

³¹ Lucia Cavallaro et al., "Disrupting Resilient Criminal Networks through Data Analysis: The Case of Sicilian Mafia," ed. Leto Peel, *PLOS ONE* 15, no. 8 (August 5, 2020): e0236476, <https://doi.org/10.1371/journal.pone.0236476>.

trafficking at the community level. In several high-migration districts within East Java, overseas employment continues to be perceived as an economically rational family strategy, and community members who suspect that a recruitment process may be irregular are often disinclined to report their concerns to authorities. This normalization of irregular labor migration reduces the flow of community intelligence available to investigators and weakens the deterrent effect of criminal enforcement.³² Digital recruitment through social media platforms has further expanded the operational reach of trafficking syndicates while simultaneously outpacing the digital investigative capabilities of regional police units, creating an asymmetry between perpetrator sophistication and enforcement responsiveness that demands urgent policy attention.³³

The findings of this study align substantially with the analytical conclusions reached by Hounmenou and Toepp, who documented analogous patterns of inter-agency coordination failure and evidentiary insufficiency in TPPO enforcement.³⁴ The study converge on the observation that the formal legal architecture governing TPPO in Indonesia is normatively adequate, in that the statutory provisions of Law Number 21 of 2007 are sufficiently comprehensive to support robust prosecution, but that institutional and human resource gaps at the implementation level prevent the law from operating at its prescribed potential. This convergence across geographically distinct regional jurisdictions suggests that the enforcement deficiencies identified in East Java are not idiosyncratic to that region but reflect systemic challenges inherent to the national TPPO enforcement infrastructure. The present study thus extends and regionally corroborates the findings of Hounmenou and Toepp within a different provincial context, strengthening the empirical basis for policy interventions targeted at institutional capacity rather than further legislative reform.

The study's findings are, however, in partial tension with those of Arifin, Lemuel, and Nte, who argued that the primary driver of TPPO enforcement failure in Indonesia lies in the inadequacy of international legal instruments at the domestic implementation level, particularly regarding cross-border trafficking cases.³⁵ While this study acknowledges that cross-border cases present heightened complexity, the evidence from East Java indicates that a considerable proportion of enforcement shortfalls occur in domestic cases where international legal coordination is not a relevant variable. The obstacles most consistently observed in the Polda Jawa Timur jurisdiction, including

³² Ida Marie Savio Vammen, "Deterrence or Empowerment? Awareness and Information Campaigns as a Migration Governance Tool to Stop Irregular Migration," in *Research Handbook on Irregular Migration* (Edward Elgar Publishing, 2023), 118–29, <https://doi.org/10.4337/9781800377509.00018>.

³³ Maria Ioannidou, "'Responsive' Remodelling of Competition Law Enforcement," *Oxford Journal of Legal Studies* 40, no. 4 (December 21, 2020): 846–77, <https://doi.org/10.1093/ojls/gqaa003>.

³⁴ Hounmenou and Toepp, "Exploring Private Investigation Agencies' Experience of Collaboration with Law Enforcement in Investigations of Human Trafficking Cases."

³⁵ Arifin, Lemuel, and Nte, "International Legal Instruments in Responding to Human Trafficking."

victim testimony challenges, limited officer specialization, and fragmented data systems, are fundamentally domestic institutional problems whose resolution does not depend on improvements to international legal frameworks. This finding suggests that the reform agenda for TPPO enforcement in regional jurisdictions such as East Java should prioritize internal institutional strengthening over the renegotiation or reinterpretation of international legal commitments, even as the latter remains relevant for cases with cross-border dimensions.

CONCLUSION

Law enforcement against human trafficking (*tindak pidana perdagangan orang/TPPO*) within the jurisdiction of the East Java Regional Police has demonstrated measurable progress in its prosecutorial and investigative dimensions, as evidenced by the increased volume of disclosed cases, the operationalization of the integrated Satgas TPPO mechanism, and the consistent referral of suspects to judicial proceedings. These achievements reflect a meaningful institutional commitment to implementing the normative mandates of Law Number 21 of 2007. Nevertheless, enforcement effectiveness in this jurisdiction remains structurally incomplete. The punitive dimension of the legal response has advanced at a pace that the protective and rehabilitative dimensions have not matched, leaving victim support, psychosocial recovery, and long-term reintegration as persistently underdeveloped components of an otherwise progressing enforcement system.

The principal obstacles identified in this study are evidentiary difficulty arising from victim trauma and perpetrator coercion, insufficient specialization among law enforcement personnel, fragmented inter-agency coordination, the absence of a unified national case management information system, and the growing asymmetry between perpetrators' use of digital recruitment platforms and the digital investigative capacity of regional police units. These obstacles are compounded by socioeconomic and cultural conditions at the community level that normalize irregular labor migration and reduce the flow of civilian intelligence available to investigators. Taken together, these factors indicate that the gap between the law's normative prescription and its practical realization in East Java is not primarily a legislative problem but an institutional and operational one, requiring targeted investment in human resource development, inter-agency infrastructure, and community engagement rather than further statutory reform.

To advance enforcement effectiveness beyond its current threshold, this study recommends the establishment of sustainable specialized training programs for officers handling TPPO cases, the development of a nationally integrated digital case management system that enables cross-institutional data sharing, the expansion of adequately resourced victim service centers across high-risk districts in East Java, and the deepening of international law enforcement cooperation for cases with cross-border

dimensions. Sustained inter-sectoral synergy among government agencies, civil society organizations, and community institutions remains indispensable to any strategy aimed at dismantling trafficking networks comprehensively. Future research would benefit from expanding this normative analysis with empirical field data drawn from judicial decisions and survivor testimonies, so as to produce a richer and more granular account of enforcement performance at the ground level.

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