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Research Article

Human Trafficking of Women and Children in Border Areas: A Comparative Study of Indonesia and Malaysia

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ABSTRACT

In the border areas between Indonesia and Malaysia, poverty, unsafe migration, weak oversight and gender inequality leave women and children highly vulnerable to human trafficking. Through a legal-normative and comparative law approach to Law No. 21 of 2007 and the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007 as well as border case studies this study finds that although the regulations of both countries are in line with international standards, their implementation on the ground still leaves serious gaps and shortcomings. In Indonesia, weaknesses are evident in the lack of tangible protection, the inadequacy of victim rehabilitation, inconsistencies in regulations, and errors in victim identification; whilst in Malaysia, a fragmented legal framework, faltering coordination amongst authorities, reliance on victim testimony, and the marginalisation of undocumented victims make it difficult to achieve justice. Using Philipus M. Hadjon's Theory of Legal Protection as an analytical framework, it is evident that existing preventive and repressive protections remain procedural in nature and do not yet guarantee substantive human rights. Therefore, this study advocates for legal harmonisation, capacity building and institutional cooperation, and, most importantly, protection that is genuinely focused on the recovery and dignity of women and children as victims.

Keywords: **Border Areas; Human Trafficking; Legal Protection; Indonesia; Malaysia; Women And Children.**

A. INTRODUCTION

Human trafficking violates the rights of women and children, and other at-risk populations. It is a processes that includes the recruitment and/or transportation of individuals to various locations through the use of deception, coercion, and/or abuses of power or vulnerability (L'Hoiry et al., 2024). Other theories of trafficking, view it as a process that includes structural vulnerability, recruitment, trafficking, exploitation and possible reintegration, and/or re-trafficking (Klabbers et al., 2023). Exploitation and trafficking can occur in formal and informal labor and supply chains. Informal supply chains include sex trafficking and labor exploitation (forced domestic service, child soldiers, etc). While it is known that women and children are disproportionately impacted by violence, it is important to note that the nature of violence is also gendered. Gender-based violence against women includes sexual exploitation, and gender-based violence against men includes forced labor. Violence against both women and men is used to exploit individuals by traffickers (Giommoni, 2024). There are multiple

vulnerability factors including situational factors (poverty, family breakdown, educational and recruitment networks, etc.) that play a role in predicting individuals at risk of being trafficked (Sprang et al., 2022).

The protection of the human rights of women and children serves as a primary indicator in measuring the success of law enforcement and social justice within a nation. As groups that are structurally vulnerable in society, women and children hold absolute constitutional rights to be protected from all forms of violence, exploitation, and degrading treatment that undermines human dignity (Purwanti & Hardiyanti, 2018). Consequently, the state bears the full responsibility to establish a legal ecosystem that does not solely focus on prosecuting violations, but also ensures that the right to comprehensive and sustainable security is genuinely fulfilled (Saraswati, 2025).

Women and children are particularly vulnerable to trafficking and may become victims of sexual exploitation, domestic labor exploitation, forced labor, and forced marriage or servile marriage (Nathania et al., 2022). Children may also be subjected to labor and sexual exploitation through child migration, manipulation, and early marriage (Aini et al., 2023). In Indonesia, 1,003 girls were recorded as victims of human trafficking between 2021 and June 2025 according to data from SIMFONI PPA (Rizki, 2025). At the global level, children constituted 38% of detected trafficking victims in 2022, with the largest increase occurring among girls (OWSA, 2023).

Women and children are among the groups that are particularly vulnerable to exploitation because they may face social, economic, and legal limitations in protecting their rights (Hamida & Setiyono, 2022) identify children as a vulnerable group requiring specific legal protection, particularly because their age and dependence on adults may limit their ability to protect themselves from violence and other forms of exploitation. Similarly, women living in cross-border communities may face difficulties in accessing legal protection when their civil or nationality status is unclear (Trihastuti et al., 2022) demonstrate that Indonesian women and children affected by unregistered cross-border marriages may experience difficulties in obtaining residence documents and exercising their rights. These conditions illustrate how limited access to legal protection and social resources can increase the vulnerability of women and children to exploitation, including human trafficking.

The vulnerability of women and children becomes more complex when exploitation is perpetrated through transnational or organized networks (Natalis & Al Asy'arie., 2026). show that structural inequality, gender-based discrimination, and economic marginalization may expose women to diverse forms of exploitation, particularly when they have limited control over their economic and social circumstances. Meanwhile, demonstrate that transnational

organized criminal networks increasingly target children for online sexual exploitation, with perpetrators operating across national borders and taking advantage of gaps in legal and institutional protection. These findings suggest that efforts to prevent human trafficking should pay particular attention to the vulnerability of women and children, especially in regions such as ASEAN, where cross-border mobility and transnational criminal activity pose further challenges to victim protection (Septianita et al., 2026).

Human trafficking in Indonesia is strongly associated with the vulnerability of refugees and migrant workers. For instance, Rohingya refugees face an elevated risk of trafficking and exploitation because of their precarious legal and socioeconomic circumstances (Gunawan & Setiyono, 2026).

Indonesian migrant workers are likewise at risk of exploitation and human trafficking, especially during recruitment and placement abroad. Accordingly, stronger regulations, oversight of recruitment agencies, and enhanced international cooperation are essential to preventing trafficking and safeguarding migrant workers' rights (Farida et al., 2025).

In border regions, vulnerability to human trafficking is further complicated by the substantial cross-border movement of people and migrant workers. Migration from Indonesian regions such as Java, Sumatra, and Kalimantan to Malaysia and Singapore has been linked to subsequent labor and sexual exploitation (Widayatun, 2015). Batam, a major transit hub situated near neighboring countries, has also been recognized as a significant corridor in transnational trafficking networks, particularly given migrant mobility and challenges in border control (Pamungkas & Sutrisno, 2025). Indonesian migrant workers are similarly exposed to forced labor and exploitation through fraudulent overseas job offers, inadequate working conditions, and the misuse or retention of documents (Rini & Prastyanti, 2024).

Trafficking is also evident in East Nusa Tenggara (NTT), particularly in the recruitment of women and other vulnerable groups to work in Malaysia, Taiwan, Singapore, Hong Kong and the Middle East. Changes in the modus operandi of human trafficking have been reported by the Criminal Investigation Unit (Rofii & Ardiyansah, 2026). ASEAN countries, of which Malaysia is one, have been reported to have been used as destination as well as transit countries. Malaysia, in addition to being a country of final destination, is also an important country of transit for ASEAN migrant workers as the traffickers take advantage of the porous borders. In addition, Malaysia's proximity and rapid economic development make it attractive for Indonesian migrant workers to find better employment opportunities (Darung & Prasetya, 2022).

To address trafficking, other regulatory functions, and law enforcement agencies, strategic instruments and partnerships are needed.Inter-agency coordination weaknesses

often result in legal gaps that impede the fulfillment of procedural rights and psychological recovery of victims (Herawati et al., 2021). Integrating gender-responsive and child-friendly procedures in criminal policies is important to guarantee that all persons have access to inclusive justice and to reduce the risk of secondary trauma during the legal process (Prasetyo & Herawati, 2026).

Legal protection refers to the comprehensive set of normative, institutional and procedural instruments to enable individuals or groups, especially vulnerable persons to obtain recognition as rights holders and to have access to the fair legal process and remedy when their rights are violated.

In the context of human trafficking, legal protection expands to the availability of preventive measures as well as victim identification and protection during legal process, including access to legal assistance and the availability of recovery and reintegration services, restitution and/or compensation.

Access to justice constitutes a significant dimension of legal protection. It should be viewed not simply as the formal availability of judicial institutions or as a measure of how many people enter the legal system. Rather, access to justice is a dynamic process shaped by cases and circumstances, which may also help generate new legal norms (Palombella, 2021). This understanding is pertinent to trafficking cases, in which victims may encounter various procedural, institutional, geographical, and socio-economic obstacles to obtaining protection and remedies, especially when trafficking involves cross-border movement. Accordingly, this study examines legal protection in terms of both the legal framework and the mechanisms through which rights established by law can be accessed and implemented.

From a normative viewpoint, Indonesia and Malaysia have enacted laws to address human trafficking by formulating laws to prevent, prosecute, and penalize traffickers, as well as protect victims. The 1945 Constitution of the Republic of Indonesia (UUD 1945) defines several crucial elements of human rights and the Rule of Law (Warsono et al., 2023). They include, inter alia, legal equality; non-discrimination on the grounds of race, religion, gender, socioeconomic status, and others; legal legality; proportionality; transparency; accountability; and protection to vulnerable groups (Warsono et al., 2023).

Law No. 21 of 2007 on the Eradication of the Criminal Act of Trafficking in Persons stipulates several provisions aimed at the protection and the rights of trafficking victims, which includes the right to medical and psychological care, as well as legal care and protection, and right to claim for restitution or compensation. The law also stipulates criminal liability on the perpetrators and/or sponsors of the act of trafficking in persons. Likewise, Law No. 18 of 2017 on the Protection of Indonesian Migrant Workers stipulates state obligation to provide

protection to Indonesian migrant workers during the entire process of migration, which includes the obligations to provide protection before, during, and after migration. Furthermore, these obligations are relevant and crucial for prevention of trafficking in persons (Khuluq et al., 2022).

Like Singapore, Malaysia has a specific legal framework based on the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007 (ATIPSOM). The Act establishes the main legal framework to address human trafficking in the country. It is backed by other national laws pertaining to child and women trafficking including the Child Act 2001, Immigration Act 1959/63, the Penal Code, Child and Young Person's (Employment) Act 1966, Evidence Act 1950, Mutual Assistance in Criminal Matters Act 2002 and the Extradition Act 1992. It is expected that the protection of children through the abovementioned Acts and legislation meets minimum international standards in line with the principles and guidelines of the Convention on the Rights of the Child (CRC) including the principle of non-discrimination, the best interest of the child, the right to life, survival and development, and the child's right to be heard (Kamaruddin & Zin, 2022).

The incorporation of normative provisions within laws and policies may signal a commitment to protecting victims and preventing trafficking; however, this may not be the case in practice. The studies show that although legal aids and victim protective standards have been formulated, cases of violations still occur (Setiawan, 2021). From the studies on the prosecution of trafficking, challenges in obtaining cross border evidence, the prosecu2tion of cases involving powerful or state actors, and inadequacy of sanctions to reflect the heinous nature of the crime of trafficking, remain pertinent (Wetangterah, 2023). For migrant workers, the regulation and control of intermediaries is crucial to avoid loopholes in the system that may enable trafficking and exploitation (Khuluq et al., 2022). There are several situations, where a commitment has been made on paper to offer protection and address challenges of trafficking, exploitation, and abuse, and to ensure the justice for the victims; however, in practice, several obstacles remain.

The gap is wider in border regions between Indonesia and Malaysia because trafficking may include recruitment in one country, transit through another, and exploitation in the third. Thus, it is necessary to look at all three countries simultaneously to determine how well women and children are protected. Definitions of trafficking, mechanisms for identifying victims, laws, and legal processes, and enforcement policies, may impact the protection of women and children across national borders. Previous research has examined trafficking, migrant workers, women and children as vulnerable groups, and the legal systems of Indonesia or Malaysia. However, conducting a legal comparative analysis of women and children as victims of trafficking in

trans-border Indonesia and Malaysia is warranted.

This study explores the legal frameworks of both countries and the protection afforded women and children as victims of human trafficking in border areas of both countries. The study examines how the legal systems of both countries provide preventive and victim protection and recovery, and different kinds of legal remedies, including civil, administrative and criminal, and the means and mechanisms for addressing trafficking-related violations, particularly when the violations are the result of trans-border crimes.

Previous studies conducted by Widayatun have documented cross-border migrations from several provinces in Indonesia to Malaysia and Singapore, and have studied the socio-economic vulnerabilities of women and children in these migrations. Widayatun's research found transnational migration pathways to be involved in various forms of exploitation, but did not analyze the positive legal frameworks established by the countries of origin or destination (Widayatun, 2015). This article, "Human Trafficking of Women and Children in Border Areas: A Comparative Study of Indonesia and Malaysia" does not examine migration pathways. Instead, it analyzes and compares the legal frameworks of the border zones between Indonesia and Malaysia.

Additionally, Darung and Prasetya, in their study on the social and economic pressures that drive migrants to cross the border to Malaysia, establish a direct relationship between the expectation for better economic opportunities and the increased risk for migrant workers of human trafficking. Relevant to border area dynamics, their study does not compare the synchronization and effectiveness of protective statutory regulations of the two jurisdictions (Darung & Prasetya, 2022). As a point of departure, "Human Trafficking of Women and Children in Border Areas: A Comparative Study of Indonesia and Malaysia" takes a similar approach to analyze the bilateral legal frameworks to identify the protections for especially vulnerable women and children in both countries.

Another important contribution was made by Kamaruddin and Zin, who analyzed Malaysia's internal legal framework on child trafficking. The study assessed the implementation of the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act (ATIPSOM) as well as the correspondence of Malaysia's domestic laws with the international child rights standards. However, the authors restricted their analysis to Malaysia's legal system, offering no insights on Indonesian laws (Kamaruddin & Zin, 2022). This article fills the gap by conducting a comparative assessment of the protection of children in border areas of both countries.

Generally speaking, Valentina has analyzed the critical gap between the normative recognition of victims' rights to trafficking and the structural means of implementation of those rights. The study showed that in order for states to effectively prevent, prosecute and address

victims' trafficking rights, procedural and institutional channels should be established, even if they are not reflected in laws and policies (Valentina, 2021). This study, Human Trafficking of Women and Children in Border Areas: Indonesia and Malaysia, focuses on the interdisciplinary gap between the two legislative systems and identifies the structural causes which impede effective prosecution and identification of victims of cross-border trafficking between the two countries.

Last, Lew, Shah, and Ahmad, studied the efficiency of legal administration and enforcement by Malaysia against human trafficking and assessed ATIPSOM, the Child Act and the Penal Code. Their study included a detailed implementation critique concerning fragmentation and resource constraints across various agencies of Malaysia. However, they did not address the described domestic operational constraints and integrated it in a cross border legal critique against Indonesia (Lew et al., 2025). The manuscript titled "Human Trafficking of Women and Children in Border Areas: A Comparative Study of Indonesia and Malaysia" fulfills this vacuum by looking into the enforcement limitations of both countries to understand why women and children in border areas remain legally unprotected.

Hence, this study presents state of the art research in bringing together the three following aspects, which were hitherto studied separately. First, the study looks into protection of women and children as the most vulnerable group of trafficking victims. Second, it looks into the cross border dimension of the trafficking between Indonesia and Malaysia. Third, it does a comparative analysis of legal frameworks of the two countries. This study goes beyond the existing studies, which mainly focused on the legal or migrant work framework of a particular country, by looking into the legal protection frameworks of Indonesia and Malaysia and assessing them in the context of protection of women and children victims of human trafficking.

Based on the identified gap, this study aims to analyze and compare the legal protection provided by Indonesia and Malaysia to women and children who become victims of human trafficking in border areas. Specifically, the study examines the normative framework governing victim protection, prevention, legal remedies, and recovery mechanisms in both countries and identifies the similarities and differences between the two legal systems in addressing the protection of women and children affected by cross-border human trafficking.

B. RESEARCH METHODS

The research method used in this study is normative juridical, namely analyzing from the aspect of legislation (Disemadi, 2022). The research approach used is a comparative legal approach between Indonesian law and Malaysian law, in addition, this study also uses a case study approach related to cases of children and women

who are victims of human trafficking in Indonesia and Malaysia. The type of data used is secondary data consisting of secondary legal materials, namely the 1945 Constitution, Law Number 39 of 1999 concerning Human Rights, Law Number 21 of 2007 concerning Human Trafficking, Law Number 18 of 2017 concerning the Protection of Migrant Workers, The Anti-Trafficking in Person and Anti-Smuggling of Migrants 2007 (ATIPSOM).

C. RESULTS & DISCUSSION

1. Regulations in Indonesia in Providing Protection for Children and Women as Victims of Human Trafficking in Border Areas

Human trafficking is one of the most egregious violations of human rights and is often regarded as modern-day slavery. It is defined as the movement of persons through the means of the threat or use of force, coercion, abduction, fraud or deception, or the abuse of a position of power or a position of vulnerability, for the purpose of exploitation (Shahrullah, 2015). In the context of ASEAN, human trafficking affects men, women and children, mainly for sex and labor exploitation and includes both internal and cross border trafficking (Shahrullah, 2015).

Trafficking for exploitation purposes can take on many forms and must not be regarded as a uniform and homogenous phenomenon (Sweileh, 2018). The main forms of trafficking identified in the literature are sexual, labor and/or forced labor, child, organ removal and/or trafficking for commodification of the human body. A bibliometric study of 2,044 publications in the Scopus database, reported sex trafficking was the most researched form of trafficking, followed by labor/forced labor trafficking, child trafficking and organ trafficking (Sweileh, 2018). The study also revealed that trafficking incorporates various other forms of exploitation such as child soldiering, forced labor and domestic servitude, and the removal of organs and/or tissue for human transplantation (Sweileh, 2018). Given the foregoing, it can be argued that various forms of human trafficking exist, and to be responsive to the needs and the level of vulnerability of persons affected by human trafficking, different legal and institutional frameworks are needed.

Human trafficking, or TPPO, is a crime affecting men, women, and children across the social spectrum and is prevalent in Indonesia (Anggra et al., 2023). TPPO occurs when a person recruits, transports, transfers, harbors, or receives a person by means of coercion, fraud, or abuse of a position of power to subsequently exploit them (for example, for sexual or labor purposes). Academic studies confirm that the scope of TPPO covers the various steps of the process, from recruitment to exploitation, and may involve several persons or entities (Bryant & Landman, 2020).

According to the available literature, the following conditions in the Indonesia-Malaysia border region facilitate the movement of human trafficking victims: (1) Difficult to Monitor

Geography and Cross-Border Routes. There are a number of land and maritime border areas in West Kalimantan, the Riau Islands and border areas such as Sebatik Island that have unofficial cross-border routes (e.g. small seas, open seas, small islands) which are difficult for the authorities to access and control (Sampetoding & Burhanuddin, 2025), (2) Local Poverty and Economic Instability. Border region residents generally have limited economic resources and employment opportunities which push them to look for alternate means of income including engaging the services of informal agents/dealers.

Difficult economic conditions increase vulnerability, especially for women and migrant workers (Nikodemus, 2020). (3) In 2019, Migrant Care identified several vulnerabilities of Indonesian migrant workers (PMI). 80% of the cases were experienced by women migrant workers and the largest case was being trapped in human trafficking practices (21%), followed by contracted work problems (18%) and fraud (17%). Other significant cases were being trapped in non-procedural migration schemes (13%), and also experiencing physical and sexual violence (12% and 9% respectively). Migrant Care also identified new vulnerabilities of women migrant workers including being trapped in violent extremism (3%). In addition, women migrant workers are also vulnerable to being trapped in conflict situations (1%). New data show that these vulnerabilities are only tip of the iceberg and the actual condition is much more (Sari et al., 2021).

Data from the national level shows that the routes and means used by traffickers to disguise providing jobs to job seekers, including women and children, are commonly used to cover trafficking activities.

Women are among the groups most vulnerable to discrimination in both public and domestic settings (Budoyo & Hardiyanti, 2021). Women and children face heightened risks of trafficking because they have limited access to education, come from low-income households, and lack experience.

Human trafficking and migrant smuggling in Indonesia's border regions stem from the combined effects of geographical vulnerabilities, economic hardship, and gaps in law enforcement. Land crossings present a particularly significant vulnerability, including the Entikong-Tebedu border post in West Kalimantan, which lies directly on the border with Malaysia. Trafficking involving women and children is common in this area and is facilitated by a complex network of actors, including employment agencies, local brokers, and complicit officials; the problem is exacerbated by the lack of educational materials and public outreach at the local level. Maritime routes also constitute high-risk entry points exploited by transnational criminal networks. Strategically situated near Malaysia and Singapore, Batam has become a major transit hub for international syndicates, as weak maritime border controls allow these organizations to carry

out human smuggling operations with ease (Pamungkas & Sutrisno, 2025).

This maritime vulnerability is also pronounced across other extensive coastal regions. The vast maritime areas of East Nusa Tenggara and North Kalimantan create substantially greater opportunities for human smuggling and trafficking, because law enforcement and physical surveillance are inherently more difficult to sustain there (Sampetoding & Burhanuddin, 2025).

This geographical challenge directly compounds the socio-economic vulnerability of coastal communities, whose poverty and heavy reliance on an unstable maritime economy make them especially susceptible. Ultimately, structural poverty remains the underlying driver of exploitation in border communities, as illustrated by the lives of women in Jagoi Babang, West Kalimantan (Rupita, 2020).

Acute economic deprivation denies these women sustainable livelihoods and leaves them highly exposed to unfair working conditions and severe exploitation. As a result, when they migrate in pursuit of better opportunities, trafficking networks operating along the borders can readily entrap them (Rupita, 2020).

Table1. Comprehensive Conclusion

Main Pillars	Synthesized
Structural Poverty and Gender Vulnerability	Communities in border areas, particularly women in regions like Jagoi Babang, West Kalimantan, face deep-seated structural poverty. This economic hardship, combined with a lack of education and local outreach, forces individuals into unsafe migration channels and leaves them highly exposed to exploitation, unfair work, and trafficking networks
High-Risk Maritime and Transit Corridors	Maritime boundaries, such as those in East Nusa Tenggara, North Kalimantan, and Batam, present significant enforcement challenges. Weak maritime border controls allow international syndicates to exploit these vast coastal areas, turning them into major transit points for human smuggling operations, especially near neighboring countries like Malaysia and Singapore
Systemic Corruption and Brokerage Networks	At land border crossings like the Entikong-Tebedu post, human trafficking is heavily institutionalized. The illicit trade persists not just through rogue actors, but through organized networks involving employment agencies (PJTKI), local brokers, and complicit officials who facilitate the illegal movement of vulnerable women and children.

Source : Author's analysis

Based on this, the Indonesian government actually has legal instruments in place to address the phenomenon of human trafficking. The Indonesian government has enacted Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking, emphasizing that every person, as a creature of God Almighty, has human rights in accordance with their dignity and worth and is legally protected by the 1945

Constitution of the Republic of Indonesia, as stipulated in Article 28A, which states: "Everyone has the right to life and the right to defend their life and existence."

Law enforcement regarding human trafficking crimes in Indonesia remains suboptimal, based on the data and cases mentioned above. Many cases of human trafficking are identified as victims of human trafficking but to ensnare the perpetrators of human trafficking is very difficult because from the modus operandi it turns out that the perpetrators are more than one person and company, and if the perpetrators are found then it is increasingly difficult to proceed to court to obtain criminal sanctions because for the evidence it must be guided by legal criminal procedures, namely the Criminal Procedure Code which has the principle that the judge is not allowed to commit a crime against a person unless there is at least two valid pieces of evidence, he has the belief that a crime actually occurred and that the defendant is guilty of doing it, as regulated in Article 183 of the Criminal Procedure Code (Daud & Sopoyono, 2019).

Human trafficking has become a crime that threatens the lives of the general public, especially vulnerable, low-income, and less educated people. The 2015 Indonesian Defense White Paper states that one real threat is violations of border areas. Some violations in border areas include human trafficking (drugs, weapons, humans), illegal logging, and illegal fishing. Based on Minister of Defense Regulation No. 57 of 2014 concerning Guidelines for Non-Military Strategic Defense, one threat to the socio-cultural dimension is human trafficking.

Based on previous research, there are several challenges in providing protection for children and women who are victims of human trafficking in Indonesia, namely as follows:

1. Regulatory gaps & lack of implementing regulations. Many studies have shown that even though laws/regulations exist (e.g., Law No. 21/2007, the Child Protection Law, the Witness & Victim Protection Law), implementing regulations or government / regional regulations for restitution, compensation, and victim recovery mechanisms are often unclear or inadequately provided (Syaufi, 2011).
2. Socioeconomic and cultural factors that make children and women vulnerable. Women and children often become victims due to weak economic conditions, lack of education, gender discrimination, or cultural pressures such as child marriage, which exacerbate their vulnerability to exploitation (Rahmania et al., 2025).
3. Limited capacity of law enforcement officers and victim identification mechanisms. Law enforcement and protection services often face obstacles such as inadequate training for law enforcement officers, lack of coordination between agencies, and difficulty identifying victims (especially girls) whose modus

operandi is hidden or unclear in initial reports (Hidayat & Effendi, 2023).

4. Lack of recovery and support after victims are identified. After victims are identified, recovery (physical, psychological, social, and economic) and social reintegration are often lacking, including access to health services, trauma healing, education, and security. Many women and child victims do not receive adequate compensation or restitution (Siregar et al., 2024).
5. Trauma and social stigma. Victims, especially girls, often face severe trauma and stigma from society, including their own families. This stigma can prevent victims from reporting or seeking protection, or lead to isolation. Research shows that psychological and social aspects are often overlooked in the legal framework (Hisyam et al., 2025).

When linked to the Legal Protection Theory by Philipus M. Hadjon, the Law functions as a protector of human interests. In order for human interests to be protected, the law must be implemented. Philipus M. Hadjon said that legal protection is the protection of dignity and honor, as well as the recognition of human rights owned by legal subjects based on legal provisions from arbitrariness or as a collection of regulations or rules that will be able to protect one thing from another. Philipus M. Hadjon divides Legal Protection into two, namely preventive legal protection and repressive protection. In preventive legal protection, legal subjects are given the opportunity to submit objections or opinions before a government decision gets a definitive form. Thus, preventive protection aims to prevent disputes. Preventive legal protection is very important for government actions that are based on freedom of action because with preventive legal protection the government is encouraged to be careful in making decisions based on discretion. While repressive legal protection aims to resolve disputes (Purwito, 2023).

Further challenges in addressing Transnational Crimes on Human Trafficking (TPPO) in border zones are due to the systemic shortcomings in the regulatory and institutional frameworks. These challenges are similar to critiques of the shortcomings in Indonesia's criminal laws against human trafficking (in abstracto) and weaknesses in their implementation (in concreto) (Siswanto, 2013). Beyond macroscopic challenges in the criminal law, challenges facing localized counter-trafficking efforts also face operational bottlenecks. The challenges facing the anti-trafficking task forces are also illustrated in the research of Resa and Jaya (2020) who state that problems arising from a lack of coordination among agencies and a lack of adequate oversight by external monitoring agents have resulted in work limitations for anti-trafficking task forces, especially at migration checkpoints that are highly vulnerable to human trafficking.

Table 2. Chellenges in Indonesia to Protecting Victim of Human Trafficking

Challenge Aspect	Analysis according to Hadjon's Legal Protection
Regulatory gaps & lack of implementing regulations	Preventive legal protection should be realized through clear, detailed, and implementable regulations. When government regulations or regional regulations concerning restitution mechanisms and victim services are absent or weak, preventative legal protection is not being met.
Economic and social vulnerability (vulnerable children/women)	Preventive legal protection should encompass poverty alleviation policies, education, prevention campaigns, and migrant worker protection. When poverty, low education, and gender discrimination remain dominant, preventive protection is ineffective.
Limited capacity of officers & victim identification	In Hadjon's framework, this shows the weakness of preventive protection (officers lack training to prevent) as well as repressive protection (handling after a violation occurs is not optimal).
Lack of recovery & support after victims are found	This concerns repressive legal protection. The state is obligated to provide restitution, rehabilitation, and social reintegration. If child and female victims do not receive these services, repressive protection will not be effective.
Trauma & social stigma	Hadjon emphasized that legal protection also encompasses non-legal aspects that support rights restoration. If social stigma prevents victims from accessing their rights, repressive protection must be complemented by psychosocial services and advocacy.

Source : Author's analysis

2. Malaysian Regulations on Providing Protection for Children and Women as Victims of Human Trafficking in Border Areas

In Southeast Asia, human trafficking has increasingly emerged as an urgent concern for governments and regional organizations because of its extensive effects on society, the economy, and security (Siswanto et al., 2026).

Within ASEAN, trafficking occurs in various forms and is strongly linked to cross-border mobility, labour migration, and sexual exploitation. In the region's border areas, trafficking has been particularly associated with sexual and labour exploitation. Locations including the Cambodia–Thailand, Indonesia–Singapore–Malaysia, and Thailand–Myanmar borders offer trafficking networks opportunities to operate across jurisdictions. Economic vulnerability, limited institutional oversight, and cross-border mobility define these areas and may enable the recruitment and transport of vulnerable people for exploitation (Munro, 2012). In Singapore and other ASEAN countries, trafficking likewise encompasses different forms of exploitation and remains a persistent regional problem despite the development of national and regional counter-trafficking initiatives. The complexity of the phenomenon requires cooperation among ASEAN Member States because trafficking frequently involves recruitment, transportation, exploitation, and criminal networks that operate

beyond a single national jurisdiction (Kumar, 2018).

Women and children are particularly vulnerable to human trafficking because their vulnerability is shaped by intersecting social, economic, and gender-related factors. A systematic review of research on trafficking involving girls and women found that human trafficking is strongly gendered, with women and girls accounting for a substantial proportion of identified victims. The review also highlights that gender-based violence and unequal power relations can contribute to vulnerability to trafficking and exploitation (Ornelas et al., 2023). In addition, research on women's trafficking in Bangladesh demonstrates that socioeconomic disadvantage and gender inequality can interact to increase women's vulnerability to trafficking, indicating that trafficking cannot be separated from broader structural inequalities (Islam & Khan, 2025).

Children face particular risks because their young age, dependence on adults, and limited ability to protect themselves can facilitate recruitment and control by traffickers. A systematic review of child trafficking found that children subjected to trafficking experience extreme violence and inhumane conditions, while their immaturity and limited access to support systems further increase their vulnerability (Martinho et al., 2020). More recent research also identifies poverty, gender marginalisation, early age, and weak protection systems as important factors contributing to children's vulnerability to sexual trafficking (Roy & Bhattacharjee, 2026). These findings demonstrate that women and children require particular attention in anti-trafficking policies because their vulnerability may arise from the interaction of individual circumstances and broader social and institutional conditions.

Women and children constitute particularly vulnerable groups within trafficking patterns in ASEAN. Research conducted across ASEAN has identified trafficking of children as involving not only sexual exploitation but also other forms of abuse and exploitation, while weaknesses in victim identification, recovery, and reintegration continue to affect the effectiveness of protection mechanisms (Rafferty, 2021). Similarly, research involving eight ASEAN countries demonstrates that women migrant workers face risks associated with labour exploitation, migration-related vulnerability, and gender-based violence**,** indicating that trafficking cannot be understood solely as a criminal justice issue but also as a problem linked to migration and labour protection (Segrave & Tan, 2021). Thus, human trafficking in ASEAN may be understood as a multidimensional phenomenon encompassing sexual exploitation, labour exploitation, and trafficking of children and women migrant workers, with cross-border migration and conditions in border areas contributing to victims' vulnerability.

Human trafficking in Southeast Asia is a transnational human rights concern particularly

impacting women and connected to cross-border movement and regional migration. In ASEAN, trafficking goes beyond an issue that can be dealt with by the domestic criminal law of the State concerned. Victims may be recruited in one state, transported to other states and then exploited in yet other states. Taking a regional dimension to trafficking, ASEAN Member States have developed regional mechanisms and agreed on cooperation involving national human rights institutions. However, the absence of a consolidated and adequately established regional human rights architecture has made it difficult to address the challenges of ensuring uniform protection for trafficked women in Southeast Asia (Khoo, 2010).

Trafficking in Southeast Asia takes diverse forms and is not limited to sexual exploitation. Evidence from Indonesia indicates that women and children may be trafficked for prostitution, cross-border forced marriage, begging, domestic servitude, and the subsequent trafficking of children. Recruitment may entail persuasion, deception, violence, and other coercive or manipulative tactics. Victims' vulnerability to trafficking may also be heightened by economic and sociocultural disadvantages and brokers' proactive recruitment practices (Sutinah & Kinuthia, 2019). These findings show that human trafficking in the region involves multiple forms of exploitation and affects different groups of victims, especially women and children. Accordingly, legal protection mechanisms must be equipped to address both cross-border trafficking and the varied forms of exploitation victims experience.

Human trafficking is a major public health and human rights concern, and no country is free from this crime (United Nations Office on Drugs and Crime, 2018). This article explores child trafficking in the Association of Southeast Asian Nations (ASEAN) (established in 1967 to promote economic, social, and cultural development and stability among its members: Indonesia, Malaysia, the Philippines, Singapore, Thailand, Brunei Darussalam, Cambodia, Lao PDR, Myanmar, and Vietnam). While child trafficking is a serious transnational organized crime in the ASEAN region, few studies have examined the risks and protective factors in this region (Kranrattanasuit, 2014).

While human trafficking is prevalent in the ASEAN region, there has been little effort to identify and help child trafficking victims outside of the Mekong subregion. Each year the United States Department of State evaluates how well foreign governments meet the minimum standards to combat human trafficking. In its 2018 report, no ASEAN country achieved Tier 1 status. Brunei, Indonesia, Cambodia, Singapore, Thailand, Vietnam, and the Philippines were placed in Tier 2 for making some efforts to meet the standards. Malaysia was in Tier 2 Watch List for failing to demonstrate increased efforts to combat human trafficking the previous year, while Myanmar and Lao PDR were in Tier 3 for not

meeting the standards, and not taking any steps to do so (Rafferty, 2021).

Malaysia provides a stable economy and political environment along with security, which draws migrant workers from the region. The majority of the workforce in Malaysia is made up of migrant workers from neighboring countries, and from as far away as the Middle East. These workers fill so-called "3D" jobs (Dangerous, Dirty and Difficult) in construction, plantations, the automotive and manufacturing sectors, and service occupations. Some women migrate due to poverty and gender wage gaps and a lack of employment opportunities. The majority of the migrant workers in Malaysia are from Southeast Asia (81%), and according to the UN Women report from 2015, 37.35% of the migrant population of Malaysia were women.

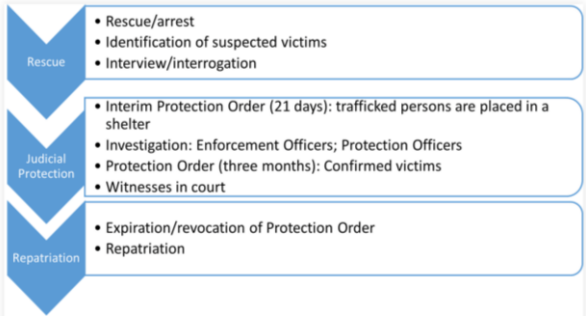
A trafficker is defined as an individual who commits the crime of trafficking in persons, as outlined in Article 3 of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol). Under Anti-Trafficking in Persons and Migrant Smuggling Act 2007 (ATIPSOM) in Malaysia, Section 12 criminalizes all forms of human trafficking for sexual exploitation, while Section 16 specifies that the consent of trafficked individuals is legally irrelevant. The term "trafficker" refers to anyone who traffics another person through threats, force, coercion, abduction, fraud, deception, abuse of power, or exploitation of a person's vulnerability for the purpose of sexual exploitation (see Section 13 ATIPSOM). A trafficking victim is defined in Section 2 ATIPSOM as "any person who is the victim or object of an act of trafficking in persons."

This broad legal definition gives law enforcement significant discretionary power, which has at times resulted in the misidentification of victims and the blurring of boundaries between voluntary sex work and trafficking. It also allows trafficking to be conflated with offenses related to "exploiting any person for the purpose of prostitution," as outlined in the Penal Code of Malaysia. Even though multiple legal provisions exist, authorities often enforce anti-trafficking laws by treating sex workers as if they were foreign victims, seemingly to improve the country's standing in the United States Department of State Trafficking in Persons (TIP) Report. The TIP Report evaluates countries based on their annual number of prosecutions and convictions of traffickers, using these figures to assess the effectiveness of their efforts to combat human trafficking (Hamid, 2022).

However, Malaysia has undertaken various measures to protect victims of human trafficking, including women and children. In Malaysia, people of any gender identified as trafficking victims are placed in government-operated shelters after being rescued. Before repatriation, they must remain in these facilities, follow institutional rules, and complete formal judicial proceedings. The shelters operate under the Ministry of Women, Family, and Community

Development, and appointed personnel designated as Protection Officers are legally authorized to protect and supervise victims during their stay. Malaysia currently operates ten shelters for trafficking victims: seven for women, two for children, and one for men. On admission, suspected victims receive a 21-day Interim Protection Order (IPO), which may be followed by a 90-day Protection Order (PO) for those formally identified as victims. Courts may extend the period of detention to support prosecution, since legal proceedings often depend substantially on victims' cooperation and testimony. Figure 1 presents the standardized procedures for post-rescue care and legal processing of trafficked persons in Malaysia:

Figure 1. Flow chart of how trafficked persons are processed in Malaysia



Source : (Hamid, 2023)

Combating human trafficking in Malaysia is complicated by many interconnected issues across multiple areas. For one, legal gaps and lack of legislative harmonization mean that existing legal frameworks are incomplete and inconsistent with international conventions including the UNCRC and the Palermo Protocol (Kamaruddin & Zin, 2022). The most apparent example of such a gap is the misalignment between the Anti-Trafficking in Persons and Smuggling of Migrants Act (ATIPSOM) and the Immigration Department of Malaysia Act. As such, protection mandates and enforcement mandates are mingled, which leads to undocumented migrant victims being treated as immigration offenders (Kamaruddin & Zin, 2022). On top of all this, there are inadequate legal provisions for the appointment of guardians or child representatives, therefore leaving child victims without any legal help whatsoever (Kamaruddin & Zin, 2022).

This is made worse by weak law enforcement. Limited institutional capacity coupled with an overreliance on victim testimony results in prosecution failures for trafficking crimes (Kamaruddin & Zin, 2021). Lack of adequate resources leads law enforcement to rely heavily on victim testimonies to prosecute human trafficking cases. However, due to the trauma and fear victim of trafficking experience, as well as language barriers, the victim testimonies are unreliable and of little help. On top of all this, special anti-trafficking units are only located in larger, metropolitan cities, which means that the highly vulnerable and unprotected, rural and border areas, are especially susceptible to transnational human trafficking networks (Kamaruddin & Zin, 2021).

At the same time, there is limited victim protection and restricted access to services, particularly for women and children from migrant backgrounds who face barriers to legal, health,

and psychosocial support during the legal process (Ahmad et al., 2022). Child victims often lack dedicated legal guardians or child advocates, and shelters are sometimes run similarly to detention centers, which strictly limits the victims' freedom of movement. These challenges are further exacerbated by persistent language barriers, social stigma, and an ongoing fear of deportation, all of which prevent victims from seeking or accessing essential support services (Ahmad et al., 2022).

Furthermore, protection efforts are significantly hindered by poor institutional coordination among key actors, including the immigration department, police, welfare agencies, and non-governmental organizations (NGOs) (Hussin et al., 2025). For instance, the absence of a centralized data-sharing mechanism between the Royal Malaysia Police, the Ministry of Women, Family and Community Development, and NGOs often results in critical delays in victim identification and referral. Because these institutions tend to work in silos with overlapping mandates and inconsistent standard operating procedures (SOPs), systemic responses remain fragmented (Hussin et al., 2025).

Consequently, these systemic deficiencies lead to the heightened vulnerability of undocumented women and children, such as migrants, refugees, or stateless persons (Lew et al., 2025). Because their legal identity is unrecognized under Malaysian immigration law, undocumented victims often face immediate detention or deportation instead of receiving institutional protection. Refugee children, for example, may not even be eligible for government shelters or social services, forcing them into highly unsafe environments (Lew et al., 2025). Ultimately, these legal and institutional failures are perpetually fueled by socioeconomic and structural push factors. Systemic poverty, gender inequality, a lack of education, and unsafe migration channels continuously drive women and children into the hands of traffickers, while a high market demand for commercial sex and informal domestic labor provides lucrative incentives for trafficking networks to persist.

Table 3. Comprehensive Conclusion Summarizing The Main Challenges of Human Trafficking in Malaysia

Main Pillars	Synthesized
Regulatory Inconsistencies & Fragmented Bureaucracy	The anti-trafficking law (ATIPSOM) conflicts with strict immigration policies. Consequently, undocumented victims are frequently treated as immigration offenders and detained or deported rather than being protected as crime victims. This is severely exacerbated by a lack of centralized data-sharing, causing government agencies and NGOs to operate in isolation.
Deficiencies in Law Enforcement & Victim Support	Prosecutions heavily rely on victim testimonies rather than independent forensic evidence, which often fails due to trauma and language barriers. Furthermore, the available protection infrastructure is deeply flawed; shelters are often run like detention centers, leaving victims without proper legal guardians,

	representatives, or adequate psychosocial services.
Socioeconomic Vulnerability & Structural Demand	The crisis is perpetually fueled by systemic push factors such as poverty and statelessness, combined with a high market demand for cheap, unregulated labor and commercial sexual exploitation. This creates a highly profitable environment for trafficking networks targeting the most marginalized communities.

Source : Author's analysis

Philipus M. Hadjon defines legal protection as the state's duty to secure the recognition, respect, and enforcement of human rights through a legal system that provides both preventive and remedial safeguards. Preventive legal protection involves the state establishing clear rules, institutional arrangements, and procedures to avert violations before they occur. Remedial legal protection entails the state providing remedies and enforcing the law after violations have taken place.

This theoretical perspective brings to light several structural weaknesses in the challenges identified above, namely:

1.Inconsistent and Fragmented Legal Framework: Weak Preventive Legal Protection

One example of legal discrepancy in Malaysia's effort to prevent trafficking in persons is found in the Misalignment between the Government of Malaysia's Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act (ATIPSOM) and the Immigration Department of Malaysia Act. The latter gives the Immigration Director General the power to expel persons by means of a removal order whereas, the former gives the Minister the power to issue a removal order. The inconsistency raises the question of what happens to victims of trafficking when they do not have any legal status? In practice, such victims are arrested and detained as Immigration offenders. Therefore, the law exposes such victims to further legal vulnerability, where they risk being further detained or deported, instead of providing protection from victimization as posited by Hadjon. A harmonized and clear legal framework is crucial, in Hadjon's theory of secondary victimization, to provide protection to victims of trafficking. Once again, it must be noted that Malaysia's laws on the prevention of trafficking are fragmented, and as such are inadequate to provide such protection.

2. Inadequate Law Enforcement Capacity

An over-reliance on victim testimony in the absence of specialized investigators, and other available resources shows that inadequate repressive protection is provided by law enforcement. Hadjon states that the repressive arm of the law must guarantee that victims have the opportunity to seek legal remedies when violated. Normally, weak institutional capacity causes failure to prosecute traffickers, delays in legal proceedings and inadequate law enforcement. Prosecution of perpetrators is vital in order to re-establish the deterrent effect of the law and more importantly, foster trust and

confidence in the justice system by victims of trafficking.

3. Limited access to victim support services: Insufficient substantive legal protection

Hadjon states that legal protection should include substance as well. In Malaysia, placement of women and child victims in shelters that resemble detention centers, restricted mobility and access to legal representatives and guardians shows that there is a lack of substantive legal protection. As such, legal protection given to trafficking victims is formal in nature and lacks substance. It does not guarantee full legal protection and security to trafficking victims, especially to children. Analytical point: Substantive legal protection should ensure that victims are not re-traumatized by state procedures. In practice, the mechanisms and systems of protection and shelters of the Malaysian state often do not attain this standard.

4. Inadequate Inter-Agency collaboration: Integrated protection lacking

According to Hadjon, legal protection given by the state to its citizens is ensured by the agency coordination of various state structures. In Malaysia, fragmented responsibilities of various state structures (police, immigration, social welfare and NGOs) reflect a failure of integrated protection. In absence of agency coordination, legal protection becomes fragmented and creates situation of procedural delays, and inconsistencies in identification of victims and in application of protective measures.

5. Condition of being undocumented: Protection deficit

Hadjon states that protection is a right of all and is not dependent on one's legal status. In Malaysia, undocumented migrants (women and children) are often not given adequate legal protection. This exclusion contradicts both the preventive and repressive aims of legal protection theory, which aims to prevent further victimization of the vulnerable. Exclusion on grounds of legal status violates the principle of protection offered by the state.

6. Socioeconomic push factors: structural barriers to preventive protection

Hadjon acknowledges that legal protection, especially in situations where people are at risk of being trafficked, is intrinsically linked with the social and economic context. A functioning legal protection system would require the state to address root causes of structural problems. Until these root causes are addressed, legal protection becomes reactive and leaves the victim at risk of being trafficked.

The goal of any legal reform to better provide legal protection to women and children is to fulfill their human dignity. Legislation must be reformed and revised based on the universal norms of justice to strengthen and guarantee the protection of women and children (Kurniawan et al., 2025). Through a legal commitment by public authorities and the provision of a legal framework, the protection of women and children can be guaranteed (Saraswati, 2025).

D. CONCLUSION

This study identifies human trafficking of women and children as a challenging transnational crime, particularly at the borders of the Republic of Indonesia and Malaysia. Structural inequalities and vulnerabilities such as poverty and gender inequality, as well as transnational migratory movements, insufficient border control, and legal fragmentation contribute to transnational human trafficking.

In Indonesia, the legal framework to eradicate human trafficking and protect the rights of victims of trafficking has been formed, and reparation and protection mechanisms have been partially established. The presence of gaps, for example, the absence of adequate implementing regulations, poor capacity to identify victims, inadequate inter-agency collaboration, and inadequate rehabilitation, remains a challenge.

In Malaysia, the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act (2007) has been partly aligned to the UNCRC and the Palermo Protocol. The Act provides for prevention and suppression of human trafficking and smuggling of migrants. Challenges, including contradictions between ATIPSOM and Immigration laws, inadequate law enforcement, and inadequate institutional and integration cooperation and coordination persist. Access to victim services is inadequate. Undocumented victims of trafficking are denied full protection. Applying Legal Protection Theory, inadequacy of preventive and repressive legal protection persist in both countries.

The main challenge is legal protection remains largely formalistic and inadequate in ensuring dignity, security and human rights of trafficked women and children. For Indonesia and Malaysia, going beyond drafting of laws to harmonize them in combination with effective law enforcement, adequate protection and victim-centered institutional coordination is required.

Applying Hadjon's legal protection theory demonstrates that effectively addressing trafficking requires a combination of preventive as well as repressive measures. With a focus on the preventive aspect, this means addressing the root causes and systemic deficits and vulnerabilities. This requires a dual approach of a lasting, integrated and comprehensive legal framework anchored on the rule of law, enhanced governance and institutional reforms as well as protection of human dignity and human rights.

REFERENCES

JOURNALS

Ahmad, A. A., Noor, N. F. M., & Ramlan, A. Z. (2022). Human Trafficking in Malaysia: The Right of Women and Children (2010-2019). *Advances in Social Sciences Research Journal*,*9*(7),347–357. https://doi.org/10.14738/assrj.97.12664

Aini, Q., Sodiqin, A., Yulianis, M. S. F., & Haniyah, H. (2023). Child Trafficking

Offence: Case Study of Surabaya District Court Decision No. 685/PID.SUS/2022/PN SBY. *Journal of Progressive Law and Legal Studies*,*1*(2),151–161. https://doi.org/10.59653/jplls.v1i02.135

Anggara, S. B., Sudirman, L., Situmeang, A. (2023). Permasalahan Hukum Dalam Pelaksanaan Penuntutan Tindak Pidana Perdagangan Orang di Kejaksaan Negeri Kota Batam. *UNES Law Review, 5*(4), 2777. https://doi.org/10.31933/unesrev.v5i4.530

Bryant, K., & Landman, T. (2020). Combatting human trafficking since Palermo: What do we know about what works?. *Journal of Human Trafficking*, *6*(2), 119–140. https://doi.org/10.1080/23322705.2020.1690097

Budoyo, S., & Hardiyanti, M. (2021). Urgency of Strengthening Women Participation in The Building of Gender Justice Based Village. *Law Reform*, *17*(2), 252-259. https://doi.org/10.14710/lr.v17i2.41751

Martinho, G., Gonçalves, M., & Matos, M. (2020). Child trafficking, comprehensive needs and professional practices: A systematic review. *Children and Youth Services Review*,*119*.https://doi.org/10.1016/j.childyouth.2020.105674

Cockbain, E., Bowers, K., & Dimitrova, G. (2019). Human trafficking for sex, labour and domestic servitude: How do key trafficking types compare and what are their predictors?. *Crime, Law and Social Change*, *72*, 9–34. https://doi.org/10.1007/s10611-019-09836-7

Darung, S., & Prasetya, M. N. (2022). Malaysia Sebagai Negara Tujuan Human Trafficking dari Indonesia Studi Kasus: Provinsi Nusa Tenggara Timur. *Frequency of International Relations*,*4*(1),1-23. https://fetrian.fisip.unand.ac.id/index.php/fetrian/article/view/251/47

Daud, B. S., & Sopoyono, E. (2019). Penerapan Sanksi Pidana Terhadap Pelaku Perdagangan Manusia (Human Trafficking) di Indonesia. *Jurnal Pembangunan Hukum Indonesia*,*1*(3),352–365. https://doi.org/10.14710/jphi.v1i3.352-365

Disemadi, H. S. (2022). Lenses of Legal Research: A Descriptive Essay on Legal Research Methodologies. *Journal of Judicial Review*, *24*(2), 295. DOI: 10.37253/jjr.v24i2.7280

ElDidi, H., van Biljon, C., Alvi, M., Ringler, C., Ratna, N., Abdulrahim, S., Kilby, P., Wu, J., & Choudhury, Z. ul A. (2023). Reducing vulnerability to forced labour and trafficking of women migrant workers from South- to West-Asia. *Development in Practice*, *33*(2), 156–167. https://doi.org/10.1080/09614524.2022.2059448

Farida, E., Mahfud, M. A., Natalis, A., & Alim, I. F. H. (2025). Digitisation in the Protection of Indonesian Migrant Workers: Improving

Safety and Welfare in the Era of Globalisation. *OIDA International Journal of Sustainable Development*, *18*(12), 501–516.https://oidaijsd.com/wp-content/uploads/2025/11/18-12-39-216-IJSD-25-AN.pdf

Fernández-Sánchez, H., Gamra, M. T. A., Caso Vega, L. E., Rodriguez-Araujo, J., Stockton, J., Sanchez Karver, T., Rodriguez-Diaz, C., & Santa Maria, D. (2026). International migration and sex trafficking: A scoping review. *Social Science & Medicine*, *405*. https://doi.org/10.1016/j.socscimed.2026.119472

Giommoni, L. (2024). Why We Cannot Identify Human Trafficking from Online Advertisements. *Journal of Human Trafficking*,1–15. https://doi.org/10.1080/23322705.2024.2435198

Gunawan, A., & Setiyono, B. (2026). Rohingya Refugees and Human Trafficking in Indonesia: A PRISMA-Based Review of Legal and Policy Gaps. *Samarah*, *10*(1), 531–549. https://doi.org/10.22373/sjhk.v10.i1.33756

Hamid, H. B. A. (2022). Sex Traffickers: Friend or Foe?. *Anti-Trafficking Review*, (18), 87–102.https://doi.org/10.14197/atr.201222186

Hamid, H. B. A. (2023). Shelter Homes – Safe Haven or Prison?. *Anti-Trafficking Review*, (20),111–134. https://doi.org/10.14197/atr.201223207

Hamida, A., & Setiyono, J. (2022). Analisis Kritis Perlindungan Terhadap Anak Korban Kekerasan Dalam Rumah Tangga: Kajian Perbandingan Hukum. *Jurnal Pembangunan Hukum Indonesia*, *4*(1), 73–88.https://doi.org/10.14710/jphi.v4i1.73-88

Herawati, R., & Pinilih, S. A. G., & Nurcahayani, A. S. (2021). Optimalisasi Pusat Pelayanan Terpadu Pemberdayaan Perempuan dan Anak dalam Menangani Kasus Kekerasan Dalam Rumah Tangga. *Masalah-Masalah Hukum*, *50*(2), 131. DOI:10.14710/mmh.50.2.2021.131-142

Hidayat, M. E., & Effendi, T. (2023). Challenges in Protecting Trafficking Victims' Rights in Indonesia. *Rechtsidee*, *11*(2). https://doi.org/10.21070/jihr.v12i2.1009

Hisyam, C. J., Raditya, B., Solari, H., Prasetyo, I. D., Adhim, M. F., Waruwu, N. N., & Dowansiba, R. (2025). The Faktor Determinan Terjadinya Pencabulan dan Pelecehan terhadap Perempuan. *Jurnal Ilmiah Research Student (JIRS)*, *2*(1), 263–276. https://doi.org/10.61722/jirs.v2i1.3644

Hussin, N. I., Othman, Z., Hed, N. M., & Azmi, N. M. (2025). Can Malaysia Move to Tier 1? Analysing the Current Trends and Case Studies of Human Trafficking. *Jurnal Ilmu Sosial Dan Ilmu Politik*, *28*(3), 297–314. https://doi.org/10.22146/jsp.96890

Resa, M. K., & Jaya, N. S. P. (2021). Problematika Gugus Tugas Dalam Upaya Pencegahan Dan Penanganan Tindak Pidana Perdagangan Orang (Human Trafficking). *Masalah-Masalah Hukum*, *50*(2),161-171. https://doi.org/10.14710/mmh.50.2.2021.161-171

Islam, M. N & Khan, M. A. (2025). Exploring the socio-economic vulnerability model: A multi-stakeholder analysis of women's trafficking in Bangladesh. *Cogent Social Sciences*,*11*(1).https://doi.org/10.1080/23311886.2025.2549477

Kamaruddin, N. S., & Zin, N. M. (2021). Combating Child Trafficking: Is The Convention on The Rights of The Child (CRC) and Existing Laws in Malaysia Adequate?. *IIUM Law Journal*, *29*(1), 55–75.https://doi.org/10.31436/iiumlj.v29i1.593

Kamaruddin, N. S., & Zin, N. M. (2022). Legal Challenges in Combating Child Trafficking in Malaysia. *IIUM Law Journal*, *30*(2), 180–200. https://doi.org/10.31436/iiumlj.v30i2.756

Khuluq, L., Sriharini, S., Izudin, A., & Abdullah, I. (2022). The Manipulation of Power and the Trafficking of Women during the COVID-19 Pandemic: Narratives from Indonesia. *Journal of Human Trafficking*, *11*(3). https://doi.org/10.1080/23322705.2022.2133876

Khoo, O. (2010). Regional approaches to trafficking in women in South-East Asia: The role of national human rights institutions and the new ASEAN human rights body. *Australian Journal of Human Rights*, *15*(2), 59–82. https://doi.org/10.1080/1323238X.2010.11910871

Klabbers, R. E., Hughes, A., Dank, M., O'Laughlin, K. N., Rogers, M., & Hanni Stoklosa, H. (2023). Human trafficking risk factors, health impacts, and opportunities for intervention in Uganda: a qualitative analysis. *Global Health Research and Policy*, *8*(1), 52. DOI:10.1186/s41256-023-00332-z.

Kumar, J. A. (2018). The Impact of Human Trafficking in ASEAN: Singapore as a Case-Study. *Asian Journal of International Law*,*8*(1),189–224. https://doi.org/10.1017/S2044251316000254

Lew, T. L., Shah, H. A. R., & Ahmad, N. M. (2025). Legal Framework and Enforcement Strategies in Combating Human Trafficking in Malaysia. *LexForensica: Journal of Forensic Justice and Socio-Legal Research*,*2*(1),72–83. https://doi.org/10.33102/33awwc35

L'Hoiry, X., Moretti, A., & Antonopoulos, G. A. (2024). Human trafficking, sexual exploitation and digital technologies. *Trends in Organized Crime*, *27*, 1–9, https://doi.org/10.1007/s12117-024-09526-4

Siswanto, H. (2013). Telaah Kritis: Kegagalan Penegakan Hukum Pidana Kejahatan Perdagangan Orang. *Masalah-Masalah Hukum*,*42*(4),463–472. DOI:10.14710/mmh.42.4.2013.463-472.

Sweileh, W. M. (2018). Research trends on human trafficking: A bibliometric analysis using Scopus database. *Globalization and Health*,*13*,88. https://doi.org/10.1186/s12992-018-0427-

Munro, P. (2012). Harbouring the illicit: Borderlands and human trafficking in South East Asia. *Crime, Law and Social Change*, *58*(2),159–177. https://doi.org/10.1007/s10611-012-9378-x

Natalis, A., & Al Asy'arie, M. A. H. (2026). Gendered Exploitation in Halmahera's Nickel Mining: A Feminist Perspective. *Feminist Encounters*, *10*(2), Article 14. https://doi.org/10.20897/femenc/19058

Nathania, L., Fransiska, A., & Saputri, R. (2022). Legal protection for women victims of human trafficking in Indonesia. *International Journal of Research in Business and Social Science*, *11*(1), 364–371.https://doi.org/10.20525/ijrbs.v11i1.1672

Nikodemus, N. (2020). Drugs Trafficking Phenomenon in Border District of Jagoi Babang Indonesia-Malaysia West Kalimantan. *Jurnal Sosiologi Nusantara*, *6*(1),1–12. https://doi.org/10.33369/jsn.6.1.1-12

Ornelas, S., Camilo, C., Csalog, R. A., Hatzinikolaou, K., & Calheiros, M. M. (2023). Social schemas about human trafficking involving girls and women: A systematic review. *Aggression and Violent Behavior*,*73*. https://doi.org/10.1016/j.avb.2023.101873

Palombella, G. (2021). Access to Justice: Dynamic, Foundational, and Generative. *Ratio Juris*, *34*(2), 121–138. https://doi.org/10.1111/raju.12309

Pamungkas, I. C., & Sutrisno, A. (2025). International Legal Analysis of the Involvement of International Syndicates and Weak Border Surveillance: A Case Study of Human Trafficking Crimes in Batam (2022-2023). *Humaniorum*, *3*(3), 1–8. https://doi.org/10.37010/hmr.v3i2.120

Prasetyo, D., & Herawati, R. (2022). Tinjauan Sistem Peradilan Pidana Dalam Konteks Penegakan Hukum dan Perlindungan Hak Asasi Manusia Terhadap Tersangka di Indonesia. *Jurnal Pembangunan Hukum Indonesia*, *4*(3), 402. https://doi.org/10.14710/jphi.v4i3.402-417

Purwanti, A., & Hardiyanti, M. (2018). Strategi Penyelesaian Tindak Kekerasan Seksual Terhadap Perempuan dan Anak Melalui RUU Kekerasan Seksual. *Masalah-Masalah Hukum*, *47*(2), 138. https://doi.org/10.14710/mmh.47.2.2018.

Purwito, E. (2023). Konsep Perlindungan Hukum Konsumen dan Tanggungjawab Hukum

Pelaku Usaha Terhadap Produk Gula Pasir Kadaluarsa di Kota Surabaya. *Dekrit: Jurnal Magister Ilmu Hukum*, *13*(1), 114. https://doi.org/10.56943/dekrit.v13n1.152

Rafferty, Y. (2021). The Identification, Recovery, and Reintegration of Victims of Child Trafficking within ASEAN: An Exploratory Study of Knowledge Gaps and Emerging Challenges. *Journal of Human Trafficking*, *7*(2).https://doi.org/10.1080/23322705.2019.1689476

Rahmania, N., Nirmala, A. Z., Riska, A., & Jamaludin. (2025). Perkawinan Anak sebagai Faktor Trafficking in Persons di Indonesia. *Jurnal Fundamental Justice*, *6*(1),27–50. https://doi.org/10.30812/fundamental.v6i1.4904

Rini, F. S., & Prastyanti, R. A. (2024). Legal Protection for Victims of Human Trafficking: Indonesian Migrant Workers Abroad. *International Journal of Sociology and Law*, *1*(2),1–8. https://doi.org/10.62951/ijsl.v1i2.32

Rofii, M. S., & Ardiyansah, R. F. (2026). Human Trafficking within Southeast Asia's Online Gambling Industry: International Resilience and Policing Challenges. *Jurnal Ilmu Kepolisian*, 20(1), 1-17. tersebut adalah DOI: 10.35879/jik.v20i1.706.

Roy, G. K., & Bhattacharjee, S. (2026). Child victims of sex trafficking in India: A scoping review of experiences, vulnerabilities, and service needs. *International Journal on Child Maltreatment: Research, Policy and Practice*.https://doi.org/10.1007/s42448-026-00270-6

Rupita, R. (2020). Kehidupan Perempuan Perbatasan: Kemiskinan dan Eksploitasi (Kajian Kasus di Perbatasan Jagoi Indonesia-Malaysia Kalimantan Barat). *Ganaya: Jurnal Ilmu Sosial Dan Humaniora*,*3*(1),135–145. https://doi.org/10.37329/ganaya.v3i1.429

Sampetoding, C. Z., & Burhanuddin, A. (2025). Penyelundupan dan Human Trafficking di Perbatasan Maritim Indonesia di Wilayah Nusa Tenggara Timur dan Kalimantan Utara. *Socius: Jurnal Penelitian Ilmu-Ilmu Sosial*,*3*(1). https://doi.org/10.5281/zenodo.15804126

Saraswati, R. (2025). Indigenous Women in the Draft Law of Indigenous Peoples: An Approach Based on Legal Neutrality and Pancasila Values. *Masalah-Masalah Hukum*,*54*(3),409. DOI:10.14710/mmh.54.3.2025.409-430

Sari, D. A. I., Eriyanti, L. D., & Sunarko, B. S. (2021). Karakteristik Kebijakan Politik Indonesia Dalam Perlindungan Pekerja Migran Di Lingkup Asean Melalui Perspektif Gender. *Journal of Feminism and Gender Studies*, *1*(1), 30–46. https://doi.org/10.19184/fgs.v1i1.21549

Schönhöfer, J. (2017). Political determinants of efforts to protect victims of human

trafficking. *Crime, Law and Social Change*, *67*,153–185. https://doi.org/10.1007/s10611-016-9643-5

Segrave, M., & Tan, S. J. (2021). Women migrant workers and counter-trafficking responses in Association of Southeast Asian Nations: The enduring challenge of safety and security. *Journal of Criminology*, *54*(4), 466–481. https://doi.org/10.1177/26338076211037077

Setiawan, D. (2021). Access to Justice and Fair for the Poor: How Effective the Legal Aid Provided by Government?. *The Indonesian Journal of International Clinical Legal Education*,*3*(2),173-184. https://doi.org/10.15294/ijicle.v3i2.46173

Septianita, H., Pujiyono, & Cahyaningtyas, I. (2026). Online Child Sexual Exploitation and Abuse as Organized Crime: Towards a New International Legal Framework. *Jurnal Litigasi*,*27*(1),1–25. https://doi.org/10.23969/litigasi.v27i1.43221

Shahrullah, R. S. (2015). Asian Public Intellectuals' Roles in Combatting Trafficking in ASEAN Countries. *Mimbar Hukum*,*27*(2),325–339. https://doi.org/10.22146/jmh.15891

Siregar, D., Harahap, F. S., Na'im, K., Sitepu, K., Ginting, A. br, Aulia, R., & Purba, K. F. (2024). Perlindungan Hukum dan Pencegahan Perdagangan Perempuan dan Anak. *Bantenese: Jurnal Pengabdian Masyarakat*,*6*(1),29–38. https://doi.org/10.30656/ps2pm.v6i1.7818

Siswanto, H., Cemerlang, A. M., Anam, H., & Sabatira, F. (2026). Legal Qualification of the Ferienjob Program as Human Trafficking under Indonesian Law. *Law Reform,22*(2),394-429. https://doi.org/10.14710/lr.v22i2.69250

Kurniawan, A., K, H., Hadi, S., Harahap, A. P., & Burhanuddin, B. (2025). Recolonizing Formal Restorative Justice: A Socio-Legal Critique of Indonesia's Shift from Customary Justice to State Law. *Diponegoro Law Review*, *10*(2), 294-309. https://doi.org/10.14710/dilrev.10.2.2025.294-309.

Spohn, C. (2014). The non-prosecution of human trafficking cases: An illustration of the challenges of implementing legal reforms. *Crime, Law and Social Change*, *61*(2), 169–178. https://doi.org/10.1007/s10611-013-9508-0

Sprang, G., Stoklosa, H., & Greenbaum, J. (2022). The Public Health Response to Human Trafficking: A Look Back and a Step Forward. *Public Health Reports*, *137*(1_suppl),5S-9S. https://doi.org/10.1177/ 00333549221085588

Sutinah, S., & Kinuthia, K. M. (2019). Trafficking of women and children in East Java, Indonesia. *Journal of International Women's Studies*, *20*(9), 94–106. https://vc.bridgew.edu/jiws/vol20/iss9/9/

Syaufi, A. (2011). Perlindungan Hukum Terhadap Perempuan dan Anak Korban Tindak Pidana Perdagangan Orang. *Muwazah: Jurnal Kajian Gender*, *3*(2). https://doi.org/10.28918/muwazah.v3i2.269

Trihastuti, N., Indreswari, T. L., Kandou, D. R., Ardani, M. N., & Ramadhan, D. A. (2022). Legal Protection of Stateless Persons Arising From Cross-Border Marriage: Indonesia and East Timor Case Study. *Yustisia*, *11*(3), 213–225. https://doi.org/10.20961/yustisia.v11i3.59287

Warsono, H., Amaliyah, A., Putranti, I. R., & Iannone, A. (2023). Indonesia Government Sets Back: The Rule Of Law, Collaborative Governance And Human Right Challenges During Covid-19. *Law Reform, 19*(2), 169-198. https://doi.org/10.14710/lr.v19i2.53734

Wetangterah, L. (2023). Fragile agency: The lived religion of human trafficking victims in East Nusa Tenggara Indonesia. *Practical Theology*,*16*(6). https://doi.org/10.1080/1756073X.2023.2221586

Widayatun, W. (2015). Trafficking di Wilayah Perbatasan. *Jurnal Masyarakat Dan Budaya*,*10*(1),81–102. https://doi.org/10.14203/jmb.v10i1.172

PROCEEDING

Valentina, R. (2021). Legal Analysis on The Role Of Indonesian Central Government In The Eradication Of Trafficking In Persons. *Proceedings of the 1st International Conference on Law and Human Rights (ICLHR2021)*. https://doi.org/10.4108/eai.14-4-2021.2312413

BOOKS

Kranrattanasuit, N. (2014). Asean and human trafficking: Case studies of Cambodia, Thailand and Vietnam. In ASEAN and Human Trafficking: Case Studies of Cambodia, Thailand and Vietnam (pp. 1-296). (International Studies in Human Rights; Vol. 109). Brill Nijhoff.

ONLINE SOURCES

Jha, S., Saxena, A., Cook, T. P., Sharma, P., Shekhar, A., & Torre, A. R. (2017). *Women Migrant Workers in the ASEAN Economic Community*. Retrieved from https://asiapacific.unwomen.org/en/digital-library/publications/2017/06/women-migration-workers-in-asean

OWSA. (2023). *UNODC Global Human Trafficking Report: Victims up 25 Per Cent, Children Exploited, Forced Labour Cases Spike*. Retrieved from https://owsa.in/unodc-global-human-trafficking-report-victims-up-25-per-cent-children-exploited-forced-labour-cases-spike/

Rizki, M. (2025). 1003 Anak Perempuan Jadi Korban TPPO: Dipaksa Bekerja,

Eksploitasi Seksual hingga Penjualan Organ. Retrieved from https://kaltimpost.jawapos.com/nasional/2386375309/1003-anak-perempuan-jadi-korban-tppo-dipaksa-bekerja-eksploitasi-seksual-hingga-penjualan-organ

United Nations Office on Drugs and Crime. (2018). Global report on trafficking in persons 2018. Retrieved from https://www.unodc.org/documents/data-and-analysis/glotip/2018/GLOTiP_2018_BOOK_web_small.pdf