Law Enforcement Against the Criminal Acts of Human Trafficking in Mataram City

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ABSTRACT

This article analyzes law enforcement against the Crime of Human Trafficking based on the decisions of the Mataram District Court for 2023-2025. It focuses on the process of investigation, inquiry, prosecution, and sentencing patterns for perpetrators, as well as obstacles to law enforcement reflected in the decisions. This research is a normative legal research with a statutory approach, a case approach, and a conceptual approach. The results show that law enforcement against human trafficking in Mataram City has used a special legal framework for human trafficking, but still faces problems in proving the elements of the act, method, and purpose of exploitation, especially when exploitation has not actually occurred or the facts of the case overlap with the placement of non-procedural migrant workers. Criminalization shows that judges view human trafficking as a serious crime, but there are still variations in imprisonment, fines, subsidiary sentences, and restitution. The main obstacles include proof, case qualifications, victim protection, victim recovery, and disclosure of perpetrator networks. Law enforcement against human trafficking needs to be strengthened through comprehensive case construction, coordination between authorities, and a victim recovery orientation.

Keywords: Law Enforcement; Human Trafficking; Criminalization; Restitution; Mataram City.

INTRODUCTION

Human Trafficking (TPPO) is a serious crime that violates human dignity by subjecting individuals to exploitation. TIPPO differs from conventional crimes because, in practice, it involves the recruitment, transportation, harboring, sending, transferring, or receiving of individuals through illegal means for the purpose of exploitation. The Palermo Protocol defines human trafficking as a transnational crime, requiring states to prevent, prosecute perpetrators, and comprehensively protect victims. [1]This formulation has become an important reference for the development of national laws in various countries, including Indonesia.

(TPPO) is a complex issue. This complexity encompasses victims not only in sexual exploitation but also in forced labor, domestic exploitation, criminal exploitation, and various other forms of exploitation that continue to evolve with human mobility and technological change. [2]Global estimates show that millions of people live in situations of forced labor and forced marriage, making TIP not only a criminal law issue but also a social, economic, and human rights issue. [3]This situation emphasizes that legal effectiveness is not solely measured by the existence of regulations, but rather by the ability of the criminal justice system to dismantle structures of exploitation and restore victims.

In Indonesia, specific regulations regarding human trafficking are contained in Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking. This law defines human trafficking as an act

[1] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, 2237 United Nations Treaty Series 319 (2003).

[2] United Nations Office on Drugs and Crime, *Global Report on Trafficking in Persons 2024* (United Nations Office on Drugs and Crime, 2024).

[3] International Labor Organization et al., *Global Estimates of Modern Slavery: Forced Labor and Forced Marriage - Executive Summary* (International Labor Organization, 2022).

carried out in a certain way for the purpose of exploitation or resulting in the exploitation of a person. [4]This definition identifies three main elements: the act, the method, and the purpose of exploitation. These three elements are important because they distinguish human trafficking from other crimes that may appear similar, such as fraud, illegal labor recruitment, or violations of migrant worker placement. Therefore, the success of human trafficking law enforcement depends heavily on the ability of authorities to establish a connection between the perpetrator's series of actions, the methods used, and the intended purpose of exploitation.

The main problem in enforcing human trafficking laws does not always lie in the absence of norms, but rather in their implementation in practice. Several studies have shown that the implementation of the Anti-Trafficking Law (ATPPO) still faces obstacles in identifying victims, proving elements of exploitation, coordinating between institutions, and rehabilitating victims. [5]Furthermore, human trafficking cases often overlap with violations of Indonesian migrant worker placement, particularly when victims are recruited with promises of work abroad but the process is conducted non-procedurally. This overlap can raise legal qualification issues: whether the case should be classified as human trafficking, a violation of migrant worker protection, fraud, or another crime.

Mataram City is relevant for study because it is an area with high labor mobility. This mobility can create economic opportunities, but also creates vulnerability to unscrupulous recruitment practices and exploitation. In some cases, victims are recruited to work abroad through unclear channels, with promises of wages, travel documents, or specific jobs. This situation demonstrates that human trafficking cases in Mataram City do not always appear as complete exploitation, but can instead involve a series of actions leading to exploitation.

Previous research on human trafficking in Mataram and West Nusa Tenggara (NTB) has generally focused on specific institutions, such as the police or prosecutor's office, or has examined only a single case. For example, Fathul Azis's research highlights human trafficking law enforcement at the Mataram City Police, while Yanti Purnama Sari's study discusses the role of the Prosecutor's Office in determining restitution for human trafficking victims at the Mataram District Attorney's Office. [6]Another study examines the application of criminal sanctions in a single Mataram District Court ruling regarding the placement of migrant workers. [7]Unlike these studies, this article utilizes 20 decisions of the Mataram District Court from 2023 to 2025 as a basis for analysis to more comprehensively examine investigation/prosecution patterns reflected in rulings, sentencing patterns, and obstacles to law enforcement.

The article addresses three issues. First, how are the investigations and prosecutions of human trafficking crimes (TPPO) conducted in Mataram City based on the Mataram District Court's rulings from 2023 to 2025? Second , how are the criminalization processes for perpetrators of human trafficking crimes handled in these rulings? Third, what are the obstacles faced in enforcing the law on human trafficking in Mataram City?

RESEARCH METHOD

This research is a normative legal study based on document studies, specifically court decisions. The approaches used are the statutory approach, the case approach, and the conceptual approach. Primary legal materials consist of laws and regulations and court decisions, while secondary legal materials consist of books, scientific journals, institutional reports, and previous research. The analysis is conducted descriptively and prescriptively, namely describing the patterns evident in the decisions and then assessing whether these patterns reflect effective, proportional, and victim-oriented law enforcement.

[4] Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking (2007).

[5] Aditya Weriansyah, *Legal Review of the Implementation of Law No. 21 of 2007 concerning the Eradication of the Crime of Human Trafficking (UU PTPPO) in Indonesia* (International Organization for Migration (IOM) Indonesia, 2023).

[6] Fathul Azis, "Law Enforcement of Human Trafficking Crimes: A Case Study at the Mataram City Police" (Muhammadiyah University of Mataram, 2025).

[7] Vicky and R. Rahaditya, "Analysis of the Implementation of Criminal Sanctions against Perpetrators of Human Trafficking Crimes: A Case Study of Mataram District Court Decision Number 312/Pid.Sus/2020/PN.Mtr.," *Serina Journal of Social Humanities Series* 4, no. 2 (2022).

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DISCUSSION

The Investigation/Prosecution Process for Human Trafficking in Mataram City

Based on the data, there are 20 decisions of the Mataram District Court in 2023-2025 that are the object of the study. Of these, 3 decisions are from 2023, 11 decisions from 2024, and 6 decisions from 2025. This distribution shows that human trafficking cases and cases that overlap with them are not incidental, but rather appear in several consecutive years with the highest intensity in 2024. In addition, of the 20 cases, 18 cases show indications of a network, while only 2 cases do not show a network. This data shows that human trafficking cases in Mataram City generally cannot be understood as a single, stand-alone act, but as a series of actions involving recruiters, intermediaries, facilitators, agents, or other parties in the recruitment and delivery chain.

In the investigation and inquiry stages, a crucial point in human trafficking cases is the ability of officers to fully understand the elements of the act, method, and purpose of exploitation. Article 1, number 1 of Law No. 21 of 2007 defines the act as a series of actions, such as recruitment, transportation, harboring, sending, transferring, or receiving a person. The method element includes threats of violence, use of violence, kidnapping, confinement, fraud, abuse of power or a position of vulnerability, debt bondage, or the provision of payments/benefits to obtain the consent of a person in control of the victim. The purpose of exploitation is the core element that makes the series of actions a human trafficking offense. [8]Therefore, investigators cannot simply prove recruitment or sending, but must construct how the act was carried out in a certain way and directed towards exploitation.

In practice, evidentiary difficulties often arise when exploitation has not yet actually occurred. Some cases are at the attempted stage, for example when the victim has been recruited, documents have been processed, fees have been collected, or the trip has been planned, but the victim has not yet arrived at the location of exploitation. In such situations, the evidence must not stop at the question of whether exploitation has occurred, but must read the series of actions that indicate the intent of exploitation. Article 2 paragraph (1) of Law No. 21 of 2007 has actually opened up the space for proof for actions that aim to exploit or result in people being exploited. [9]Thus, attempted cases of human trafficking can still be read as serious crimes if there is a series of actions that clearly indicate the purpose of exploitation.

Victim testimony plays a crucial role in human trafficking investigations. Victims are typically the most knowledgeable about the recruitment process, job promises, fees requested, relationships with perpetrators, and the forms of pressure or deception experienced. However, victims are also vulnerable due to trauma, fear of the perpetrator, economic dependence on the perpetrator, or lack of awareness of their victimhood. In the context of witness and victim protection, Law No. 31 of 2014 provides witnesses and victims with the right to protection for their personal, family, and property security, and to be free from threats related to testimony they will, are, or have given. [10]Therefore, human trafficking investigations cannot be separated from victim protection. Building a strong case requires not only formal evidence but also examination conditions that allow victims to testify safely.

The quality of the case files also determines the success of a case in advancing to the prosecution stage. In the criminal justice system, investigation and prosecution are two interconnected stages. The public prosecutor examines the formal and material completeness of the case files, provides guidance if the files are incomplete, and determines the indictment and evidence strategy. Muhamad Yahya Harahap emphasized that the relationship between investigation and prosecution in the Criminal Procedure Code cannot be viewed separately, because the results of the investigation serve as the basis for the public prosecutor to formulate the indictment. [11]In human trafficking cases, this relationship becomes more complex because the public prosecutor not only assesses the

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[8] Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking.

[9] Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking.

[10] Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning Protection of Witnesses and Victims (2014).

[11] M. Yahya Harahap, *Discussion of Problems and Application of the Criminal Procedure Code: Investigation and Prosecution* (Sinar Grafika, 1998).

presence or absence of evidence, but also assesses whether the connection between the act, method, and purpose of exploitation has been logically established.

The role of the public prosecutor is evident in the pre-prosecution process, particularly through file review, the provision of instructions, and the determination of case completeness. The Prosecutor's Office's guidelines for administrative and technical management of special crime cases place file review as a crucial step in ensuring formal and material completeness before a case is submitted to court. [12]In the context of human trafficking, prosecutorial instructions may relate to the clarity of the defendant's role, the relationship between the defendant and the victim, evidence of communication, financial flows, travel documents, witness statements, and evidence demonstrating the intent to exploit. If these instructions are not adequately fulfilled, case files may be passed back and forth between investigators and the public prosecutor.

The findings in the verdict demonstrate that the primary issue is not simply the quantity of evidence, but rather the accuracy of the legal construction of the case. Ample evidence is not always sufficient if it does not demonstrate the link between recruitment, the methods used, and the purpose of exploitation. Conversely, appropriate construction can weave a scattered body of evidence into a coherent legal narrative. At this point, the prosecution serves as a bridge between the investigation and sentencing. Alternative or layered charges often demonstrate the prosecutor's caution in dealing with cases that overlap with other crimes, particularly violations of the protection of Indonesian migrant workers. However, alternative charges also demonstrate that the legal qualifications for human trafficking cases are not always straightforward.

The intersection between human trafficking and violations of migrant worker placement is a key characteristic of the case in Mataram City. Law No. 18 of 2017 concerning the Protection of Indonesian Migrant Workers regulates prohibitions and sanctions related to the illegal placement of migrant workers. [13]In practice, facts such as recruitment, document processing, placement abroad, or collecting fees can appear to constitute violations of migrant worker placement. If these facts are accompanied by fraud, abuse of a vulnerable position, or the purpose of exploitation, the construction can fall under the human trafficking regime. Therefore, law enforcement officials need to carefully distinguish between administrative/labor violations, criminal acts of migrant worker placement, and human trafficking.

The investigation and prosecution process for human trafficking crimes in Mataram City has essentially been operating within a specific human trafficking legal framework, but still requires strengthening in three areas. First , strengthening ability Investigators must read the entire chain of acts, means, and purposes. Second, strengthen coordination between investigators and prosecutors so that prosecutors' instructions can be effectively fulfilled. Third, strengthen victim protection so that victims' statements can be obtained without interference. pressure and wear For build construction adequate proof .

Criminalization Process Against Human Trafficking Perpetrators in Mataram City

Sentencing is the stage that demonstrates how the court assesses the seriousness of the crime and the degree of culpability of the defendant. In human trafficking cases, sentencing is not only related to the length of imprisonment, but also to the type of punishment, the amount of the fine, subsidiary punishment, and restitution as an instrument of victim rehabilitation. Theoretically, sentencing must consider the proportionality between the perpetrator's culpability, the consequences of the act, and the purpose of the punishment. Muladi positions the criminal justice system as a unified whole that must maintain a balance between protecting society, punishing perpetrators, and protecting individual rights. [14]In the context of human trafficking, this balance must be expanded to include the dimension of victim rehabilitation.

[12] Regulation of the Attorney General of the Republic of Indonesia Number PER-039/A/JA/10/2010 concerning Administrative and Technical Governance for Handling Special Criminal Cases (2010).

[13] Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers (2017).

[14] Muladi, *Selected Chapters on the Criminal Justice System* (UNDIP Publishing Agency, 1995).

Mataram District Court decisions from 2023 to 2025 show that judges generally consider human trafficking a serious crime. This is evident in the use of imprisonment and fines as the primary penalties. However, the severity of the sentence is not always determined by whether the offense has been completed or is still an attempted offense. In some cases, attempted human trafficking cases have been subject to quite severe penalties due to the involvement of multiple victims, structured recruitment, travel document processing, use of tourist visas, the collection of large fees, or the presence of a network of perpetrators. These findings indicate that judges assess not only the consequences but also the level of danger of the defendant's actions.

In terms of prison sentences, variations in human trafficking cases can be explained by the role of the defendant, the number of victims, the modus operandi, the stage of the offense, and the involvement of the network. Defendants who act as primary recruiters or controllers tend to be viewed more seriously than defendants whose roles are limited to intermediaries or assistants. Cases with multiple victims also carry a greater danger level because they indicate a broader recruitment pattern. Therefore, variations in sentences cannot necessarily be considered problematic disparities. Variations in sentences are justified as long as they are based on differences in the facts, degree of culpability, and consequences of the act.

In terms of criminal fines, the verdicts show a fairly wide range, ranging from Rp 10,000,000 to Rp 350,000,000. The most common fines are Rp 120,000,000 and Rp 300,000,000. Higher fines are generally found in cases involving non-procedural migrant worker placement, attempted departure abroad, or the existence of a perpetrator's network. However, the amount of the fine does not always reflect the economic benefit obtained by the perpetrator or the loss suffered by the victim. In fact, human trafficking is essentially a profit-oriented crime. If fines are only positioned as a supplement to imprisonment, then the economic dimension of human trafficking has not been fully addressed through criminal penalties.

Criminal Subsidiary punishment also presents its own problems. Subsidiary punishment essentially serves as a substitute for unpaid fines. However, if the subsidy is too light compared to the fine, the defendant may choose to serve a substitute sentence rather than pay the fine. This situation can weaken the function of fines as an instrument for combating economic crime. In human trafficking cases, fines should not be merely symbolic but should be part of a strategy to address the illegal profits from human exploitation.

Restitution is a crucial element in assessing whether criminal penalties are victim-oriented. Law No. 21 of 2007 grants victims the right to receive restitution for losses suffered as a result of human trafficking. [15]Restitution not only compensates for material losses but also serves as legal recognition of the victim's suffering. Contradictory research shows that restitution is not always optimally reflected in decisions and is not always effective in terms of implementation. Obstacles to restitution can stem from the lack of a detailed calculation of losses, the failure to submit an adequate restitution request, the perpetrator's inability to pay, or a weak enforcement mechanism.

Criminal policy must be designed rationally and systematically from the formulation stage through application to execution. [16]If restitution is only regulated normatively but not integrated into prosecution and sentencing practices, the goal of victim restitution will be difficult to achieve. Therefore, prosecutors need to be more proactive in calculating and proposing restitution, judges need to explicitly consider it, and relevant institutions need to ensure the implementation of restitution decisions.

The case structure also influences the sentencing. Of the 20 verdicts, 14 cases involved a single defendant and 6 cases involved more than one defendant. However, a single defendant case does not necessarily imply the act was committed by an individual. Many single-defendant cases still indicate the presence of other parties, such as sponsors, agents, intermediaries, or parties abroad. This suggests that the case structure in court does not

[15] Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking.

[16] Barda Nawawi Arief, *Anthology of Criminal Law Policy* (Kencana, 2008).

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always reflect the true structure of the network. As a result, judges can often only sentence the perpetrators present at trial, while other actors in the network may not be identified.

Simply put, the sentencing of human trafficking perpetrators in Mataram City shows a tendency toward firmness, but is not yet fully consistent in its orientation toward proportionality and victim restitution. The ruling has recognized human trafficking as a serious crime, but further strengthening is needed to formulate more measurable sentencing rationales, link the punishment to the defendant's role and impact on the victim, and ensure that restitution is not merely a normative right but is actually present in the verdict and enforceable.

Obstacles to law enforcement against human trafficking in Mataram City

Obstacles to law enforcement against human trafficking in Mataram City are multidimensional. The first obstacle is proving the elements of the crime. Human trafficking is complex because it requires proof of the connection between the act, method, and purpose of exploitation. In cases where actual exploitation has not yet occurred, authorities must prove the intent of exploitation through the defendant's series of actions. This requires the ability to read evidence not in isolation, but as a series of actions. Evidence of communication, money flow, document processing, travel tickets, victim statements, and recruitment patterns must be connected to demonstrate the purpose of exploitation.

The second obstacle is case qualification. TIP cases often overlap with migrant worker placement violations, fraud, or labor administration violations. If the case structure is not properly constructed, TIP risks being reduced to other, narrower crimes. Herry Wiyanto explained that TIP often overlaps with other crimes, requiring authorities to be careful in distinguishing exploitation from mere procedural violations. [17]In the Mataram context, the overlap with migrant workers is particularly pronounced because many cases relate to recruitment for work abroad.

The third obstacle relates to victims. Victims of human trafficking are often at the center of evidence, but they are also in a vulnerable position. Victims may experience fear, trauma, family pressure, economic dependence, or shame. Victims may also move, return to their hometowns, or find it difficult to appear in court. In some cases, the difficulty of having victims present can impact the strength of evidence. A victim-centered approach demands that the legal process treat victims not merely as evidence, but as subjects whose rights must be protected.

The fourth obstacle is victim recovery, particularly restitution. Normatively, restitution is regulated in the Anti-Terrorism Law and strengthened by the witness and victim protection regime. However, in practice, restitution faces obstacles in calculating losses, filing, proving, and executing them. Studies on the implementation of restitution indicate that victims often fail to receive effective restitution because perpetrators cannot afford to pay or choose alternative punishments. [18]This situation demonstrates that the success of law enforcement is not solely measured by imprisonment, but also by the extent to which victims receive real restitution.

The fifth obstacle is uncovering networks. Data shows that most cases have indications of a network, but not all actors within the network can be brought to justice. Law enforcement often targets perpetrators closest to the victim or those most easily identified, while sponsors, agents, controllers, or parties in the destination country are not necessarily identified. This aligns with the nature of human trafficking as a crime that can be committed through both structured groups and loose networks. The UNODC emphasizes that many traffickers operate in structured groups or loose networks, and more organized networks tend to exploit more victims.[19]

The sixth obstacle is coordination between law enforcement agencies. Handling human trafficking involves the police, prosecutors, courts, witness and victim protection agencies, local governments, and service agencies. If

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[17] Herry Wiyanto, "Characteristics of Human Trafficking Crimes and Intersections with Other Crimes," *The Prosecutor Law Review* 1, no. 1 (2023).

[18] Yanti Purnama Sari, "The Role of the Prosecutor's Office in Determining the Right to Restitution for Victims of Human Trafficking Crimes: A Study at the Mataram District Prosecutor's Office" (Muhammadiyah University of Mataram, 2022).

[19] United Nations Office on Drugs and Crime, *Global Report on Trafficking in Persons 2024* .

coordination between agencies is ineffective, the process of establishing evidence, protecting victims, calculating restitution, and uncovering networks will be disrupted. The Presidential Regulation on the Task Force for the Prevention and Handling of Human Trafficking and the National Action Plan demonstrate that human trafficking handling is designed as a cross-sectoral effort. [20]However, this institutional design needs to be translated into more operational technical coordination at the regional level.

These obstacles demonstrate that legal effectiveness is determined not only by the substance of the law, but also by the structure of law enforcement, facilities, society, and legal culture. Soerjono Soekanto emphasized that law enforcement is influenced by legal factors, law enforcement, facilities, society, and culture. [21]Lawrence M. Friedman also explained that the legal system operates through legal structure, substance, and culture. [22]Within this framework, the obstacles to human trafficking in Mataram can be interpreted as problems involving norms, apparatus, institutional coordination, technical capacity, and the social position of victims.

Strengthening law enforcement against human trafficking (TPPO) needs to be carried out in an integrated manner. During the investigation phase, authorities need to strengthen their ability to identify victims, analyze networks, and construct the elements of act, means, and purpose. During the prosecution phase, prosecutors need to strengthen the quality of evidence, charges, evidence, and restitution requests. During the sentencing phase, judges need to link the criminal penalty to the defendant's role, the number of victims, the network, economic gain, and the impact on the victims. Meanwhile, local governments and service institutions need to strengthen victim protection and recovery mechanisms so that the legal process not only results in a verdict but also substantive justice for victims.

CONCLUSION

Law enforcement against human trafficking crimes in Mataram City has essentially used a special legal framework for human trafficking, but its implementation still faces challenges in proving the link between the act, method, and purpose of exploitation. At the investigation/prosecution stage, the quality of the case is largely determined by the investigator's ability to construct a complete legal framework, connect evidence, and securely obtain victim statements. At the prosecution stage, the role of the public prosecutor is crucial through file research, providing clues, preparing indictments, and providing evidence strategies, especially when the case facts intersect with the non-procedural placement of migrant workers. The sentencing of perpetrators of human trafficking in Mataram City shows that judges generally view human trafficking as a serious crime, but there are still variations in prison sentences, fines, subsidiary sentences, and restitution that need to be strengthened to be more consistent, proportional, and oriented towards victim recovery. Obstacles to human trafficking law enforcement are multidimensional, including obstacles to proof, case qualifications, victim status, victim recovery, coordination between authorities, and uncovering perpetrator networks. Thus, strengthening the enforcement of human trafficking law is not only directed at punishing perpetrators, but must also ensure proper case construction, effective coordination between investigators and public prosecutors, proportional sentencing considerations, and protection and rehabilitation of victims as an integral part of the criminal justice system.

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[20] Presidential Regulation Number 49 of 2023 concerning the Second Amendment to Presidential Regulation Number 69 of 2008 concerning the Task Force for the Prevention and Handling of Criminal Acts of Human Trafficking (2023).

[21] Presidential Regulation Number 49 of 2023 concerning the Second Amendment to Presidential Regulation Number 69 of 2008 concerning the Task Force for the Prevention and Handling of Criminal Acts of Human Trafficking.

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