

The Urgency of Legal Reform and Inter-Agency Synergy in Efforts to Eradicate Child Trafficking

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Abstract

Child trafficking is a serious crime that violates human rights and has a negative impact on the physical, mental, and social development of children. In Indonesia, this phenomenon continues to be a significant challenge that requires a comprehensive approach involving effective criminal law enforcement and victim protection measures. The main objectives of this study are to analyze the criminal law regulations governing the crime of child trafficking and to evaluate the efficacy of legal protection provided to child trafficking victims. The research methodology used is the normative legal method, using a legislative and conceptual approach. The legislative approach requires a thorough examination, including Law Number 21 of 2007, which relates to the eradication of human trafficking crimes, and Law Number 35 of 2014, which focuses on child protection. This study examines international legal instruments that have been ratified by Indonesia. The data used in this study come from primary legal sources, namely laws and regulations, and secondary legal sources, namely legal literature, scientific journals, and reports from related institutions. Data analysis is carried out qualitatively through the interpretation of applicable legal provisions and an assessment of their alignment with child protection practices in Indonesia. The expected contribution of this research lies in the development of criminal law and child protection policies, as well as being a valuable reference for policy makers and legal practitioners in their efforts to combat child trafficking in Indonesia.

Keywords : Criminal acts, Criminal law, Child trafficking, legal protection

I. INTRODUCTION

Child trafficking is a transnational crime that crosses national borders, involving many countries as sources, transit points, and destinations. This heinous act involves the recruitment, transportation, transfer, harboring, or receipt of children for the purpose of exploitation, including commercial sexual exploitation, forced labor, slavery, and other similar practices (Puspasari, 2023). As a transnational crime, child trafficking often relies on organized criminal networks that exploit legal gaps and regulatory variations across countries to carry out their illicit activities (Heryadi, Sari, Pratisti, & Rifawan, 2021). Child trafficking is also a serious violation of human rights, resulting in adverse impacts on the physical, mental, and social development of its victims (Levina, 2021).

Child trafficking is a heinous crime with broad consequences, not only affecting the victims but also their families and the wider community. Children who fall victim to trafficking often endure various forms of exploitation, such as forced labor, slavery, or sexual exploitation. These experiences can cause deep physical and psychological trauma, including physical injuries, mental disorders, and the loss of a decent future (Widiastuti, 2010). Furthermore, victims often lose access to education and health services, which negatively impacts their development and well-being (Malau, 2024). Child trafficking will certainly become more concerning if not addressed firmly. This issue is particularly worrying because it affects the future and welfare of children, whose lives can reflect the progress of a nation (Akbar, 2012). In challenging living conditions, children may engage in harsh and exploitative behaviors that could have long-term negative effects. Moreover, children affected by war often become conflict victims, with many forced to leave their homes and bear the consequences of human-caused disasters. Additionally, children from disadvantaged backgrounds, including those affected by racism and discrimination, face additional challenges that hinder their development (Malau, 2024).

The families of trafficked children often experience severe emotional and psychological pressure. Feelings of guilt, shame, and regret may haunt parents or guardians, especially if they feel they failed to protect their child. Furthermore, the loss of a child can cause economic instability, particularly if the child previously contributed to the family's income (Buulolo, 2025). In the societal context, child trafficking undermines moral and social values. Communities frequently affected by child trafficking may experience declining trust among citizens and toward law enforcement institutions. The presence of child trafficking practices exposes vulnerabilities in social and economic systems, including poverty, inadequate education, and limited employment opportunities, which require urgent attention to prevent similar cases from recurring in the future (Simbolon, 2016).

The modus operandi of child trafficking is increasingly diverse from year to year. For example, human trafficking is now often facilitated through the internet to expand its reach via social media platforms (Saputra, 2024). Additionally, there are modes involving forced child marriage as a cover for exploitation, which includes forms of sexual and economic violence,

as well as other forms (Sukawantara, 2020).

The legal framework regulating child trafficking in Indonesia is based on several national legislations as well as ratified international legal instruments. Law Number 21 of 2007 on the Eradication of the Crime of Trafficking in Persons (TPPO Law) is the main legal basis for handling human trafficking, including child trafficking. Article 2 paragraph (1) of the TPPO Law states that “Anyone who recruits, transports, harbors, sends, transfers, or receives someone by threat of violence, use of violence, kidnapping, confinement, forgery, fraud, abuse of power or vulnerable position, debt bondage, or providing payment or benefits, thereby obtaining consent from the person controlling the other, whether conducted domestically or across countries, for the purpose of exploitation or causing a person to be exploited, shall be sentenced to imprisonment of no less than 3 (three) years and no more than 15 (fifteen) years and fined no less than Rp120,000,000.00 (one hundred twenty million rupiah) and no more than Rp600,000,000.00 (six hundred million rupiah).” Furthermore, Article 6 states that child trafficking is considered an aggravated form of human trafficking, where if the victim is a child, the perpetrator may be subject to a heavier penalty as regulated in Article 17, which is imprisonment of no less than 3 (three) years and no more than 15 (fifteen) years as well as a fine of no less than Rp120,000,000.00 (one hundred twenty million rupiah) and no more than Rp600,000,000.00 (six hundred million rupiah).

In addition, Law Number 35 of 2014 on Child Protection, which amends Law Number 23 of 2002, also provides special protection for children who become trafficking victims. Article 59A states that “The Government, Regional Governments, and other state institutions have the obligation and responsibility to provide special protection to children who become victims of child trafficking networks.” Meanwhile, Article 76F affirms that “Everyone is prohibited from placing, leaving, doing, ordering to do, or participating in economic and/or sexual exploitation of children.” Violations of these provisions are punishable as stipulated in Article 88, which carries a maximum imprisonment of 10 (ten) years and/or a fine of up to Rp200,000,000.00 (two hundred million rupiah). Besides national legal instruments, Indonesia has also ratified various international legal instruments related to child protection from trafficking, including the Convention on the Rights of the Child (CRC) through Presidential Decree Number 36 of 1990, which in Article 35 states that “States Parties shall take all appropriate national, bilateral, and multilateral measures to prevent the abduction, sale, or trafficking of children for any purpose or in any form.” Moreover, Indonesia has ratified the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography through Law Number 10 of 2012, which in Article 3 asserts that every country must criminalize all forms of child exploitation, including sale, prostitution, and pornography of children.

The urgency of legal reform in handling child trafficking in Indonesia arises as a response to various deficiencies in the existing legal system, such as overlapping regulations and weak law enforcement that hinder the effectiveness of protection for victims. Although Indonesia

has several regulations governing child trafficking, such as Law Number 21 of 2007 on the Eradication of the Crime of Trafficking in Persons and Law Number 35 of 2014 on Child Protection, implementation in the field still faces significant obstacles. One of the main issues is the mismatch or disharmony between national law and ratified international standards, such as the Convention on the Rights of the Child and the Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography. These regulatory imperfections often cause legal uncertainty for law enforcement officers in handling child trafficking cases. Additionally, many child trafficking cases are not properly addressed due to weak coordination between the criminal justice system and child protection agencies, resulting in victims not receiving adequate protection. Therefore, comprehensive legal reform is needed to harmonize national regulations with international legal instruments and strengthen law enforcement mechanisms to provide more effective protection for trafficked children.

Besides legal reform aspects, combating child trafficking also requires strong synergy among various related agencies, such as the Police, Ministry of Women's Empowerment and Child Protection (KPPPA), Ministry of Social Affairs, and non-governmental organizations focused on child protection. However, in practice, inter-agency coordination still faces various barriers, such as policy differences, lack of trained human resources in handling child trafficking victims, and overlapping authorities that hamper case handling effectiveness. Moreover, the absence of an integrated system for documenting and monitoring child trafficking cases leads to many victims not receiving adequate legal and psychosocial assistance. To overcome these challenges, a multidisciplinary approach involving various sectors, including law enforcement agencies, government, civil society organizations, and the wider community, is necessary to raise awareness of the dangers of child trafficking. Better synergy can also be realized through improved coordination mechanisms between agencies, enhanced capacity of officers in handling child trafficking cases, and community involvement in prevention and victim rehabilitation efforts. With comprehensive legal reform and more effective inter-agency synergy, efforts to eradicate child trafficking in Indonesia are expected to run more optimally and provide maximum protection for trafficked children.

2. **METHOD**

This research uses a normative juridical method, which is a legal research method focusing on the study of applicable legal norms. The approaches used include the statutory approach and the conceptual approach. The statutory approach is conducted by reviewing various legal regulations governing child trafficking, such as Law Number 21 of 2007 on the Eradication of the Crime of Trafficking in Persons, Law Number 35 of 2014 on Child Protection, and other implementing regulations. Furthermore, this research also examines international legal instruments ratified by Indonesia, such as the Convention on the Rights of the Child and the Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography. Meanwhile, the conceptual approach is used to understand concepts related to

child protection, human trafficking, and how these concepts are implemented in the national legal system. This approach helps analyze whether existing regulations comply with internationally recognized child protection principles and how urgent legal reform is in addressing child trafficking in Indonesia.

The data sources used in this study consist of primary legal sources and secondary legal sources. Primary legal sources include legislation, international conventions, and other official documents with legal force. Secondary legal sources include legal literature, scientific journals, previous research results, and reports from government agencies and international organizations related to child trafficking. Data collection techniques are conducted through library research, i.e., collecting, reviewing, and analyzing various relevant legal materials. The data analysis technique in this research is qualitative, where the obtained data are analyzed systematically through legal interpretation and normative argumentation methods. This analysis aims to assess the effectiveness of existing regulations in providing protection for child trafficking victims, identify weaknesses in the current legal system, and formulate recommendations for more effective legal reforms in efforts to eradicate child trafficking in Indonesia.

3. RESULT AND DISCUSSION

3.1 Criminal Law Provisions in Indonesia in Regulating and Combating the Crime of Child Trafficking

The effectiveness of criminal law in handling child trafficking heavily depends on the firmness of applicable legislation and the enforcement by relevant authorities (Ardianto, 2024). In Indonesia, the crime of child trafficking is regulated by a comprehensive set of laws covering criminal aspects and child protection efforts. One of the main legislative sources regulating child trafficking is Law Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons (TPPO). This law provides detailed regulation in Article 1 point 2, which defines human trafficking, including children, as any act of recruitment, transportation, transfer, harboring, or receipt of a person with the intent to exploit them. Furthermore, Article 2 stipulates that anyone who deliberately commits human trafficking shall be subject to imprisonment of up to 15 years and a fine of up to 600 million rupiah.

Child protection is also regulated under Law Number 35 of 2014 which comprehensively regulates children's rights, including protection from child trafficking. Article 77 of this law asserts that every child has the right to protection from all forms of violence, exploitation, and oppression, including child trafficking. Furthermore, Article 80 regulates criminal sanctions for anyone who deliberately commits child trafficking.

At the international level, Indonesia has ratified the Palermo Protocol, which is part of the UN Convention on the Rights of the Child. This protocol provides guidelines on measures that countries must take in preventing and eradicating child trafficking (Sahetapy, 2022). Indonesia ratified the Palermo Protocol through Law Number 7 of 2004, which is an integral

part of the United Nations Convention on the Rights of the Child. This protocol is an international instrument adopted by UN member states in 2000, aiming to prevent, punish perpetrators, and provide protection to victims of human trafficking, particularly children. The protocol has four main objectives: prevention of child trafficking, eradication of child trafficking, protection and rehabilitation of victims, and international cooperation (Yusitarani, 2020).

Regarding prevention and eradication of child trafficking, Article 9 of the Palermo Protocol sets preventive measures, including efforts to increase education and public awareness regarding human trafficking, especially involving children. This article also mandates countries to implement effective measures to strengthen border controls to prevent unauthorized movement of individuals, including children, across borders. Article 5 of the Palermo Protocol obligates ratifying countries to enact laws criminalizing human trafficking, including children, and to impose severe penalties. Additionally, this article mandates that traffickers are not immune from legal prosecution and must undergo fair legal processes.

Then, Articles 6 and 8 of the Palermo Protocol relate to protection and rehabilitation of victims. Article 6 mandates states to provide adequate protection to trafficking victims, including medical, psychological, and legal assistance. Article 8 outlines measures necessary to restore victims' well-being, including social and family reintegration. Articles 10 through 13 regulate international cooperation. These articles emphasize the importance of countries sharing information, coordinating law enforcement, and cooperating in the extradition of child traffickers and cross-border monitoring. States are also required to support each other in prevention, investigation, and prosecution of child trafficking crimes.

These four aspects demonstrate international commitment in handling child trafficking, and Indonesia, as a country that ratified the Palermo Protocol, has implemented many of these principles into national legislation, such as Law Number 21 of 2007 on the Eradication of Trafficking in Persons and Law Number 35 of 2014 on Child Protection (Panjaitan, 2022).

The regulations governing child trafficking in Indonesia are based on various national and international legal instruments that have been ratified. One of the main regulations is Law Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons (TPPO), which explicitly regulates acts of child trafficking and their sanctions. Article 2 paragraph (1) of the TPPO Law states that "Any person who recruits, transports, shelters, sends, transfers, or receives someone by threat of violence, use of violence, kidnapping, confinement, forgery, fraud, abuse of power or vulnerable position, debt bondage, or payment or benefits, thus obtaining consent from the person in control of the other person, whether carried out domestically or internationally, for the purpose of exploitation or causing exploitation, shall be punished by imprisonment of at least 3 (three) years and at most 15 (fifteen) years and a fine of at least IDR 120,000,000.00 (one hundred twenty million rupiah) and at most IDR 600,000,000.00 (six hundred million rupiah)." Furthermore, Article 6 states that if the trafficking crime involves children as victims, it is considered an aggravated form of

trafficking. This provision is clarified in Article 17, which stipulates that if the victims are children, the perpetrator may be sentenced to imprisonment of at least 3 years and at most 15 years, and a fine of at least IDR 120 million and at most IDR 600 million. Although the TPPO Law provides a strong legal basis, implementation in the field still faces many challenges, including weak law enforcement and minimal inter-agency coordination in protecting child trafficking victims.

In addition to the TPPO Law, Law Number 35 of 2014 on Child Protection, which is an amendment to Law Number 23 of 2002, is also an important legal basis in providing special protection for children who are victims of trafficking. Article 59A states that “The Government, Regional Governments, and other state institutions are obligated and responsible to provide special protection to children who are victims of child trafficking networks.” Furthermore, Article 76F states that “Everyone is prohibited from placing, allowing, committing, ordering, or participating in economic and/or sexual exploitation of children.” If this prohibition is violated, criminal sanctions stipulated in Article 88 apply, namely “Anyone who violates the provisions as referred to in Article 76F shall be punished with imprisonment of up to 10 (ten) years and/or a fine of up to IDR 200,000,000.00 (two hundred million rupiah).” With these provisions, the Child Protection Law reinforces the state's obligation to provide protection for children who are victims of exploitation, including those trafficked for sexual purposes, forced labor, or other forms of exploitation. However, despite these regulations, many child trafficking victims still do not receive optimal protection due to weak rehabilitation and recovery systems for those who have experienced exploitation.

Besides national regulations, Indonesia has also ratified various international legal instruments governing child protection from trafficking, one of which is the Convention on the Rights of the Child (CRC), ratified through Presidential Decree Number 36 of 1990. Article 35 of the CRC affirms that “States Parties shall take all appropriate national, bilateral, and multilateral measures to prevent the abduction, sale, or trafficking of children for any purpose or in any form.” Additionally, Indonesia ratified the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography through Law Number 10 of 2012, which in Article 3 states that “Every country is obligated to criminalize all forms of child exploitation, including sale, prostitution, and child pornography.” Ratification of these international instruments demonstrates Indonesia’s commitment to eradicating child trafficking, yet national implementation still requires much improvement, especially in regulatory harmonization and strengthening law enforcement mechanisms to meet international standards.

3.2 The Urgency of Legal Reform and Inter-Agency Synergy in Enhancing the Effectiveness of Law Enforcement and Protection for Victims of Child Trafficking in Indonesia

The implementation of legal protection for children as victims of human trafficking

crimes in Indonesia requires comprehensive efforts from various legal, social, and psychosocial aspects. Legal protection for child victims of human trafficking aims not only to provide justice through judicial processes but also to ensure the physical and mental recovery of victims, as well as social reintegration that allows them to return safely and with dignity to society (Indirati, 2014). Protection of child victims of human trafficking within the justice system begins with the application of special provisions contained in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. Article 1 Paragraph 2 of this Law defines children in conflict with the law (ABH) as individuals under 18 years old who are victims or perpetrators of criminal acts. Child victims of human trafficking have the right to receive comprehensive protection throughout the entire judicial process, from the investigation stage to the trial phase.

Article 64 of the Child Protection Law (Law No. 35 of 2014) provides better protection, affirming that every child who becomes a victim of violence, exploitation, or child trafficking is entitled to receive free legal assistance. This provision aims to ensure that victims are not merely considered witnesses but also parties entitled to maximal legal protection. Additionally, Law Number 13 of 2006 on Witness and Victim Protection guarantees the rights of child victims of human trafficking to receive protection as witnesses or victims in legal processes. This law regulates the provision of both physical and psychological protection for children, as well as security guarantees to shield children from threats or intimidation that could disrupt ongoing legal proceedings.

Besides protection in the legal domain, child victims of human trafficking must also be granted rights to social protection and rehabilitation (Fitri, 2022). Law Number 35 of 2014 concerning Child Protection guarantees children's rights to physical and psychological recovery. Article 59 of this law stipulates that the government and society are responsible for providing social rehabilitation services that include medical, psychological, and social services to assist victims in trauma recovery. These services include health recovery, education, and strengthening the mental and emotional capacity of victims through psychological counseling. The government, through the Ministry of Social Affairs of the Republic of Indonesia, also provides assistance to child victims of human trafficking through the Victim Handling Institution for Human Trafficking (LPKPO), which functions to provide social rehabilitation and ensure that children receive maximum protection and recovery. This program includes the restoration of children's social rights, such as access to education, skills training, and social reintegration with family and community (Iskandar, 2021).

Human trafficking, especially involving children, is a serious crime with deep and lasting consequences for its victims. These victims not only suffer physical violence but also psychological trauma, sexual exploitation, and various forms of human rights violations. Therefore, it is crucial to improve criminal law regulations and provide strong victim protection measures to effectively combat and reduce the prevalence of child trafficking in Indonesia. Indonesia is one of the countries often used as both a destination and source of child trafficking

victims (Daniah, 2018). Although Indonesia has legislation to combat human trafficking, the phenomenon of child trafficking remains a significant problem. This is caused by several factors, including weak law enforcement, low public awareness, and limited resources to handle these cases.

One of the main focuses in strengthening criminal law regulations is the enhancement of criminal sanctions for perpetrators of human trafficking crimes. The application of strict and heavy criminal sanctions against human trafficking offenders will have a deterrent effect, thus reducing the likelihood of similar crimes occurring. The improvement of criminal law regulations requires the implementation of heavier penalties for perpetrators of human trafficking crimes, as well as tightening sanctions for cross-border human trafficking offenders (Seftiniara, 2024). Regarding this, Law Number 21 of 2007 and Law Number 35 of 2014, which regulate the eradication of human trafficking and child protection respectively, have already stipulated relatively heavy sanctions. However, effective law enforcement and implementation are vital to provide a sense of security for children.

Besides punishing perpetrators, it is crucial to enhance regulations to provide comprehensive protection for victims. This protection must include physical, psychological, and social recovery. Strengthening victim protection regulations can be achieved through measures that guarantee victims' access to adequate medical, psychological, and social rehabilitation services. This is particularly important for child victims of human trafficking, who often experience severe trauma, both physical and mental, requiring long-term rehabilitation (Arliman, 2016). In this context, Article 6 of the Palermo Protocol, which governs victim protection, provides a strong foundation for the importance of psychological and social protection for victims.

Strengthening legal regulations is a crucial step in preventing child trafficking. One prevention measure is to increase supervision at vulnerable points such as borders, ports, and airports. More thorough examination of children's travel documents can reduce the possibility of unauthorized movement. Furthermore, effective socialization campaigns to educate the public about the dangers of child trafficking are essential (Puspasari, 2023). The roles of family, school, and community in protecting children are very important, and regulations that support these efforts are vital.

Considering that child trafficking is transnational in nature, regulations governing international cooperation to combat this heinous crime are very important. As a country that has ratified the Palermo Protocol, Indonesia is obliged to enhance cooperation with other countries in information exchange, prosecution of perpetrators, and victim recovery. Regulations governing international cooperation will expedite handling of child trafficking cases involving perpetrators and victims from various jurisdictions (Seftiniara, 2024). Furthermore, strengthening the legal framework requires improving coordination among government agencies, law enforcement, and non-governmental organizations (NGOs) dedicated to child protection. The complexity of child trafficking cases involving many parties

such as law enforcement, prosecutors, courts, social services, and NGOs requires regulations that clearly define the roles and responsibilities of each entity. Effective coordination among these stakeholders will enable efficient case processing and comprehensive protection for victims (Rachman, 2023).

4. CONCLUSION

Child trafficking is a transnational crime involving organized criminal networks across countries, with profoundly harmful impacts on victims, their families, and society. Children who fall victim are often exploited for sexual purposes, forced labor, or slavery, resulting in severe physical and psychological trauma, and hindering their development. Child trafficking also erodes social and moral values within society, causes economic instability for victims' families, and worsens existing socio-economic vulnerabilities, such as poverty and inequality. Moreover, the increasingly sophisticated modus operandi such as the use of the internet and forced child marriage further aggravates this situation.

Child trafficking is a cross-border crime that has deep and long-lasting effects on its victims physically, psychologically, and socially. To effectively address this issue, it is essential to strengthen criminal law regulations and enhance victim protection measures. This includes strict law enforcement against perpetrators and the provision of comprehensive rehabilitation services for victims. Although Indonesia has relatively strict laws and regulations, their implementation is currently hampered by several factors, including inadequate law enforcement capabilities and limited resources. Therefore, it is critical to improve the legal framework, including the imposition of stricter criminal penalties, comprehensive victim protection measures, and enhanced international cooperation. Effective collaboration between government institutions, law enforcement agencies, and social organizations is vital to ensure optimal victim protection and fair prosecution of offenders.

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