

Analysis of Criminalization of Perpetrators of Human Trafficking Crimes Based on the Trilogy of Legal Objectives

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Article History

Received on 26 September 2025

1st Revision 01 October 2025

2nd Revision 08 October 2025

3rd Revision 15 October 2025

Accepted on 20 October 2025

Abstract

Purpose: This study aims to analyze the modus operandi of human trafficking in Indonesia, its legal framework, and the application of criminal sanctions to perpetrators based on the legal objectives of justice, certainty, and utility.

Methodology/approach: Using secondary sources and a normative juridical approach, this study analyzes statutes, regulations, and legal concepts through a descriptive-analytical method to assess the consistency of legislation and its application in human trafficking cases.

Results/findings: Findings show that human trafficking in Indonesia involves sexual exploitation, forced labor, child trafficking, and organ trade, regulated under Law No. 21/2007, the Criminal Code, and Law No. 35/2014 on Child Protection.

Conclusions: Human trafficking in Indonesia includes sexual exploitation, forced labor, child trafficking, and organ trade. It is addressed through Law No. 21/2007 as a *lex specialis*, supported by the Criminal Code and Child Protection Law.

Limitations: This study uses a normative juridical analysis at a macro level, without empirical field data or direct perspectives, so it does not fully capture local implementation issues or judicial inconsistencies.

Contribution: This research offers a theoretical and practical framework for harmonizing the trilogy of legal objectives in criminalizing human trafficking and sentencing policies in Indonesia.

Keywords: Human Trafficking, Legal Framework, Modus Operandi, Sentencing, Trilogy of Legal Objectives.

How to Cite: Togatorop, D. T., Shafira, M., Farid, M., Siswanto, H., Meidiantama, R. (2026). Analysis of Criminalization of Perpetrators of Human Trafficking Crimes Based on the Trilogy of Legal Objectives. *Jurnal Ilmiah Hukum dan Hak Asasi Manusia*, 5(2) 37-46.

1. Introduction

A criminal act is something that can get you into trouble because it violates the law. "Strafbaar feit" means "punishable by law" and applies to all illegal acts, whether committed intentionally or unintentionally (Redha & Trisna, 2023). Andi Hamzah argues that in order for an act to be considered a criminal offense, it must be clearly prohibited or subject to legal sanctions. Criminal law addresses three main issues: (1) criminal acts that violate or threaten the law; (2) criminal responsibility of the perpetrator; and (3) the subject of punishment or its consequences. The subject of a crime is defined based on these three principles as an individual who commits an unlawful act and faces criminal punishment. In addition to being a subject of punishment in the future, they are also the object who must be held accountable for their actions (Wirogito, 2022). The practice of human trafficking, which violates the law, is a serious crime..

Human trafficking is the modern equivalent of slavery, which no longer exists. The term "human trafficking" refers to the exploitation of vulnerable populations, such as children and women, for commercial purposes such as forced labor or prostitution (Hambali & Arief, 2023). Human trafficking is a complex global issue that challenges long-standing principles in society, the state, and Indonesia. This practice, which includes slavery and sexual exploitation, has become institutionalized as a form of systematic human rights violation involving manipulation, fraud, or coercion of a person for exploitation. As a transnational organized crime, human trafficking requires a comprehensive and integrated legal approach in efforts to combat it (Latif, Al Arif, & Febrianti, 2025).

Article 1 of Law No. 21 of 2007 on the Eradication of Human Trafficking states that any domestic or international practice intended to exploit or facilitate the exploitation of humans through tactics such as recruitment, transportation, housing, delivery, transfer, or reception; threats, kidnapping, detention, fraud, abuse of power or vulnerability, debt bondage, or exchange for monetary or non-monetary benefits is considered human trafficking. Some examples of exploitative behavior include slavery, forced labor or services, organ harvesting, prostitution, or acts that are substantially similar to slavery (Fadillah, Muammar, & la Antio, 2022).

In the legal context, there are three main principles that always serve as benchmarks in assessing the quality of a judicial system: justice, legal certainty, and legal utility. These three principles have distinct characteristics, and they often conflict with each other in their application. For example, a decision that strictly adheres to the rule of law may result in certainty but ignore substantive justice. The tension between these three legal principles has sparked long debates in both legal theory and practice. On one hand, there is a need to maintain legal stability through certainty; on the other hand, everyone expects the law to have practical goals and to be consistent with common sense about justice. An imbalance in managing these principles can lead to a crisis of legitimacy in the judicial system (Yusnani, 2023).

This study is important for a deeper understanding of the criteria for criminal sanctions, considering the complexity of human trafficking, a form of contemporary slavery that violates positive law and human dignity. This study also aims to investigate how the principles of justice, legal clarity, and societal utility can be applied in criminal law to address the challenges of combating this global organized crime. Theoretically and practically, this study is expected to help improve the criminal justice system, protect victims as much as possible, and assist law enforcement in their efforts to achieve fair and beneficial punishment for society. This research fills the gap in legal studies by integrating Radbruch's legal philosophy into the analysis of human trafficking punishment. Based on the problems and title described above, the research questions to be discussed are as follows:

1. What are the modus operandi forms in human trafficking crimes in Indonesia, and how does the Indonesian positive legal framework respond legally?
2. How is the application of punishment for perpetrators of human trafficking crimes viewed from the trilogy of legal purposes (justice, certainty, and legal utility)?

2. Literature Review

2.1 *Definition of Criminal Law, Criminal Acts, and Punishment*

When asked to define crime, Simon stated that crime is the infliction of pain on another human being. A person's suffering is related to a violation of standards set in criminal law, in cases where a guilty verdict has been passed by the court (Pratama, 2025). Algae Jassen argues that judges use crime and punishment as tools to prevent individuals from engaging in unjust behavior (Maya Shafira, Deni Achmad, Fristia Berdian Tamza, & M Humam Ghiffary, 2022). In criminal law and other branches of law, the concept of criminal behavior is fundamental. 'Evil behavior' and 'crime' (crime/Verbrechen/misdaad) are different concepts that may have varying interpretations, depending on whether one uses a legal or criminological perspective (Heni Siswanto & Siswanto, 2022).

Simons mentions the existence of both objective and subjective elements of a criminal act (strafbaar feit). The objective elements are (Heni Siswanto & Siswanto, 2022) :

1. The act of a person/human being.
2. The visible consequences of that act.

3. There may be certain circumstances accompanying the act, such as the nature of "public" or "in public" as stated in Article 281 of the Criminal Code (KUHP).

The subjective elements of a criminal act (strafbaar feit) are:

1. A person who is capable of being held responsible.
2. The existence of fault (dolus or culpa). The act must be performed with fault.

Assessing and applying the legal consequences of criminal law is known as criminalization (Kaley & Aryana, 2023). A "criminal" is someone who violates the law, while "sanctions" are a form of punishment. From a philosophical point of view, material crimes differ from formal criminal violations. If criminalization is generally understood as the action of the court in imposing a sentence, then the criminal system encompasses all laws that govern the enforcement or application of criminal law to punish perpetrators, according to Barda Nawawi Arief. The sanctions imposed by law (Maya Shafira et al., 2022). Regarding Prof. Soedarto, the term "criminalization" is synonymous with "punishment." The term, which is closely related to the word "law," can be interpreted as the process of choosing or deciding criminal penalties (berechten). Often, this term evokes the image of criminal law, especially when a verdict is handed down. According to Jan Rammelink, the government is very cautious and acts carefully when punishing individuals who break the law. According to M. Sholehuddin and Jerome Hall, there are several characteristics related to criminalization and punishment (Purba, Pandiangan, & Sitanggang, 2024):

- a. Punishment is the deprivation of basic life rights.
- b. Crimes involving violence are punished when they occur.
- c. The state legitimizes and executes punishment.
- d. For there to be punishment, the verdict must set out the violated rules, regulations, and clauses.
- e. Imposing a penalty on a criminal requires adherence to ethical codes if the violation and punishment have moral weight.
- f. Considering the character, motivation, and underlying impulses of the offender allows for the modification of the severity and type of punishment in proportion to the crime committed.

2.2 General Overview of Human Trafficking

Human trafficking, modern slavery, takes various forms, one of which is human trafficking, which occurs on a global scale. Several tactics are used, including deceitful and illegal actions such as seduction, threats, fraud, or persuasion (Nadia, Fa'iq, & Hidayah, 2025). The perpetrators of human trafficking torture their victims for financial gain; this is the primary motivator for the crime. Crimes such as kidnapping, imprisonment, fraud, forgery, abuse of authority, and debt entrapment are also used (SinlaEloE, 2024). Law No. 21 of 2007 on the Eradication of Human Trafficking sets out the rules for handling human trafficking cases.

As national borders become more open, the human trafficking criminal networks become more interconnected. Syndicates can enter countries in highly secretive ways. Human trafficking serves several purposes. Slavery can occur in various forms, including legal slavery and covert slavery that involves luring individuals to other places or even forcing them to work abroad against their will using threats, deceit, and persuasion. Human trafficking is a heinous act that violates human rights. It remains a growing problem, with the number of reported cases increasing each year. The heinous act of human trafficking is a violation of basic human decency. Human trafficking involves several components, such as (Amin, 2023):

1. Process
The process of human trafficking includes several things, such as recruiting, lifting, transferring, hiding, or receiving (potential victims).
2. Means
Perpetrators control the victims by threatening, physically harming them, kidnapping, pretending to be someone else, misleading, abusing power or vulnerability, or offering benefits in exchange for money.

3. Purpose

Forced labor, sexual exploitation, slavery, organ harvesting, or prostitution are ways in which human trafficking victims are exploited.

Offering high-paying jobs to victims without detailing the nature or risks of the job is a common deceptive approach that often leads to human trafficking. Once convinced to take on the job, the victims, mostly children and women, are sent to remote areas to stay. They are then moved from one intermediary to another, and eventually, the sale and purchase transaction takes place. As a form of violence, human trafficking disproportionately affects women and strips away their rights; however, human rights generally include women's rights, so human trafficking crimes fundamentally disregard human dignity (Alhakim, Situmeang, & Mashita, 2023).

2.3 Review of the Trilogy of Legal Purposes (Certainty, Justice, and Utility)

Legal certainty is a crucial principle in the judicial system, because without certainty, society would struggle to access their legal rights. In the context of the judiciary in Indonesia, legal certainty is often a major focus due to the ambiguity in legal interpretation and inconsistencies in court decisions. One factor contributing to this issue is the misalignment between existing regulations and the practices occurring in the field. It is difficult to provide the legal requirements necessary for law enforcement without legal clarity, making it extremely important. Society views the purpose of law as essentially providing order and discipline, as this role is vital. A disciplined and orderly society is the core of the law. Everything cannot proceed naturally if people do not follow rules and regulations. A person's ability to obtain what they desire under certain circumstances is guaranteed by legal certainty, which provides reasonable protection against arbitrary actions. As it aims to maintain social order, the function of law is to provide legal certainty. On the other hand, society anticipates benefits from the implementation or enforcement of laws. Legal rules are social institutions, and therefore, their implementation should serve the public interest (Afriyanto, Ainur, Ahmad Syauqi, & Rahmad Ready, 2024).

Justice is personal, whereas legal certainty is communal; as a result, society prioritizes justice in the administration and enforcement of law, even though they are distinct concepts; law can be applied more broadly, whereas justice applies to specific individuals. One definition of justice is a principle that, by distributing rights according to an individual's achievements and imposing duties in accordance with the law and morality, contributes to the ideal relationships among individuals as members of society (Margono, 2019). From the perspective of justice, law should be able to protect both victims and defendants to ensure equal justice before the law. This means every party should be given the right to a fair and objective trial, considering all relevant facts. Justice (Gerechtigkeit), legally, does not always mean equal treatment for everyone. As explained by L.J. Van Apeldoorn, justice is not merely equality but treating each person according to their circumstances and actions. As a result, judges must consider the subjective conditions of the defendant, including their motivation, background, and the impact of their actions on the victim and society (Musdalifah, Masyhar, & Wulandari, 2025).

The legislative purpose is achieved through utility. Legislation that the public can truly benefit from is considered good legislation. The application and enforcement of law are expected to produce benefits, which can also be seen as pleasure. Law is created to protect and serve the public interest, so it is only fitting that law serves the people in certain ways. The term "utility" can mean enhancing the social goals of law. Law is created with the ultimate goal of creating order and stability. However, law also serves social purposes, such as advancing the interests of individuals, the collective, or government (Margono, 2019). The goal of regulations should be something beneficial or advantageous to be considered useful. Ultimately, the purpose of law is to make as many people happy as possible. To ensure that the majority of its citizens are happy, the state and its laws are established for their benefit. Making as many individuals happy and satisfied, in essence, is the fundamental purpose of the utility of law. Attention should be given to the benefits of law. The fact that everyone involved in law enforcement is working for the common good is why this is so important. Social unrest should not be caused by law enforcement. The reason: rules and regulations, which are inherently part of the legal system, may be

flawed, lacking creativity, and unable to adapt to the values already present in society (Afdhali & Syahuri, 2023).

The balance between legal certainty, justice, and utility is essential to achieve a proportional punishment in human trafficking cases. These three elements must align so that the judge's verdict not only upholds legal norms formally but also reflects a sense of justice for the victim, the perpetrator, and society. Thus, the application of criminal law can function effectively as a means of protection, rehabilitation, and prevention against human trafficking crimes.

3. Research Methodology

This research is theoretically and methodologically based on a normative legal framework. The aim of normative legal research is to identify existing legal norms within laws and regulations. Primary and secondary documents are the two most common types of legal documents. Primary legal sources include court decisions involving human trafficking, the Indonesian Criminal Code (KUHP), and applicable laws such as Law Number 21 of 2007 on the Eradication of Human Trafficking. Secondary legal sources include academic publications, scientific journals, and lawyers' views, which support the examination of these standards. A descriptive-analytical technique will be used to analyze the data collected in this study. This approach examines the articles in laws and outlines the implementation of these rules and regulations, including their advantages and disadvantages, from both legal and non-legal perspectives. The study uses statutory interpretation to interpret provisions of positive law regarding human trafficking and content analysis to examine court decisions and related legal documents. The combination of both provides a comprehensive understanding of the normative and practical aspects of human trafficking law enforcement in Indonesia.

4. Results and Discussion

4.1 Forms of Modus Operandi in Human Trafficking Crimes in Indonesia, and How the Indonesian Positive Legal Framework Provides Legal Response

Human trafficking is a complex global issue that challenges long-standing principles within Indonesian society, state, and nation. Coercion, fraud, or manipulation of humans for exploitative purposes such as slavery or sexual exploitation has become a widespread issue as a systematic violation of human rights. A holistic and coordinated judicial strategy is needed to end human trafficking, as it is an organized multinational crime. There are various human trafficking tactics used in Indonesia, but the five main types include: sex trafficking (commercial sex work), domestic worker exploitation, child trafficking, organ trafficking, and the abuse of Indonesian labor. Human trafficking in Indonesia has evolved into a sophisticated criminal practice that adapts to various socio-economic situations (Latif et al., 2025).

An important law (*lex specialis*) that defines and regulates human trafficking in detail is Law Number 21 of 2007 on the Eradication of Human Trafficking. According to Article 1 of this law, human trafficking is defined as follows: it is the act of persuading, sheltering, sending, transferring, or receiving someone through threats, abduction, imprisonment, fraud, deception, abuse of power or vulnerable positions, debt bondage, or providing financial or other benefits to obtain consent from someone in control of another person, whether domestically or internationally, with the aim of exploiting them or causing them to be exploited. Penalties for violations of this law range from Rp 120,000,000 to Rp 600,000,000, with prison sentences ranging from 3 to 15 years, as stated in Article 2.

Among the various forms of exploitation condemned in this article are: prostitution, organ harvesting, slavery, forced labor, and trafficking for forced labor. This anti-human trafficking law has a dual purpose: to restore the rights of victims and establish a normative foundation for legal protection; this law also provides the main legal basis for criminal prosecution to severely punish perpetrators of human trafficking. The state's dedication to upholding human dignity and rights mandated by the constitution in the context of law enforcement is reaffirmed by the enactment of Law Number 21 of 2007 on the Eradication of Human Trafficking. This law aims to protect victims of human trafficking and impose sanctions on those responsible for the crime in an effort to eradicate such practices in Indonesia (Raka, 2025).

Law Number 21 of 2007 on the Eradication of Human Trafficking is just one of several legislative steps that can serve as a foundation for anti-human trafficking initiatives by law enforcement. The Indonesian Criminal Code (KUHP) remains relevant, particularly with regard to its provisions on sexual exploitation, forced labor, and slavery. The KUHP prohibits, among other things, the entrapment of individuals who traffic women or minors for prostitution (Article 324), slavery (with a possible twelve-year prison sentence), and trafficking individuals for prostitution (with a maximum prison sentence of six years). Illegal deprivation of freedom is a common technique in human trafficking cases; the KUHP addresses this in Article 333.

If significant harm is caused, the maximum prison sentence under this article is nine years, and if it results in death, it is twelve years. Although outdated and comprehensive, the KUHP remains vital as a repressive legal foundation that complements established rules and grants greater authority in dealing with perpetrators. Therefore, by making it a crime to effectively seize someone's freedom and dignity, the KUHP serves as a legal instrument in the fight against human trafficking (Marbun, 2025).

Additional legal protection for child victims of human trafficking is regulated in Law No. 35 of 2014 on Child Protection. The goal of this law is to refine Law Number 23 of 2002 on Child Protection by tightening the prohibitions and preventive measures against human trafficking and other crimes affecting minors. Since children are still in a period of physical, mental, and social development, the state has a special responsibility to protect them from exploitation. The sale, abduction, or exchange of children is typically illegal under Article 76F of the Child Protection Law, regardless of the circumstances. According to Article 83, perpetrators of child trafficking can face severe penalties. The punishment can range from three to fifteen years in prison and fines from sixty million to three hundred million rupiah.

According to the phrase in this article, the penalties for human traffickers targeting children are more severe than for those targeting adults. This provision reflects the layered protection given to children and demonstrates the use of varying punishments to protect victims according to their position. This difference is important because it is consistent with widely accepted ideas about what is best for children, both domestically and globally (Panji Asmara, 2025). Therefore, the Child Protection Law emphasizes that, although criminal penalties in Indonesia are severe, the state's efforts to protect children from harm are progressive. This strengthens the state's commitment to ending human trafficking in a fair and proper manner, protecting the dignity of all people, and ensuring that children's rights are respected. Indonesia's positive legal framework for eradicating human trafficking has been carefully structured through a combination of general provisions in the Indonesian Criminal Code (KUHP), more specific sectoral regulations such as the Child Protection Law, and special provisions (*lex specialis*) in Law Number 21 of 2007 on the Eradication of Human Trafficking.

The country's multifaceted and integrated strategy is reflected in these rules. The state prioritizes repressive measures in punishing perpetrators while also focusing on preventive and protective aspects to ensure that victims are maximally protected. Considering the reasons why children are more vulnerable to exploitative activities than adults due to their age, physical condition, or lower social status, this protection becomes even more important. Therefore, the current legal system serves as a tool to prevent crimes and ensure victims' rights are upheld, while also preventing similar crimes from occurring in the future (Noor, 2025).

4.2 The Application of Criminal Penalties Against Perpetrators of Human Trafficking in the Context of the Triad of Legal Goals (Justice, Legal Certainty, and Legal Benefit)

Criminal penalties provide clear legal certainty to society in the pursuit of justice, which is a critical component of the criminal justice process. When lawmakers draft criminal penalties in laws, they refer to sentencing patterns as guidelines (Lanawaang, Putong, & Lanawaang, 2025). In Indonesia, the criminalization of human trafficking is a legislative solution aimed at protecting victims and society from the crime by punishing those responsible. The reason is that human trafficking requires a unique strategy due to its classification as an extraordinary crime. Law Number 21 of 2007 on the Eradication of Human Trafficking establishes a comprehensive framework for victim protection, criminal

categorization, and penalties. This law fundamentally aims to realize justice, clarify the law, and make the law as efficient as possible.

One meaning of legal certainty is that society must comply with the law (Margono, 2019). As a lex specialis related to the eradication of human trafficking, Law Number 21 of 2007 emphasizes the prohibition of human trafficking. Law Number 35 of 2014 on Child Protection and additional legal provisions in the Indonesian Criminal Code (KUHP) provide legal clarity and strengthen this foundation. The components of the crime, the types of prohibited actions, the methods of implementation, and the criminal penalties for violators are all outlined in this legal document within a structured and comprehensive normative framework. Since human trafficking is a complex crime, criminal penalties are based on broad standards and laws that aim to address these norms.

Law enforcement officials, such as police in investigations, prosecutors in prosecutions, and judges in decision-making, rely on the legal certainty established by these provisions to avoid inconsistent or divergent interpretations in practice. Victims can be confident that the state will use its legal instruments to provide maximum protection, safeguard their rights, and punish those responsible for the crime according to the law, thanks to this legal certainty. Human traffickers in Indonesia may face uniform criminal penalties, free from bias and arbitrary decision-making, thanks to this legal codification (Pratama, 2025).

According to Thomas Aquinas, justice is a virtue that applies universally and serves to achieve the common good (bonum commune) (Purwanto & Putra, 2024). When determining the appropriate punishment for those responsible for human trafficking crimes, it is essential to consider not only the perspective of the perpetrators but also the perspective of the victims, who often suffer physical, psychological, moral, and social harm. The judge's ruling should consider the needs and interests of the victims while aligning with the formal and normative requirements of the law and regulations to be deemed just from a substantive justice perspective. Thus, a prison sentence alone is not enough; additional penalties such as restitution, compensation, or other forms of reparations intended to alleviate the victim's suffering can be applied to make the punishment more appropriate. Legal procedures become more important with these clauses because they aim to restore the dignity, honor, and rights of the victims whose rights have been violated, while simultaneously emphasizing the oppressive nature of the perpetrators.

However, justice in criminal law should not be narrowly understood as merely favoring the interests of victims, because the perpetrators, as legal subjects, still have basic rights that must be upheld, including the right to defend themselves, the right to a fair trial, and the right to be treated humanely without arbitrary actions. To avoid additional injustice due to excessive punishment, judges must always prioritize the principle of proportionality in sentencing. That is, the punishment must be commensurate with the level of fault of the perpetrator, the nature and severity of their role in the crime, and the consequences of their actions. Therefore, the concept of justice in sentencing human trafficking crimes can be understood as a balanced approach between maximizing victim protection and respecting the perpetrators' rights, ensuring that criminal law does not fall into the paradigm of vengeance, but instead serves to uphold human values, provide recovery for victims, and foster social harmony.

Utility has the true essence of law serving humanity and making humanity exist for the law (Sutrisno, Puluhulawa, & Tijow, 2020). The utility of law in sentencing human trafficking crimes can be seen from a broader perspective, not only creating a deterrent effect on perpetrators but also establishing a general preventive function for society to avoid falling into similar crimes. Clear and proportional punishments for perpetrators send a strong message that the state does not tolerate human trafficking practices, so individuals or groups will reconsider before engaging in activities that lead to human exploitation. With consistent and measured court decisions, legal awareness is created in society, encouraging more cautious behavior in interactions, especially in environments vulnerable to exploitation practices. This aspect of the utility of law does not stop at law enforcement against perpetrators but also manifests in real efforts to provide protection and rehabilitation for victims.

Law Number 21 of 2007 on the Eradication of Human Trafficking explicitly regulates that victims of human trafficking are entitled to various forms of recovery, such as medical and psychological rehabilitation, social reintegration to be accepted back into the community, and the right to restitution to be paid by the perpetrator as compensation for damages. This regulation is essential because without comprehensive recovery, victims are at risk of revictimization, which is repeated suffering both physically and mentally due to a judicial process that is not sensitive to the victims' needs. Therefore, through a sentencing mechanism that includes both punishment and rehabilitation, the law can provide tangible benefits, not only by reducing human trafficking crimes but also by restoring the dignity and honor of victims and maintaining social order, so that the ultimate goal of law – to achieve peace, protection, and justice in society – can truly be realized.

The application of criminal penalties against human trafficking perpetrators from the perspective of the triad of legal goals shows the progressive efforts of the Indonesian criminal justice system to balance certainty, justice, and utility. Legal certainty has been guaranteed through the existence of clear and comprehensive regulatory instruments, from Law Number 21 of 2007 on the Eradication of Human Trafficking as *lex specialis* to provisions in the KUHP and other sectoral laws supporting case handling. From the perspective of justice, sentencing is not only oriented towards punishing perpetrators but also aimed at protecting and restoring the rights of victims who often experience physical, psychological, and social suffering, while still respecting the perpetrators' human rights as legal subjects. Meanwhile, the aspect of utility is realized through prevention, rehabilitation, and deterrent effects, which are expected to reduce human trafficking crimes in the future. However, the effectiveness of these penalties greatly depends on the consistency of law enforcement officers in applying the existing norms, the courage of judges to interpret the law according to the sense of justice in society, and the state's commitment to ensuring the protection and restoration of human dignity. Therefore, criminal penalties against human trafficking perpetrators are expected to truly strike a balance between certainty, justice, and utility, so that the legal goals can be optimally achieved for both the victims and society.

5. Conclusion

5.1 Conclusion

Based on the research findings, it can be concluded that human trafficking crimes in Indonesia have various forms of modus operandi, ranging from sex trafficking, labor exploitation, child trafficking, to organ trafficking, indicating its nature as a transnational and organized crime. To respond to this complexity, Indonesia's legal framework is comprehensively built through Law Number 21 of 2007 as a *lex specialis*, supported by the Criminal Code (KUHP) and Law Number 35 of 2014 on Child Protection, which emphasizes special protection for children as the most vulnerable group. In its application, the criminal justice system is aimed at fulfilling the trilogy of legal objectives, namely legal certainty through clear normative devices, justice through sentencing that considers both the victim's and perpetrator's rights, and utility through deterrence effects, prevention, and victim recovery. Thus, Indonesian criminal law not only functions repressively to punish perpetrators but also plays a preventive and protective role aimed at ensuring the protection of human dignity, restoring victims' rights, creating a sense of security in society, and continuously reducing human trafficking rates through deterrence, preventive measures, and a comprehensive recovery mechanism. This study provides a significant contribution to strengthening the consistency of policy in sentencing human trafficking cases in Indonesia, highlighting the need for alignment between legislative regulations, judicial considerations, and the application of values such as justice, legal certainty, and utility. Through this analysis, it is hoped that sentencing policies can be more proportional, just, and effective in providing deterrence to perpetrators and maximum protection for victims.

5.2 Recommendations

The limitation of this study lies in its scope, which focuses only on the modus operandi and Indonesia's positive legal framework in responding to human trafficking crimes, as well as the application of sentencing from the perspective of the trilogy of legal goals (certainty, justice, and utility). This study does not discuss the effectiveness of implementing regulations on the ground, the technical obstacles in law enforcement, or the comparison between theory and practice in judicial processes. Additionally, the research emphasizes the normative aspect through the analysis of regulations and secondary literature

without involving empirical data from law enforcement officers, victims, or perpetrators. The limitation also exists in the macro scope of the study, meaning the research findings cannot specifically describe the dynamics of case handling at the local level or the effectiveness of victim recovery mechanisms in judicial practice. Further studies could expand the research by conducting empirical analysis on the implementation of Law Number 21 of 2007 on the Eradication of Human Trafficking Crimes, including the challenges faced by law enforcement in proving cases, implementing restitution, and protecting witnesses and victims. Future research could also examine the effectiveness of criminal sanctions in providing deterrence, including an evaluation of whether imprisonment and fines are proportionate to the severity of the crime and the victims' recovery needs. Additionally, comparative studies of court decisions in different regions could provide insights into the consistency of legal application and the role of judges in achieving substantive justice. Non-legal aspects, such as socio-economic factors driving human trafficking, the role of digital technology as a new modus operandi, and victims' perspectives on post-verdict recovery, are also crucial for further investigation to create a more comprehensive picture of efforts to combat human trafficking in Indonesia.

For policymakers, it is essential to strengthen regulations and victim recovery policies and adapt them to the new modus operandi of human trafficking; for law enforcement officers, it is recommended to enhance investigation capacity, strengthen inter-agency coordination, and provide continuous victimology training; while for victim protection agencies, it is important to expand psychological support, legal assistance, and socio-economic reintegration programs so that victims can recover and regain independence.

Acknowledgments

The author expresses profound gratitude to all parties who have supported the funding of this research. First and foremost, the author would like to thank the supervisor for all the assistance, advice, and guidance provided during the research process. The author also wishes to thank all the faculty members at Lampung University for sharing their wisdom and expertise. Special thanks are also extended to the academics and resource persons from the Tanjung Karang District Court Class IA and the Faculty of Law, Lampung University, who contributed to this research. A sincere thank you is given to all those who have helped provide the data and information used in this study.

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