



Research Article

The Between Commitment and Implementation: Indonesia's Response to ACTIP in Addressing Human Trafficking

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Abstract. This study analyzes the implementation of the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP) in Indonesia during 2017-2025, focusing on the gap between normative commitment and law enforcement practice. Although Indonesia ratified ACTIP through Law No. 12/2017 and possesses a comprehensive national legal framework, trafficking cases

continue to increase from 340 cases (2017) to 798 cases (2023), indicating that compliance has not been substantively realized. This research employs a qualitative descriptive approach based on document analysis to identify factors hindering effective ACTIP implementation. Findings reveal that Indonesia's compliance remains normative with systematic obstacles across three pillars: weak prevention due to structural factors, ineffective victim protection due to policy-practice gaps, and suboptimal law enforcement due to limited capacity of local authorities, weak coordination, and differing interpretations of TIP elements. This study emphasizes the importance of strengthening institutional capacity and adopting victim-centered approaches to ensure regional commitments generate substantive impact.

Keywords: ACTIP, Human Trafficking, Policy Implementation, Regional Compliance, Indonesia

INTRODUCTION

The Human trafficking remains an increasingly complex global humanitarian threat. UNODC recorded a 25% increase in the number of trafficking victims in 2022 compared to 2019, with child trafficking cases increasing by 31% in the same period. Women and girls are the most affected groups, accounting for around 61% of the total victims in 2022, with the majority experiencing sexual exploitation. Meanwhile, boys are most often victims of forced labor at 45% or other forms of exploitation such as organized crime, online fraud and forced beggars at 47%.¹ This data shows that human trafficking continues to increase and is becoming more complex, indicating that existing efforts to address it are still inadequate.

The U.S. State Department identified countries such as Afghanistan, Algeria, China, and Cambodia as the regions with the highest rates of human trafficking, fueled by political, economic, and structural inequality.² The global situation is very relevant to the Indonesian context. As a developing country, poverty factors, lack of access to education, gender inequality, and weak law enforcement are the main triggers for individual vulnerability to exploitation.³ Human trafficking in Indonesia includes various forms, ranging from forced labor to modern slavery.⁴ Although nationally it has been regulated in Law No. 21 of 2007, this crime continues to cause deep physical and psychological suffering for victims.⁵ Given its cross-border nature,

¹ UNODC. (2024). *UNODC global human trafficking report: detected victims up 25 per cent as more children are exploited and forced labour cases spike*. <https://www.unodc.org/unodc/en/press/releases/2024/December/unodc-global-human-trafficking-report-detected-victims-up-25-per-cent-as-more-children-are-exploited-and-forced-labour-cases-spike.html>

² Hasibuan, L. (2023). *10 Negara dengan Kasus Perdagangan Manusia Terbesar di Dunia*. CNBC Indonesia. <https://www.cnbcindonesia.com/lifestyle/20230912113145-33-471680/10-negara-dengan-kasus-perdagangan-manusia-terbesar-di-dunia>

³ Wulandari, A. P., & Apsari, N. C. (2024). *Faktor Penyebab Dan Langkah Intervensi Pada Fenomena Human Trafficking -- An Integrated-Perspectives Approach For International Social Work Practice*. 5(3).

⁴ Farhana. (2010). *Aspek hukum perdagangan orang di Indonesia*. Sinar Grafika.

⁵ Akhirudin, & Gunadi, A. (2024). Tinjauan Hukum Mengenai Tindak Pidana Perdagangan Orang. *Jurnal Hukum Lex Generalis*, 5(10).

human trafficking is categorized as a Transnational Organized Crime (TOC) that threatens national security as well as global economic stability.⁶

In response to the increasing cases of human trafficking in the Southeast Asian region, ASEAN adopted the ASEAN Convention Against Trafficking in Persons Especially Women and Children (ACTIP) on November 21, 2015 in Kuala Lumpur, Malaysia. Before ACTIP was adopted, the problem of human trafficking in the Asian region had shown alarming figures. The number of victims of human trafficking globally is estimated to reach around 36 million people and about two-thirds of them are from the Asian region.⁷ ACTIP emphasizes that prevention and protection efforts require more coordinated law enforcement and cross-border collaborative action among member countries.⁸ The Convention shows how regional efforts can be a strategic mechanism in dealing with cross-border and complex phenomena.

Indonesia ratified ACTIP on October 12, 2017 through Law No. 12 of 2017, affirming its commitment to play an active role in regional efforts to eradicate human trafficking in the Southeast Asian region. However, although Indonesia already has Law No. 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons (TPPO) and has been legally bound by ACTIP since 2017, data shows that human trafficking cases in Indonesia are still on the rise with the majority of victims coming from women and children groups.⁹

Post-ratification, a significant gap emerged between normative commitments and implementation realities. Data in the 2016-2025 period shows that there is a significant gap between these commitments and the reality on the ground. The Ministry of Foreign Affairs noted that prior to the ratification of ACTIP, the number of trafficking cases involving Indonesian citizens reached 478 cases in 2016 and decreased to 340 cases in 2017. Post-ratification, this figure had decreased significantly to 164 cases in 2018, but increased again to 259 cases in 2019, and jumped to 383 cases in 2020.¹⁰ This fluctuating pattern shows that ACTIP ratification has not consistently reduced the prevalence of trafficking at the implementation level.

The trend of increasing trafficking cases continues until the latest period. In 2021, there were 361 cases, then jumped to 752 cases in 2022 and increased again to 798 cases in 2023. Until 2024, there will be 625 cases of trafficking in persons.¹¹ Even

⁶ Kamal, M. (2019). *Human Trafficking: Penanggulangan Tindak Pidana Perdagangan Manusia di Indonesia*. CV. Social Politic Genius (SIGn).

⁷ Pinatih, N. K. D. A., Mahendra, Y. C., & Purwanti, A. (2023). Aseanapol Dan Tantangan Human Trafficking Di Kawasan Asia Tenggara: Studi Kasus Thailand Dan Kamboja. *Jurnal Ilmu Sosial Dan Ilmu Politik (JISIP)*, 12(3), 437-450. <https://doi.org/10.33366/jisip.v12i3.2804>

⁸ Global Initiative. (2017). *ASEAN & ACTIP: Using a Regional Legal Framework to Fight a Global Crime*. <https://globalinitiative.net/analysis/asean-actip-using-a-regional-legal-framework-to-fight-a-global-crime/>

⁹ INP. (2025). *INP Record 36,000 Gender-Based Violence Cases in 2025*. Indonesian National Police. <https://inp.polri.go.id/artikel/inp-record-36000-gender-based-violence-cases-in-2025>

¹⁰ MPR RI. (2023). Tindak Pidana Perdagangan Orang Negara Harus Hadie Melindungi Warga dari TPPO. *Media Informasi Dan Komunikasi Konstitusi*, 06.

¹¹ Firman, D. (2025). *Jangan Sampai Jadi Korban, Kenali Modus Perdagangan Orang*. Indonesia Baik. <https://indonesiabaik.id/infografis/jangan-sampai-jadi-korban-kenali-modus-perdagangan-orang#:~:text=Data Kasus TPPO,rentan secara ekonomi maupun sosial.>

in the period from January to September 19, 2025, there were 348 cases of trafficking with a total of 538 victims, of which women dominated 69.7% and 21.56% of victims under the age of 20.¹² In terms of protecting vulnerable groups, the Ministry of Women's Empowerment and Child Protection (KemenPPPA) found at least 1,581 victims of trafficking in the 2020-2022 period, with the majority coming from women and children groups.¹³ This data shows that the strengthening of the post-ratification legal framework has not been fully followed by increased substantive protections for vulnerable groups.

This condition raises crucial questions about the dynamics between normative commitment and implementation in the field. ACTIP contains a number of additional provisions that have not been regulated in Law No. 21 of 2007 concerning the eradication of trafficking, including cross-border coordination, jurisdictional arrangements, and cross-border supervision. According to the Institute for Criminal Justice Reform, there are three important points in ACTIP that show differences with Indonesian national regulations, namely: a) criminal imposition for trafficking cases involving victims in vulnerable conditions, b) criminalization of money laundering crimes related to trafficking, c) the obligation to formalize the involvement of state administrators in trafficking as a form of corruption. These differences in provisions show the need to evaluate the extent to which Indonesia has adjusted and complied with the provisions of the convention in the 2017-2025 implementation period.

In contrast to previous research which generally focused on the harmonization of regulations after the ratification of ACTIP in 2017, this study makes a new contribution by analyzing the implementation gap in the transition period 2017-2025. By integrating the latest field data up to 2025 and international evaluation reports such as ASEAN-ACT and the TIP Report, the study uncovers structural challenges that go beyond normative aspects, including perceptions of law enforcement officials at the local level and systematic barriers to the recovery of victims' rights.

Rosmala Dewi's research focuses on the reasons Indonesia ratified ACTIP in 2017, especially as a moral-political responsibility and strengthening diplomatic position, but has not yet discussed its implementation.¹⁴ Tempali identified obstacles to ACTIP implementation in Indonesia: regulatory insynchronization, weak institutional capacity, and poor coordination but has not assessed the level of

¹² Bareskrim Polri. (2025). *Perdagangan Orang Mengincar Anak-anak: Komunikasi via Media Sosial*. Pusiknas Bareskrim Polri. https://pusiknas.polri.go.id/detail_artikel/perdagangan_orang_mengincar_anak-anak_komunikasi_via_media_sosial

¹³ Andriansyah, A. (2023). *Hari Anti Perdagangan Manusia Sedunia 2023: 1.581 Orang di Indonesia Jadi Korban TPPO pada 2020-2022*. VOA Indonesia. <https://www.voaindonesia.com/a/hari-anti-perdagangan-manusia-sedunia-2023-1-581-orang-di-indonesia-jadi-korban-tpo-pada-2020-2022-/7203854.html>

¹⁴ Dewi, R. (2022). Analisis Keputusan Indonesia Dalam Meratifikasi Asean Convention Against Trafficking In Persons Especially Women And Children Tahun 2017. In *Repository.Uinjkt.Ac.Id*. <https://repository.uinjkt.ac.id/dspace/handle/123456789/68475>

compliance comprehensively.¹⁵ Mahendra and Pinatih point out that Indonesia has partially adapted national law to ACTIP, but is still weak on victim protection and accountability of public officials, and has not assessed compliance with practices.¹⁶ Yusran assessed ACTIP as ASEAN progress, but it has a weak compliance mechanism and is highly dependent on political will, and does not cover the post-2017 period.¹⁷ In general, previous research focused more on implementation barriers and normative legal aspects, and has not examined the 2017–2025 period marked by an increase in digital-based trafficking.

Theoretically, this study is grounded in institutional neoliberalism, which emphasizes the central role of international institutions such as organizations, regimes, and conventions in fostering order, facilitating cooperation, and reducing uncertainty in interstate relations.¹⁸ Building on the work of Robert O. Keohane and Joseph Nye, this perspective argues that cooperation is enabled not only by shared interests but also by mutually agreed rules, procedures, and coordination mechanisms.¹⁹ Within this framework, ACTIP can be understood as a regional institution that structures ASEAN states' interactions in addressing human trafficking.

Complementing this view, David Mitrany's functionalist approach suggests that international organizations are most effective when they operate through clear mechanisms, efficient management, and systems of incentives and sanctions that encourage compliance.²⁰ Consequently, the effectiveness of ACTIP depends not only on its legal norms but also on how ASEAN member states translate regional commitments into national implementation.

Institutional neoliberalism further recognizes that while states remain primary actors, non-state actors including international organizations and civil society play a significant role in shaping policy and practice.²¹ Under conditions of complex interdependence, a state's approach to human trafficking can affect other states in the region, underscoring the necessity of collective mechanisms such as.²²

¹⁵ Tempali, D. K., & Burhan, Z. (2025). Hambatan Implementasi Asean Convention Against Trafficking in Persons, Especially Women and Children di Provinsi Sulawesi Selatan. *Journal of International and Local Studies*, 9(1), 4–5. <https://doi.org/10.56326/jils.v9i1.4629>

¹⁶ Pinatih, N. K. D. A., Mahendra, Y. C., & Purwanti, A. (2023). Aseanapol Dan Tantangan Human Trafficking Di Kawasan Asia Tenggara: Studi Kasus Thailand Dan Kamboja. *Jurnal Ilmu Sosial Dan Ilmu Politik (JISIP)*, 12(3), 437–450. <https://doi.org/10.33366/jisip.v12i3.2804>

¹⁷ Yusran, R. (2018). The ASEAN Convention Against Trafficking in Persons: A Preliminary Assessment. *Asian Journal of International Law*, 8(1), 1–35. <https://doi.org/10.1017/S2044251317000108>

¹⁸ Dugis, V. (2018). *Teori Hubungan Internasional; Perspektif Perspektif Klasik*. Airlangga University Press.

¹⁹ Firlani, M. A. (2023). *Kepentingan Indonesia Dalam Presidensi G20 Tahun 2022 (Studi Pada Digitalisasi Ekonomi Sebagai Pemulihan Ekonomi Pasca Pandemi Covid-19)*. Universitas Nasional.

²⁰ Hadiwinata, B. S. (2017). *Studi dan Teori Hubungan Internasional: Arus Utama, Alternatif, dan Reflektif (Pertama)*. Yayasan Pustaka Obor Indonesia

²¹ Jackson, R., & Sorensen, G. (2007). *Introduction to International Relations: Theories and Approaches*. Oxford University Press.

²² Al Aqsa, M. Z. (2025). *Complex Interdependence Antara Tiongkok dan Taiwan terhadap Industri Teknologi Informasi dan Komunikasi (TIK) pada Tahun 2016-2024*. Universitas Islam Indonesia.

In this regard, ACTIP can be conceptualized as a regional international regime in Krasner's sense: a set of principles, norms, rules, and decision-making procedures that generate shared expectations among member states.²³ ACTIP establishes standards for victim protection, regulates criminalization and jurisdiction, and provides mechanisms for cross-border coordination functioning, in Stein's terms, as the "rules of the game" guiding state behavior on human trafficking.²⁴

This research method uses a descriptive qualitative approach to analyze how ACTIP is operationalized in the Indonesian bureaucracy through a cross-agency coordination mechanism during the 2020–2025 period. This approach was chosen because it allows for an in-depth understanding of institutional processes, relationships between actors, and policy implementation patterns. Qualitative descriptive research aims to describe phenomena as they are, including processes and relationships between activities, without being oriented to hypothesis testing.²⁵

The research is entirely based on a document study without involving interviews or field observations. Data is collected through systematic tracing of official documents, institutional reports, and related issues, so that this research is included in document-based qualitative research as described by Bowen (2009), which is commonly used in policy analysis and international relations studies. Although qualitative research generally uses words and actions as the main data (Moleong, 2006), in this study written documents are the main source because the focus of analysis is directed to policies, reports, and coordination frameworks between agencies.

Data analysis was carried out in a qualitative descriptive manner by organizing and interpreting all documentary data. The analysis process follows the Miles, Huberman, and Saldaña (2014) model which includes data reduction, data presentation, and conclusion drawn. Relevant data were selected and presented in narrative descriptions and thematic tables to identify coordination patterns, institutional roles, and dynamics of ACTIP implementation. Conclusions are drawn through repeated interpretation by comparing various sources to maintain consistency and validity of the findings, in line with the view of Merriam and Tisdell (2016) that qualitative analysis is an interpretive process that emphasizes understanding meaning and context.

Body of the article

This section The ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP) is a regional legal instrument adopted on November 21, 2015, during the 27th ASEAN Summit in Kuala Lumpur, Malaysia. The convention was signed on that date and gained binding legal force after the Philippines submitted its instrument of ratification in February 2017, making ACTIP no longer merely a symbol of commitment but a binding regional legal mechanism (Wirawan &

²³ Prayuda, R., Harto, S., & Gunawan, D. (2019). Politik Institusi Rezim Internasional (Konsep dan Pendekatan Analisis). *Journal of Diplomacy and International Studies*, 2(2).

²⁴ Ari, T. (2018). *Theories of International Relations I CHAPTER* (First).

²⁵ Sukmadinata, N. S. (2017). *Metode Penelitian Pendidikan* (cet. 12). Remaja Rosdakarya.

Novikrisna, 2024). Its effectiveness heavily depends on the level of commitment, capacity, and consistency of ASEAN member states in implementing it into national policies and law enforcement.

As a binding regional legal framework, ACTIP aims to standardize the understanding of human trafficking in Southeast Asia by strengthening prevention, protection, law enforcement, and enhancing coordination and cooperation among member states in combating trafficking in persons (TIP) in the region. The convention is complemented by the ASEAN Plan of Action, which provides specific action plans through prevention, victim protection, law enforcement, as well as regional and international cooperation. The existence of this instrument reflects ASEAN's efforts to build a collective approach to TIP amid differences in social, political, and legal characteristics of each member state.

ASEAN views human trafficking as a complex issue that threatens regional stability and security. This convention, consisting of 31 articles, emphasizes the importance of using regional instruments with aligned legal strategies and priorities to support member states as countries of origin, transit, and destination for human trafficking. ACTIP aims to prevent and combat trafficking in persons, especially women and children, and impose sanctions on perpetrators. Thus, ACTIP functions as a framework for cooperation among ASEAN countries as well as a regional policy in responding to the prevalence of human trafficking, and affirms the urgency of combating transnational crime at the regional level.²⁶

Indonesia has ratified ACTIP and integrated it into national law through Law No. 12/2017 on TIP. This provision serves as a complement to Law No. 21/2007, which was previously enacted (Tempali & Burhan, 2025). However, there are several significant gaps between ACTIP and national regulations. First, ACTIP stipulates aggravated criminal sanctions if victims are placed in conditions that increase vulnerability to deadly diseases such as HIV/AIDS, or if more than one victim is involved these provisions are not specifically regulated in Law 21/2007. Second, ACTIP criminalizes money laundering derived from trafficking crimes, while Law 21/2007 only places money laundering as an additional penalty without specific definition, even though TIP is often related to other crimes. Third, ACTIP requires the criminalization of TIP involving state administrators as a form of corruption with emphasis on the element of gaining benefits. Although Law 21/2007 has regulated the abuse of power by state administrators, unclear formulation of elements makes these provisions difficult to apply effectively.²⁷

Following ACTIP ratification, Indonesia issued various derivative regulations to support the implementation of TIP eradication. The government established the Task Force for the Prevention and Handling of Trafficking in Persons (GTPP-TPPO), which coordinates the prevention and handling of TIP crimes at the national level, followed

²⁶ Rifafatin, D. M. (2022). *Efektifitas Peran Asean Convention Against Trafficking In Persons, Especially Women And Children (Actip) Dalam Menangani Human Trafficking Di Thailand (Periode 2015-2019)* [Universitas Muhammadiyah Yogyakarta]. <https://etd.umy.ac.id/id/eprint/30539/>

²⁷ ICJR. (2017). *Respon dan Pencegahan Perdagangan Manusia di ASEAN Perlu Segera Ditingkatkan*. <https://icjr.or.id/respon-dan-pencegahan-perdagangan-manusia-di-asean-perlu-segera-ditingkatkan/>

by the formation of task forces at the provincial level. This Task Force was strengthened through Presidential Regulation No. 22/2021 on amendments to Presidential Regulation No. 69/2008.²⁸

Implementation of ACTIP's Prevention Pillar in Indonesia

Prevention and handling efforts for TIP in Indonesia are reflected in strengthening cross-ministerial and institutional coordination through GTPP-TPPO. One concrete form is the integrated socialization and education activity held on September 7, 2023, in East Java Province by the Coordinating Ministry for Human Development and Cultural Affairs as the second chair of GTPP-TPPO, together with the Coordinating Ministry for Political, Legal and Security Affairs, the Indonesian National Police, as well as various ministries/agencies and local governments.²⁹ This activity targeted local government officials and grassroots communities in TIP-prone areas, as part of a prevention strategy based on coordination and increased public awareness.

The government emphasizes that TIP is a transnational crime that violates human rights, with a tendency for the number of victims to continue increasing. Therefore, strengthening the role of local governments, consolidating task forces at all levels, and implementing regional action plans aligned with the National Action Plan for TIP as regulated in Presidential Regulation No. 21/2023 are crucial in reducing cases and protecting victims.

Cross-border surveillance and labor regulations have also become a focus of prevention. Cases handled by BP2MI in 2020, including the submission of 415 reports of Migrant Worker Ship Crew (ABK) to Bareskrim Polri, show strong indications of TIP in the migrant labor sector, particularly in the cross-border fishing industry. This reporting was also accompanied by assistance to nine ABK victims of violence and exploitation recruited by private placement companies, thus emphasizing weak supervision of the recruitment, placement, and protection processes for Indonesian migrant workers abroad.³⁰

However, the effectiveness of prevention programs is still questioned when data shows an increasing trend in cases post-ACTIP ratification. There is still a gap between normative commitment and implementation at the national level. Data from the Ministry of Foreign Affairs shows that the number of TIP cases decreased from 340 cases in 2017 to 164 cases in 2018, but increased again to 383 cases in 2020 (MPR RI, 2023). The increasing trend continued with 798 cases recorded in 2023 (Firman,

²⁸ Hanara, D., Anshar, D., Sancaya, R. A. S., Adhawiyah, R., & Putri, L. P. (2021). Panduan Asesmen Situasi Tindak Pidana Perdagangan Orang (TPPO). https://indonesia.iom.int/sites/g/files/tmzbdh491/files/documents/PANDUAN_ASESMEN_SITUASI_TPPO.pdf#page=69.99

²⁹ Kemenko PMK. (2023). Sosialisasi dan Edukasi Pencegahan dan Penanganan Tindak Pidana Perdagangan Orang. <https://www.kemenkopmk.go.id/sosialisasi-dan-edukasi-pencegahan-dan-penanganan-tindak-pidana-perdagangan-orang>

³⁰ KP2MI. (2020). Kepala BP2MI Ajak 9 ABK dan Serahkan 415 Pengaduan Kasus ABK ke Bareskrim. <http://kp2mi.go.id/berita-detail/kepala-bp2mi-ajak-9-abk-dan-serahkan-415-pengaduan-kasus-abk-ke-bareskrim>

2025). Until the period of January–19 September 2025, Bareskrim Polri recorded 348 cases with a total of 538 victims, where women dominated at 69.7% and 21.56% of victims were under 20 years old. The increase in the number of cases continues to occur even though Indonesia has ratified ACTIP, indicating that existing prevention efforts have not been effective in suppressing TIP. This condition is influenced by various structural factors, such as poverty, high unemployment rates, gender inequality, and weak supervision of document forgery that increase community vulnerability to trafficking practices.

Implementation of ACTIP's Protection Pillar in Indonesia

In line with Indonesia's commitment to implementing ACTIP, victim protection is positioned as one of the main pillars in handling TIP. This pillar includes mechanisms for identification, protection, and rehabilitation of victims that are more specifically regulated in Law No. 21/2007 on the Eradication of TIP, particularly Chapter V regarding Protection of Witnesses and Victims. This regulation guarantees victim identity confidentiality, physical and psychological protection throughout the judicial process, access to restitution, and provision of health and social rehabilitation services, repatriation, and social reintegration, including for victims abroad. This provision shows that normatively Indonesia has built a relatively comprehensive victim protection framework aligned with ACTIP principles.

The development of victim protection regulations for criminal acts in Indonesia has gone through several important stages. Initially, the criminal justice system focused more on perpetrators, while victims' rights had not become the main concern. As awareness of the importance of victim protection increased, the national legal framework began to experience significant changes. One of the early regulations that marked this shift was Law No. 13/2006 on Protection of Witnesses and Victims, designed to guarantee legal protection for witnesses and victims in the criminal justice process. This law regulates the right to physical, psychological, and legal protection, as well as the provision of compensation and restitution for victims of criminal acts.³¹

In Indonesia, witness and victim protection is regulated through Law No. 13/2006, which was updated with Law No. 31/2014 and implemented by the Witness and Victim Protection Agency (LPSK). LPSK plays a role in providing physical, psychological, and legal protection during the judicial process. However, the effectiveness of LPSK's role still faces structural constraints, especially limitations in human resources and budget, as well as weak coordination with law enforcement officials and related agencies, so victim protection has not been optimal in practice.³²

A study conducted by ASEAN-ACT involving key stakeholders from government and non-government elements in six ASEAN countries, including Indonesia, identified a significant divergence between the legal and policy framework that has

³¹ Mursito. (2024). *Perkembangan Perlindungan Hukum Bagi Korban Dalam Tindak Pidana*. 05(02). <https://doi.org/doi.org/10.54209/judge.v5i02.682>

³² Rauf, S., Hasjad, & Guntur, S. (2022). Efektifitas Peran Lembaga Perlindungan Saksi dan Korban (LPSK) dalam Melindungi Saksi Tindak Pidana Gratifikasi. *SIBATIK Journal*, 1(3). <https://doi.org/10.54443/sibatik.vii3.26>

been formulated and its implementation practices in the field. This gap is particularly visible in the aspect of TIP victim protection, where relatively comprehensive normative guarantees have not been fully realized in effective and consistent protection mechanisms. This condition shows that the effectiveness of victim protection is greatly influenced by implementation factors, beyond the existence of regulations themselves.

In the aspect of victim identity and privacy protection, Indonesia's policy framework normatively guarantees the confidentiality of TIP victim identities through the TIP Eradication Law and Supreme Court Regulation No. 3/2017, including the use of remote testimony or video recordings to prevent revictimization. However, in practice, this protection still faces serious obstacles, reflected in court decisions published online that still include victims' full identities. Such practices potentially endanger the safety and social position of victims, while showing weak translation of victim protection principles in judicial administration.³³ This situation creates additional risks for victims, especially in the context of personal safety and social acceptance after the judicial process is completed.

Implementation gaps are also visible in fulfilling victims' right to restitution. Normatively, TIP victims are entitled to compensation from perpetrators with LPSK facilitation, but in practice the restitution mechanism rarely works effectively. Perpetrators often choose to serve additional imprisonment rather than pay restitution, while the state has not provided adequate alternative compensation schemes. The absence of a Victim Assistance Fund, especially for TIP victims in forced labor cases, causes many victims to return to their areas of origin without obtaining compensation for the losses they experienced. As a result, victims' economic recovery is not always achieved even though legal proceedings against perpetrators have been completed.

In the aspect of support services and rehabilitation, national policy mandates the provision of medical, psychological, and social rehabilitation through integrated service centers such as P2TP2A or UPTD PPA and temporary shelters. However, implementation is still geographically and institutionally imbalanced, with services concentrated in urban areas and budget limitations in regions that are often unsustainable, especially due to budget transfers during crises such as the pandemic. In addition, rehabilitation services that are responsive to the special needs of victims, including persons with disabilities and LGBTQI groups, are still limited and not systematically integrated.³⁴ These capacity differences impact the quality and sustainability of rehabilitation services received by victims.

The gap between policy and practice is also reflected in the application of the non-criminalization principle for TIP victims. Normatively, victims forced to commit

³³ Rapid Asia. (2022). *Trafficking victim protection in ASEAN*. https://diy4upte1ot7.cloudfront.net/wp-content/uploads/2023/03/27231801/o8o223_Victim-Protection-Study_RapidAsia-1.pdf#page=28.o8

³⁴ Rapid Asia. (2022). *Trafficking victim protection in ASEAN*. https://diy4upte1ot7.cloudfront.net/wp-content/uploads/2023/03/27231801/o8o223_Victim-Protection-Study_RapidAsia-1.pdf#page=28.o8

criminal acts as a result of exploitation should not be subject to legal sanctions. However, weak early identification mechanisms by law enforcement officials, especially at the local level such as immigration and police, cause victims to often be treated as offenders, including immigration violations or other criminal acts. As a result, victims actually experience criminalization before being identified and receiving protection as TIP victims. This makes strengthening implementation an inseparable aspect of fulfilling Indonesia's commitment to ACTIP.

Implementation of ACTIP's Law Enforcement Pillar in Indonesia

The implementation of TIP law enforcement in Indonesia shows an increase in activity quantitatively, but is still faced with significant gaps between policy frameworks and practices in the field. A study conducted by ASEAN-ACT reveals that the main problem lies at the technical implementation level, particularly in the application of available legal instruments. Law No. 21/2007 on the Eradication of TIP should normatively be positioned as *lex specialis* because it contains a comprehensive definition of TIP and more severe criminal threats. However, in law enforcement practice, officials at the regional level often use articles in the Criminal Code or Child Protection Law on the grounds of ease of proof. This choice does expedite the legal process, but results in lighter sentences for perpetrators and neglect of victims' rights, especially regarding restitution.

Implementation gaps are also visible from differences in law enforcement officials' understanding of TIP elements. Although policy has emphasized that TIP is determined by the elements of process, means, and purpose of exploitation and that the 'means' element does not need to be proven in child cases, practice in the field still shows a tendency to make victim consent the basis for case dismissal. Officials often assess that the existence of 'consent' to work eliminates the TIP element, without considering that such consent may arise due to fraud, abuse of vulnerable positions, or power relation imbalances. This condition shows that national and international legal standards, including ACTIP principles, have not been fully internalized in investigation and prosecution practices.³⁵

In addition, TIP law enforcement in Indonesia still faces serious obstacles in recovering victims' losses. Although policy encourages seizure of perpetrators' assets to guarantee restitution, asset tracing practices have not been carried out systematically. As a result, restitution obligations are often not fulfilled because perpetrators claim inability to pay and choose relatively light substitute imprisonment. This condition weakens the function of restitution as an instrument of restorative justice and reflects weak implementation of state obligations in ACTIP regarding victim recovery and compensation.

Another problem lies in the centralized perception in handling TIP cases. Although District Police (Polres) and Regional Police (Polda) have legal authority, there is still an assumption at the regional level that TIP cases can only be handled by

³⁵ Rapid Asia. (2022). *Trafficking victim protection in ASEAN*. https://diy4upte1ot7.cloudfront.net/wp-content/uploads/2023/03/27231801/080223_Victim-Protection-Study_RapidAsia-1.pdf#page=28.08

Bareskrim or must involve cross-border elements. This perception causes domestic TIP cases to often not be processed as TIP, thereby narrowing legal protection for victims and hindering the effectiveness of law enforcement at the regional level, as well as achieving ACTIP goals nationally.

On the other hand, the United States Government's report through the Trafficking in Persons Report noted a significant increase in TIP law enforcement activities in Indonesia. In 2023, the government reported investigating 1,061 human trafficking cases consisting of sex trafficking, labor trafficking, and other forms of TIP a sharp increase compared to 133 cases in 2022. Throughout the same year, law enforcement officials conducted prosecutions in hundreds of cases and courts handed down hundreds of guilty verdicts against TIP perpetrators.³⁶ This increase shows the state's commitment to strengthening the prosecution pillar within the framework of TIP eradication.

However, the report emphasizes that the increase in quantity of law enforcement does not yet reflect substantive effectiveness. Weak inter-agency coordination and the absence of a centralized database hinder comprehensive data collection and potentially cause case duplication. In addition, public prosecutors tend to use the 2017 Indonesian Migrant Worker Protection Law or other regulations with lower burdens of proof, which ultimately result in lighter sentences compared to applying the TIP Law.

The report also highlights that corruption and involvement of government officials remain structural obstacles in TIP law enforcement. Alleged involvement of officials and regional authorities, particularly in the oil palm plantation sector and extractive industries, reflects weak accountability.³⁷ Although there have been several prosecutions of government officials, many cases are not processed using the TIP Law and result in sanctions that are not commensurate with the level of crimes committed.

Conclusion and Recommendation

Indonesia's implementation of ACTIP during the 2017-2025 period demonstrates a critical gap between normative commitment and practical enforcement. The ratification has not translated into effective suppression of trafficking in persons, as evidenced by the persistent increase in TIP cases from 340 in 2017 to 798 in 2023. This failure stems from structural deficiencies in all three implementation pillars rather than regulatory inadequacy.

The prevention pillar remains ineffective due to unaddressed structural vulnerabilities poverty, unemployment, gender inequality, and inadequate cross-border surveillance which continue to expose communities to trafficking despite established coordination mechanisms through GTPP-TPPO. The protection pillar suffers from systematic implementation failures: victim identities are publicly

³⁶ U.S. Embassy Jakarta. (2023). *Laporan Tahunan Perdagangan Orang 2023*. <https://id.usembassy.gov/id/laporan-tahunan-perdagangan-orang-2023/>

³⁷ U.S. Embassy Jakarta. (2024). *2024 Laporan Perdagangan Manusia*. <https://id.usembassy.gov/id/2024-laporan-perdagangan-manusia/>

exposed in judicial proceedings, restitution mechanisms are non-functional, rehabilitation services are geographically inequitable, and victims face criminalization instead of protection. The law enforcement pillar, while showing quantitative increases, lacks substantive effectiveness as regional officials circumvent Law No. 21/2007 in favor of easier prosecutions under alternative statutes, resulting in lighter sentences and diminished victim rights.

Critical normative gaps between ACTIP provisions and Indonesian law remain unresolved, particularly regarding aggravated sanctions for vulnerable victims, money laundering criminalization linked to TIP, and accountability mechanisms for state administrators involved in trafficking. However, the primary obstacle is not regulatory harmonization but rather the absence of implementation capacity, inter-agency coordination, adequate resource allocation, and internalized understanding of international legal standards among local law enforcement officials.

Indonesia's compliance with ACTIP cannot be measured by the existence of legal frameworks alone but must be evaluated through substantive implementation outcomes. The current trajectory indicates that without systemic reform addressing institutional capacity, coordination mechanisms, asset tracing protocols, victim-centered approaches, and consistent political will across all government levels, ACTIP's objectives will remain unrealized regardless of further regulatory amendments.

Future research should examine the implementation gap through comparative analysis with other ASEAN member states to identify best practices in translating regional commitments into national action. Additionally, longitudinal studies tracking the effectiveness of specific interventions such as integrated databases, specialized TIP courts, and victim compensation funds would provide empirical evidence for policy refinement. Research focusing on the role of non-state actors and civil society organizations in bridging implementation gaps would also contribute valuable insights for strengthening Indonesia's anti-trafficking framework.

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