



Legal Protection for Victims of Human Trafficking in Indonesia

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Abstract

This study discusses legal protection for victims of human trafficking in Indonesia. There is a new mode of online human trafficking through social media that ensnares Indonesian workers in the form of fictitious job offers that lead to forced labor exploitation. This study uses a normative legal research method with a legislative approach and conceptual approach. The results of the study show that human trafficking crimes in involving Indonesian workers as victims have fulfilled the elements of a criminal offense under Article 2 of Law No. 21 of 2007 concerning the Eradication of Trafficking Crimes and violating the Palermo Protocol as well as the principles of the International Labor Organization (ILO) in ILO Convention No. 29 concerning forced labor and Convention No. 105 concerning the Abolition of Forced Labor. In enforcement and protection, there are obstacles, namely weak law enforcement capacity, overlapping regulations, minimal budget, and minimal coordination between agencies.

Keywords: Legal Protection; Victims; Human Trafficking

A. Introduction

Not only known as a country based on the rule of law, Indonesia is also known for its large population. The obligation to protect Indonesian citizens (WNI) residing abroad is stated in the Indonesian constitution, namely the 1945 Constitution. The fourth paragraph of the preamble to the 1945 Constitution reads: "Furthermore, to form a Government of the Republic of Indonesia that protects all Indonesian people and all Indonesian blood...". This mandate is embodied and regulated in Article 19 Letter b of the Foreign Relations Law. The obligation of representatives of the Republic of Indonesia abroad to provide assistance, protection, and guidance to Indonesian citizens is briefly stated in this article.

Based on data from the Cambodian Ministry of Interior, there are currently more than 73,000 Indonesian citizens living in Cambodia. This number includes 58,307 Indonesian citizens who have legal work permits in Cambodia.¹ Any individual who has fulfilled the requirements and qualifications to work abroad, specifically in Cambodia, for a certain period of time is referred to as an Indonesian Worker.

There are rights and obligations for every worker as contained in Law No. 13 of 2003 concerning Manpower and Law No. 6 of 2023 concerning the Job Creation Law. Indonesian workers must go through several competent recruitment processes before being placed in a country, one of which is that migrant workers must undergo training aimed at improving their competence and quality of work. Then, if Indonesian workers have completed the document

¹ Gilang Cahyadi, Imigrasi Indonesia dan Kamboja Bangun Kerja Sama Berantas Perdagangan Orang dan Penyelundupan Manusia, <https://jogja.imigrasi.go.id/imigrasi-indonesia-dan-kamboja-bangun-kerja-sama-berantas-perdagangan-orang-dan-penyelundupan-manusia/> diakses pada 08 Desember 2025

requirements and undergone training, they are ready to be placed in a country. This is as contained in Law No. 18 of 2017 concerning the Protection of Indonesian Migrant Workers.

Obtaining, acquiring, and choosing decent work and income wherever they work is the right of Indonesian workers. The placement of Indonesian workers abroad is a national program created by the government as part of the country's efforts to improve the welfare of Indonesian workers and develop human resources. The placement of Indonesian workers is a service activity aimed at assisting Indonesian workers in finding jobs that match their interests, talents, and abilities with employers abroad. In addition to obtaining job placements and decent income, Indonesian workers are also entitled to and must receive legal protection.

Those who become victims of human trafficking are mostly those who have been trapped in poverty throughout their lives and have been denied access to various economic, educational, health, and information rights. Ironically, those who have become victims of human trafficking repeatedly fall victim to extortion from authorities and the community, and victims of discriminatory acts and criminalization practices perpetrated by the state and society.²

Based on data from 2020 to March 2024, 1,914 Indonesian citizens were sent to Cambodia after falling victim to job scams. Additionally, 680 victims were recorded in the Philippines, 364 in Thailand, 332 in Myanmar, 305 in Laos, 68 in Malaysia, 36 in Vietnam, and four in the United Arab Emirates due to similar schemes.³ In today's modern era, human trafficking targets people who feel desperate because they cannot find work, so they fall prey to offers of jobs abroad that pay higher wages than the average wage in Indonesia with easy requirements. In reality, however, they do not become professional workers but are instead treated as slaves who work tirelessly for unfair wages, and some do not even receive any wages at all.

Legal protection for victims of human trafficking is crucial to ensure that they receive not only justice but also rehabilitation and reintegration into society. However, the implementation of this legal protection often faces various obstacles, both legal and practical. For example, a lack of understanding of victims' rights, social stigma, and limited resources from law enforcement officials are some of the factors that hinder the effectiveness of legal protection.⁴

² Masrina Yanggolo, DKK, 2024, *Implementasi Perlindungan Hukum Terhadap Korban Tindak Pidana Perdagangan Orang di Kamboja*, Jurnal Fakultas Hukum UNSRAT, Lex Administratum Vol.12, No.14, p.2

³ Tempo. Co, Kemlu Catat 3.703 Kasus Online Scam, Paling Banyak di Kamboja, <https://www.tempo.co/hukum/kemlu-catat-3-703-kasus-online-scam-paling-banyak-di-kamboja-43097> diakses pada 08 Desember 2025

⁴ Yosia Arga Sihotang, 2026, *Perlindungan Hukum Terhadap Korban Tindak Pidana Perdagangan Orang Sebagai Admin Judi Online*, Inovasi: Jurnal Sosial Humaniora dan Pendidikan, Volume 5 No.1, p.2-3



Based on the above description, an in-depth study is needed regarding the regulation of human trafficking crimes as viewed through national and international law, as well as how victims of human trafficking crimes are protected by law in Indonesia.

B. Research Method

This study uses normative legal research, which is legal research conducted by examining reference materials or secondary data as the basis for research by conducting a search of regulations and literature related to the issues being studied.⁵ The approach used in this study includes the statute approach, which involves researching and studying all relevant laws.

Furthermore, the sources obtained in this study are based on secondary data, namely Law No. 21 of 2007 concerning the Eradication of Criminal Acts of Trafficking in Persons, Law No. 18 of 2017 concerning the Protection of Indonesian Migrant Workers, the Palermo Protocol, and the International Labor Organization (ILO) Convention. Data collection in this study was carried out through literature studies, citing previous studies and other written sources known as bibliographic studies.

C. Results and Discussion

1. The Regulation of Human Trafficking Crimes in Indonesia Reviewed Through National and International Law.

The regulation of human trafficking crimes in involving Indonesian workers as victims can be reviewed from the perspective of national and international law. From the perspective of national law, human trafficking crimes in involving Indonesian workers as victims occur as follows:⁶ First, online scams begin with job advertisements for overseas positions posted on social media. These job advertisements usually offer positions in customer service and marketing with high salaries. Second, job seekers are not required to have any specific qualifications, nor are they required to have a work contract or visa; victims are simply asked to leave immediately. Third, upon arrival in Cambodia, Myanmar, and Laos, victims are immediately taken to a company or apartment where they are given a computer and instructed by the job search company to create fake accounts. Fourth, these accounts feature various profiles of both women and men, which are later used as a love scam. If the victims become suspicious of the scammers' identities, the company provides

⁵ Soerjono Soekanto, 2008, *Pengantar Penelitian Hukum*, UII Press, p.10

⁶ Amelia Rahima Sari, 2024, *Kemlu Catat 3.703 Kasus Online Scam, Paling Banyak di Kamboja*, Tempo. Co, <https://www.tempo.co/hukum/kemlu-catat-3-703-kasus-online-scam-paling-banyak-di-kamboja-43097> diakses pada 08 Desember 2025



people to chat with them. After that, the scammers offer a trap. Fifth, once a large amount of money has been collected, communication is cut off and the accounts are deleted. The money is then transferred to a bank or cryptocurrency. Sixth, victims are given targets to carry out online fraud with large amounts of money every month. If the victims do not reach their targets, they will receive threats and so on.

The author will describe the elements of this crime as follows: First, the act of recruiting, transporting, harboring, transferring, or receiving a person. In this case, the victims were recruited through fake advertisements on social media with the lure of high-paying jobs. Example: The victims were asked to leave immediately after arriving abroad, where they were taken to a company or apartment, given a computer, and employed as online fraud operators. All of these stages fulfill the prohibited elements of the crime. Second, the method element, which ensures that the process can be carried out, includes the use of violence, kidnapping, confinement, forgery, fraud, abuse of power or position of vulnerability, debt bondage, or giving payments or benefits even if consent is obtained from the person who has control over another person. In this case, the method used was fraud from the very beginning of the recruitment process, where false job information was provided online.

Once in abroad, the victims were kept under strict surveillance and forced to work as online fraudsters. The victims were given targets to carry out online fraud involving large sums of money every month. If the victims did not meet their targets, they would face threats and other consequences. Their identity documents, such as ID cards and passports, were confiscated, which indicates that their freedom was forcibly controlled and taken away. Third, the element of intent, which includes exploiting or causing someone to be exploited. In this case, the victims were forced to work long hours without receiving a decent wage. The victims were given targets to carry out online fraud involving large sums of money each month, and if they failed to meet the targets, they faced threats and other consequences.

Reviewed through international law related to criminal acts of human trafficking in abroad involving Indonesian workers as victims, this clearly violates the Palermo Protocol. The Palermo Protocol is a follow-up protocol to the United Nations that serves to assist and protect victims of human trafficking, especially children and women. The



draft Palermo Protocol was formed based on resolution A/RES/55/25 on November 15, 2000, and was signed by member states on December 12-15, 2000, in Palermo, Italy.⁷

The explanation of the Palermo Protocol above explains that trafficking not only involves the distribution or movement of a person from one place to another, but also the recruitment and harboring of a person through threats and violence for the purpose of exploitation, which is part of the process of human trafficking.

In this case, not only was the Palermo Protocol violated, but also because of the element of exploitation carried out by perpetrators seeking fictitious job vacancies online, with Indonesian workers as their victims. This violates the principles of the International Labor Organization (ILO) in ILO Convention No. 29 on forced labor and Convention No. 105 on the Abolition of Forced Labor. ILO Convention No. 29 explains the obligation of member states to abolish forced labor in all its forms, allowing limited exceptions for the public interest (such as compulsory military service or emergencies) during the transition period, while Convention No. 105 reinforces ILO Convention No. 29 by expressly prohibiting forced labor as a means of political coercion, discipline, or discrimination, and calls for its immediate and complete abolition without a transition period, including for the mobilization of labor for development.

The rights of migrant workers under international law are an integral part of international human rights. These rights are enshrined in the 1990 United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. This convention provides comprehensive protection for migrant workers and their families, covering basic rights such as freedom of movement, protection from slavery/forced labor, the right to fair wages, health, education, social security, and justice, without discrimination, ensuring that they receive humane and equal treatment with nationals in the destination country, as well as the obligation of states to implement it through legal and administrative mechanisms. This convention defines migrant workers, distinguishes their status (registered/unregistered), and calls for international cooperation to manage migration and combat human trafficking.

2. Legal Protection for Victims of Human Trafficking in Indonesia

⁷ UNODC, “Chapter XVII: Penal Matters” (UNODC database, 2008), <https://www.unodc.org/unodc/en/treaties/CTOC/countrylist-traffickingprotocol.html>, diakses pada 09 Desember 2025



Legal protection for victims of crime requires serious attention, especially victims of human trafficking. Victims, as the most disadvantaged and suffering parties in a crime, do not receive the protection they deserve. This results in victims being neglected after the perpetrators of the crime are given criminal sanctions by the court. Meanwhile, justice and recognition of human rights are not limited to perpetrators of crime, but also to victims of crime who may suffer lifelong consequences.

In some cases, victims are simply given a return ticket to their hometown, without psychological rehabilitation, job training, or identity protection. This is despite Article 25 of Law Number 39 of 1999 on Human Rights obligating the state to fully protect, promote, and fulfill human rights. According to John Locke's human rights theory, the state is not only obliged to protect citizens from physical threats but also to ensure they can restore their dignity and socio-economic rights after becoming victims.⁸

In the settlement of criminal cases, the law often prioritizes the rights of suspects or defendants without also considering the rights of victims.⁹ In addition, victims of crime also lack adequate legal protection, both immaterial and material. Victims are often only regarded as accessories or as part of the evidence that provides information or only as witnesses, which prevents victims from fully exercising their rights. Furthermore, pressure or threats from various parties that cause trauma or fear and feelings of insecurity prevent victims from seeking justice.

In terms of legal protection, the measures that the government can take to protect victims of human trafficking are the same as those provided to victims of crime in general, namely:¹⁰

- a. Restitution and Compensation;
- b. Counseling Services and Medical Services or Assistance;
- c. Legal Assistance;
- d. Provision of Information.

Protection for victims of trafficking in persons is regulated in Articles 43 to 55 as described above. The fulfillment of the rights of victims of trafficking in persons is explained in more detail in the following forms:

⁸ Sanseto Hidayat, DKK, 2025, *Perlindungan Hukum Bagi Korban Perdagangan Orang Melalui Media Sosial Dalam Perspektif Hak Asasi Manusia*, Rewang Rencang: Jurnal Hukum Lex Generalis, Vol.6, No.7, p.10

⁹ Andi Hamzah, 1986, *Perlindungan Hak-hak Asasi Manusia dalam Kitab Undang-undang Hukum Acara Pidana*, Binacipta, Bandung, p. 33.

¹⁰ *Ibid*, p. 121



1. The right to confidentiality of the identity of victims of trafficking in persons and their families up to the second degree. As stated in Article 44.
2. The right to protection from threats that endanger oneself and/or one's property. As stated in Article 47.
3. The right to restitution. As stated in Article 48.
4. The right to receive health rehabilitation, social rehabilitation, repatriation, and social reintegration from the government. As stated in Article 51.
5. Victims who are abroad have the right to be protected and repatriated to Indonesia at the expense of the State. As stated in Article 54.

The implementation of law enforcement and protection by the Indonesian government in handling and preventing cases of human trafficking involving Indonesian workers in abroad can be reviewed from various national and international legal instruments, particularly Law No. 18 of 2017 concerning the Protection of Indonesian Migrant Workers (PPMI Law), Law Number 21 of 2007 concerning Trafficking in Persons (TPPO) and the Palermo Protocol. However, the implementation of law enforcement and protection contained in these legal instruments still faces challenges in the form of:

1. The weak capacity of law enforcement officials to understand and implement the principles enshrined in international law, particularly the Palermo Protocol. Many law enforcement officials and immigration officers do not yet fully understand the complex definition of human trafficking as stipulated in the Palermo Protocol. Furthermore, important concepts such as the non-penalization principle, which prohibits the punishment of victims of human trafficking for actions they have committed as a result of exploitation, are still often ignored. This has resulted in many victims being imprisoned on charges of immigration violations or prostitution, even though under international law they are entitled to protection, not criminalization.

Another challenge in implementing the PTPPO Law is the lack of budgetary support for victim protection programs. Many trafficking victims do not receive adequate rehabilitation services due to limited facilities and funding.¹¹

¹¹ Widiastuti, Tri W, 2020, *Upaya Pencegahan Tindak Pidana Perdagangan Orang (Trafficking)*, Jurnal Wacana Hukum, Vol. 9, No. 1, p.107



Furthermore, social stigma against victims, especially women who are victims of sexual exploitation, often hinders their social reintegration process. This demonstrates that efforts to address human trafficking require not only a legal approach but also more inclusive social and cultural support.¹²

2. There is also regulatory overlap in Indonesia, which adds to the complexity of policy implementation. Several sectoral laws, such as the Immigration Law, the Manpower Law, and the Child Protection Law, contain provisions that are sometimes inconsistent or even contradictory to the TPPO Law.¹³ This inconsistency often causes deadlock at the implementation level of the law and can weaken the effectiveness of case handling, especially in terms of victim recovery and legal assistance.
3. From a budgetary perspective, many institutions such as the TPPO Task Force at the provincial and district/city levels operate without adequate and consistent funding from the central government. This results in limited implementation of preventive law enforcement activities, including public awareness campaigns, training for officials, and the establishment of safe houses or rehabilitation centers for victims. In fact, some regions do not have any rehabilitation facilities at all, forcing victims of human trafficking to be handled by NGOs with minimal supporting resources.
4. Lack of coordination between agencies. Although a Task Force for the Prevention and Handling of TPPO has been formed at the national and regional levels, coordination is still ad hoc and not well integrated between social services, the police, the Ministry of Foreign Affairs, the Ministry of Law and Human Rights, and other agencies, which often work independently without systematic communication and reporting mechanisms. However, human trafficking is a crime that requires cross-sectoral handling, which necessitates collaborative work and interconnected information.

From various incidents in the Crime of Human Trafficking, the losses and

¹² Ni Kadek Puspawati, 2025, *Implementasi Kebijakan Pemberantasan Perdagangan Orang dalam Perspektif Hukum Internasional dan Nasional*, Indonesian Journal of Law and Justice, Vol. 2, No. 3, p. 7

¹³ Kurniawan, A. 2021. *Implementasi Prinsip Non-Penalization dalam Protokol Palermo*. Jurnal Ilmu Hukum, 9(1), p. 50-70



suffering of the victims are caused by the proces:¹⁴

1. Recruitment

Recruitment is generally carried out by "liaisons/brokers." They approach the families or parents of potential victims. Potential victims are typically girls aged 11 and under. They imagine and describe to the potential victims or their parents a good job with attractive wages. Some parents give consent, and some children are then given money (which the trafficker generally considers a debt to the potential victim). However, some parents refuse to give permission. In such cases, if the potential victim is successfully persuaded, the trafficker will secretly take them away. Potential victims taken from villages to cities (with or without parental consent) are "kidnapped or forced" to depart to destinations within Indonesia or abroad. Many of these victims' whereabouts are unknown, meaning their relationship has been completely severed, some for several years. For migrant workers (domestic and international) who leave their homes after signing employment contracts, some are genuine, some are manipulated, and some are based on fraud. Many of them have also succeeded in improving their families' finances, and they serve as role models and motivators for women leaving their homes for economic advancement. A significant number of them have fallen victim to human trafficking.

2. Document Forgery

Human trafficking victims are generally (perhaps all) given identification (KTP or passport) with their names, ages, addresses, and so on manipulated. In some Indonesian border areas, many brokers/agents carry suitcases filled with stacks of KTPs, birth certificates, passports, and other forms, complete with names, ages of majority, and specific addresses. The only missing forms are passport photos and signatures, which the (potential) victims will fill in. Several informants from various agencies stated that the number of officially registered passports is far smaller than the number of people actually traveling abroad. Financially, the state suffers a budget loss due to the number of passports not being received by the state treasury, but from a

¹⁴ Christian M. Lanes, 2020, *Eksplorasi Seksual Terhadap Seseorang Dilihat Dari Sudut Perdagangan Orang Menurut Pasal 2 Undang-Undang Nomor 21 Tahun 2007 Tentang Pemberantasan Tindak Pidana Perdagangan Orang*, Lex Crimen Vol.IX/No. 4, p. 105-106



humanitarian perspective, those who travel abroad without registration become "*stateless*."

3. Confinement before departure

Paratraffickers/brokers/sponsors generally do not immediately send potential victims of human trafficking, so that violence and confinement often occur, and even in shelters, victims often experience inhumane treatment.

4. Transport in transit

Along the way, many victims experience other forms of violence (rape), so that the victims experience losses in their (social) lives

5. At work

Victims working as domestic workers or commercial sex workers (CSWs) often experience inhumane treatment or slavery-like treatment. The modus operandi abroad is generally that victims are granted relatively short-term visas, held by the traffickers. This allows traffickers to extort money from victims once the visa expires, making it difficult for them to return to Indonesia. This situation further ensnares victims, leaving them powerless to comply with the traffickers' wishes. If victims attempt to escape, it is tantamount to courting death. Other threats to victims include abuse, flogging, sexual harassment, rape, neglect, extortion, and other forms of violence, all of which are suffered without insurance.

6. The journey home

Some victims managed to escape to Indonesia, but their escape was not smooth sailing, as many experienced violence, fraud, extortion, and even sexual harassment along the way.

7. Recovery/rehabilitation

Upon arriving at their home, the victims were not immediately welcomed by the community and their surroundings. Many were ridiculed, and even refused entry due to the shame felt by their families.

Theoretically, the state has an obligation to protect its citizens, in accordance with the theory of state responsibility in human rights, which states that the state must respect, protect, and fulfill the basic rights of its citizens. The principle of state responsibility is a key principle in international law that affirms that the state has an



obligation to be responsible for human rights violations committed by its officials or by third parties, especially if the state fails in its efforts to prevent, prosecute, or compensate victims for the harm suffered.

In the application of national and international law, protection for Indonesian workers who are victims of human trafficking (TPPO) needs to be reviewed through a normative and progressive approach. In a normative approach, the state is obliged to provide a strong legal basis without any overlap between regulations, while **in a progressive approach, the state must respond more adaptively** and pay attention to the rights of victims. Furthermore, based on the theory of the rule of law (*rechtstaat*), the state has the primary responsibility to guarantee the human rights of its citizens, including when they are outside its jurisdiction. This principle is reinforced in the concept of due diligence, which is part of the theory of state responsibility, whereby the state is responsible if it fails to prevent, investigate, punish, and provide redress for human rights violations. This concept is reinforced by the due diligence approach, which is a standard of care that must be exercised by the state to prevent crimes, such as human trafficking, protect victims, and prosecute perpetrators.

D. Conclusion

Based on the discussion above, it can be concluded that the regulation of human trafficking crimes in abroad involving Indonesian workers as victims can be reviewed through national and international law. Under national law, human trafficking in abroad involving Indonesian workers as victims fulfills the elements of human trafficking as stipulated in Article 2 of Law No. 21 of 2007 on the Eradication of Human Trafficking. Meanwhile, under international law, human trafficking crimes in Cambodia involving Indonesian workers as victims violate the Palermo Protocol and also violate the principles of the International Labor Organization (ILO) in ILO Convention No. 29 concerning forced labor and Convention No. 105 concerning the Abolition of Forced Labor.

Regarding law enforcement and legal protection for victims of human trafficking in abroad, there are still obstacles in the implementation of national and international laws. These obstacles are as follows: First, the weak capacity of law enforcement officials in understanding and implementing the principles enshrined in international law, particularly the Palermo Protocol. Second, overlapping regulations in Indonesia add to the complexity of policy implementation. Third, many institutions, such as the TPPO Task Force at the provincial and district/city levels, operate without adequate and consistent budgetary



support from the central government. Fourth, there is a lack of coordination between agencies in combating human trafficking.

In the application of national and international law, protection for Indonesian workers who are victims of human trafficking must be reviewed through a normative and progressive approach. Based on the theory of the rule of law (*rechtstaat*), the state has the primary responsibility to guarantee the human rights of its citizens, including when they are outside its jurisdiction. This principle is reinforced in the concept of due diligence, which is part of the theory of state responsibility, whereby the state is responsible if it fails to prevent, investigate, punish, and provide redress for human rights violations.

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