

Legal Protection for Victims of Human Trafficking in Cambodia

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ABSTRACT: Trafficking in Persons (TPPO) is a form of cross-border crime involving at least two countries, namely the victim's country of origin and the destination country. This study aims to examine the classification of trafficking victims, especially individuals working abroad in the online gambling sector, as well as analyze the forms of legal protection and measures that have been taken by the government both at the national and international levels to prevent this crime. The main problem in this study is related to the identification and classification of trafficking in citizens working abroad. The approach used is normative juridical legal research with qualitative methods, which includes approaches to laws and regulations and case studies. The results of the study show that efforts to prevent trafficking require cooperation between countries through multilateral, national, regional, and international mechanisms. In addition, there is a need for effective implementation of international agreements that have been agreed upon and strengthening the national legal system through stricter and more comprehensive laws and regulations.

KEYWORDS: Human Trafficking; Online Gambling; Legal Protection

I. INTRODUCTION

Indonesia is one of the countries with the most population in the world, the lack of jobs makes many people flock to look for jobs abroad that are done legally and illegally. One of the countries with senders, transits, and recipients of human trafficking is Cambodia where many Indonesian citizens are deceived to work there. Human trafficking is a form of crime that occurs globally where this crime occurs in developing countries which usually occurs due to economic disparities.¹ Based on Article 1 Paragraph 7 of Law Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons, exploitation refers to any form of action carried out with or without the consent of the victim, which includes, but is not limited to, prostitution activities, forced labor or services, slavery or other similar forms, acts of oppression, extortion, use of the body for physical or sexual purposes, exploitation of reproductive organs, as well as unlawful removal and/or removal of organs and body tissues. In addition, exploitation also includes the use of individual labor and skills by other parties to obtain profits, both in material and non-material forms.²

The victims are people who are trapped in poverty and do not get the right to fulfill the economy, education, and health in their country, this case first occurred when the victims were offered to work properly in Cambodia with various job positions such as call center operators in marketing finance, but in reality the victims were never hired according to the position offered at the beginning but were sent to the Poipet area to work as an operator on a mission to commit fraud on investment portals.³ During the recruitment process, the perpetrator said that the victim would be employed as an operator or telephone receiver in a company, with a training salary of 800 US dollars. In addition, the victims were promised facilities such as access to a gym, a new place to live, and a work environment where all employees are from Indonesia. The perpetrator also assured that there would be a translator available during work. These promises make victims interested and tempted because of the lure of high training salaries and facilities that are considered feasible. The victims get information about the work from relatives, friends, and family who create legal work visas to trick immigration officers.

Basically, human trafficking and exploitation activities are part of a very lucrative dark economy practice for the perpetrators. Syndicates or individual perpetrators generally use various methods in carrying out their actions. The victims were recruited and transferred either consciously or through acts of coercion. Those who are targeted for exploitation are generally in

¹ Masrina Yanggolo dan Caecilia J J Waha. (2024). "Implementasi Perlindungan Hukum Terhadap Korban Tindak Pidana Perdagangan Orang Di Kamboja." Jurnal Fakultas Hukum UNSRAT Lex Administratum. Vol. 12.

² Ibid.

³ Ganewati Wuryandari. (2016) "Menelaah Politik Luar Negeri Dalam Menyikapi Isu Perdagangan Manusia." Jurnal Penelitian Politik.

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vulnerable conditions and are deliberately made dependent on certain parties, both institutions and individuals. This dependency is formed through various manipulative strategies, so that the victim does not realize that he has been exploited and feels that his social and economic needs have been met.⁴ Exploitation can manifest itself in various forms, such as forcing the victim to work in situations that lead to sexual exploitation, slavery, or other forms of modern slavery. Given these conditions, strong legal protection is needed to guarantee and protect the rights of victims of human trafficking.⁵

II. RESEARCH METHODS

This study uses a normative juridical legal method, which is an approach that aims to examine the implementation of the UNTOC Protocol on Trafficking in Persons, the Anti-Trafficking Law, and other relevant regulations, including the steps taken by the Government of Indonesia and the Government of Cambodia. This research was analyzed using a qualitative approach, relying on two forms of approach, namely the statute approach and the case study approach. The legislative approach is carried out by analyzing regulations that are directly related to the research theme, especially the Law on the Eradication of the Crime of Trafficking in Persons (UU TPPO). Meanwhile, the case study approach was carried out by examining various actual events in society related to trafficking in persons, including news that has been circulating in Indonesia. The data used in this study is secondary data, which consists of three types of legal materials: primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials are obtained from various main legal documents such as the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP), the Trafficking Law, and the 1945 Constitution of the Republic of Indonesia. Secondary legal materials are used to strengthen the understanding of primary legal materials, which in this study are sourced from Law Number 6 of 2011 concerning Immigration, previous scientific journals, and news about trafficking cases. Meanwhile, tertiary legal materials such as encyclopedias or dictionaries were not used in this study. The collection of legal materials is carried out through literature study, namely by examining various written literature related to law from various references. The data analysis is carried out with a qualitative approach, through the literature study method, which means tracing and reviewing the results of previous research or studies that are relevant to this research topic.

III. RESULT AND DISCUSSION

Legal protection carried out by the Indonesian government for Indonesian citizens who are victims of trafficking crimes in Cambodia

Human trafficking is a serious violation of human rights and is a real threat to the well-being of individuals and societies globally. The Crime of Trafficking in Persons (TPPO) includes various forms of exploitation, such as forced labor, forced marriage, forced begging, child trafficking, illegal organ harvesting, and sexual exploitation. Each of these practices has its own legal definition both in the context of national and international law. Trafficking falls into the category of transnational crimes, as it involves cross-border activities, in which individuals are sent from one country to another to be forcibly exploited in various forms of modern slavery.

Human Trafficking is one of the problems that occurs globally, cases of human trafficking occur due to economic problems and the low quality of human resources in a country so that it is very easy to be influenced or used by individuals with the lure of working with a large salary. This problem basically becomes very complex because the growth rate of human trafficking continues to grow significantly.

Based on the 10th *Trafficking in Persons Report* released by the United States Department of State, it is estimated that there are around 12.3 million people worldwide who are victims of human trafficking, especially in the form of forced prostitution.⁶ The high number of cases of human trafficking that occur both domestically and abroad reflects that this issue needs serious attention from the Indonesian government. Especially regarding the case of trafficking in persons that befell Indonesian citizens in Cambodia, the government is required to act immediately in order to protect the rights of the victims in accordance with the provisions of the applicable law.⁷

Referring to Article 1 Paragraph (1) of Law Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons, what is meant by trafficking in persons is all forms of actions that include the process of recruiting, transferring, transporting, sheltering, shipping, or accepting individuals, both domestically and across national borders, using means such as physical violence, threats, kidnapping, detention, fraud, falsification of documents, abuse of authority or vulnerable position, debt bondage, or the provision of certain payments or benefits, which aim to exploit or cause the individual to be in a situation of exploitation.

⁴ Bagong Suyanto, (2010), Masalah Sosial Anak. Perdana Media Grup.

⁵ Pramono Bayu Aji dan Ali Mahrus, (2011), Perdagangan Orang Dimensi Instrumen Internasional Dan Pengaturannya Di Indonesia. Jakarta, Citra Aditya.

⁶ Farhana, Aspek Hukum Perdagangan Orang Di Indonesia. Sinar grafika, 2010.

⁷ Satjipto Raharjo. (2014.). Ilmu Hukum. Bandung, PT Citra Aditya Bakti.

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To date, trafficking cases continue to increase in various regions with various forms and modus operandi used by recruiters, both organized and individual, and occur both domestically and cross-country. In response to this, the Indonesian government has established special regulations through Law Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons, which aims to ensure the protection of the basic rights of every individual.

The rights and forms of legal protection that can be given to victims of trafficking by the government and law enforcement officials include the following:⁸

1. Restitution or compensation,
2. Provision of Rehabilitation, Reintegration and Repatriation,
3. Legal assistance,
4. Prevention and provision of information.

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The Indonesian Citizen Protection Team from the Indonesian Embassy in Phnom Penh then met with the victims to ensure their condition was safe and healthy. The team also carried out the identification and investigation process of trafficking cases that befell the victims and arranged their return to the country. Currently, the victims are at the central police headquarters in the compound of the Cambodian Ministry of Internal Affairs, Phnom Penh, to undergo an interview and investigation process that is scheduled to last three to five days by local police officials.

After a few months of work, the victims finally realized that they were actually employed as scammers or online fraudsters. On the other hand, they are also victims because they are recruited by certain parties and are trapped in situations that do not allow them to fight or leave, especially since their passports are detained under the pretext of being processed for visa issuance. There was indeed an employment contract given to them, but the contract was unilaterally changed without the victim's knowledge. Initially they signed a six-month employment contract as a customer service staff, but then the contract was changed to one (1) year and their position was transferred to a scammer. The change was made by adding a new page on the front of the contract, while the original signature on the backpage was retained.¹⁰

The handling of cases of trafficking victims that occurred in Cambodia based on Indonesian law is carried out by adjusting to the situation and experiences experienced by the victims. The first step taken by the government and/or law enforcement officials, in accordance with the provisions of Indonesian laws and regulations, is to rescue the victims from their places of work and facilitate their repatriation to the country.

The process of repatriating the victim refers to the provisions of Article 54 paragraph (1) of Law Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons, which states that "If the victim is abroad and needs legal protection due to being a victim of the crime of trafficking in persons, then the Government of the Republic of Indonesia through its official representatives abroad is obliged to provide protection for the victim and his interests, and seek the repatriation of victims to Indonesia at the expense borne by the state".¹¹

On December 12, 2022, the Embassy of the Republic of Indonesia (KBRI) in Phnom Penh coordinated with the Cambodian Police and Immigration to transfer the victims from the Poipet area to Phnom Penh. After the evacuation, the victim then underwent a series of examinations or making examination reports (BAP) by the Cambodian Central Police at the Ministry of Interior office located in Phnom Penh, with the duration of the examination lasting between three to five days.

Cross-border organized crime such as human trafficking and other illegal activities has the potential to undermine ecosystem stability in the Southeast Asian region. Ironically, people who try to protect their economic sectors can actually be targeted by smuggling and human trafficking practices.¹² Human trafficking has its own characteristics that distinguish it from other forms of transnational crime. The main characteristic of this criminal act is the existence of elements of fraud and coercion. Based on

⁸ Adudu, R. R. (2022). Perlindungan hukum terhadap korban tindak pidana perdagangan orang di Indonesia. *Lex Crimen*, 11(3).

⁹ Oktavianita, Indri, Dkk. Analisis tentang pemahaman Trafficking di kelas XI Smk Al Madani Pontianak. Vol.7, No.2, 2018

¹⁰ Zarbiyani, Farhan, and Benny Djaja. "Perlindungan Hukum Terhadap Wni Pekerja Migran Non Prosedural Yang Menjadi Pekerja Judi Online Di Luar Negeri." *Gorontalo Law Review* 6, no. 2 (2023): 379–87.

¹¹ Anwari Imron. (2014). Kedudukan Hukum Korban Kejahatan Dalam ,Sistem Peradilan pidana Indonesia Melalui Putusan-Putusan Pengadilan Pidana Yogyakarta, Genta Publishing.

¹² Heni Susanti Syafrinaldi, dan Wira Atma Hajri. (2022). "Perbandingan Aturan Hukum Tentang Tindak Pidana Perdagangan Orang Di Indonesia Dan Malaysia." *Kodifikasi* 4, no. 1 : 91–108. <http://www.ejournal.uniks.ac.id/index.php/KODIFIKASI/article/view/1843>.

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international law, the UNTOC Protocol regulates efforts to prevent, enforce and sanction trafficking in human beings. In certain contexts, individuals involved in online gambling can also be categorized as victims of trafficking in persons (TPPO).¹³

Many Indonesians are involved in online fraud and forced labor practices with the aim of exploitation. For example, potential victims are recruited through ads on social media or conversation groups for jobs such as customer service or investment marketing. However, upon arrival at the job site, they are forced to sell fake investment products or carry out other fraudulent online activities. Victims cannot leave the workplace because their personal documents are confiscated, threatened, or burdened with fictitious debts by traffickers. This is the initial stage of the modus operandi of the traffickers. Indonesia itself is one of the main countries in the chain of delivery, receipt, and transit for men, women, and children who are victims of forced labor and sexual exploitation, which is included in the category of Trafficking in Persons (TPPO).¹⁴

ASEAN's efforts to combat the crime of trafficking in persons are realized through the establishment of ACTIP (ASEAN *Convention Against Trafficking in Persons*) which is the legal basis for cooperation between countries in the Southeast Asian region. Indonesia itself became the ninth country to ratify ACTIP, through the promulgation of Law Number 12 of 2017. In his statement, the Foreign Minister emphasized that ASEAN has a strategic position in building a global community that starts with strengthening vision and solidarity among its member countries. In the context of combating trafficking in persons in Indonesia, ASEAN establishes cooperation both with fellow member countries and with partners outside the Southeast Asian region. This cooperation includes encouraging countries to actively investigate trafficking cases, cracking down on perpetrators, and facilitating the repatriation of victims to their countries of origin.¹⁵

The United Nations (UN) established an organization to tackle transnational crimes, namely the UNODC. This Convention has three main objectives, namely: first, to prevent and eradicate the practice of trafficking in human beings, with a main focus on the protection of women and children; second, providing protection and assistance to victims of trafficking while upholding their human rights; and third, strengthening collaboration between participating countries to realize these three goals.¹⁶

The Crime of Trafficking in Persons (TPPO) is part of organized *crime*. Organized crime is understood as criminal activities that are carried out systematically and continuously, with the aim of obtaining profits through illegal activities that often continue due to demand from the public as part of economic needs. This type of crime is generally carried out by utilizing power, pressure, domination, and corrupt practices involving officials or authorities.¹⁷

One of the main concerns in the border area is the limited mobility of gamblers to enter Cambodia or other countries, so they can no longer travel freely. The next factor is the increasing use of digital payment systems during the pandemic, which encourages people to do more activities from home. This situation is then used by criminal groups as an opportunity to invest in illegal activities.

In addition, the pandemic has also had an impact on the decline in the effectiveness of law enforcement officials in carrying out the investigation process. The restrictions imposed in all Asian countries have limited space for the authorities, thus providing a loophole for criminal networks to carry out their actions. These activities are often carried out through casinos operating in remote locations, taking advantage of connections between crime networks and officials involved in corrupt practices, which ultimately expands the scale and intensity of criminal activity.

In addition, ASEAN also strengthens coordination through the three main pillars of its community, namely the ASEAN Political and Security Pillar, the ASEAN Economic Pillar, and the ASEAN Socio-Cultural Pillar. The ASEAN members consist of ten countries, namely Indonesia, Cambodia, Laos, Vietnam, the Philippines, Myanmar, Singapore, Thailand, Malaysia, and Brunei Darussalam (Iskandar and Nursiti, 2021). At the Southeast Asian regional level, through the *framework of the Association of Southeast Asian Nations* (ASEAN), the *ASEAN Plan of Action in Combating Transnational Crime* (2016–2025) has been prepared as a strategic guide to prevent and deal with transnational crime. Some of the steps designed include:¹⁸

1. Implementing national strategies or national action plans in preventing and eradicating cross-country crimes;

¹³ Lie, G. (2024). Upaya Penegakan Hukum dalam Menangani Kasus Perdagangan Manusia. *Jurnal Hukum Lex Generalis*, 5(12).

¹⁴ Tarisya Alifia. (2023). "Kerja Sama National Central Bureau (Ncb) Interpol Indonesia Dengan Pemerintah Kamboja Dalam Menangani Kasus Perdagangan Manusia Yang Menimpa Warga Negara Indonesia Di Kamboja Tahun 2021-2022." Repository UPN Veteran Jakarta, 1–9. [http://repo.iain-tulungagung.ac.id/5510/5/BAB 2.pdf](http://repo.iain-tulungagung.ac.id/5510/5/BAB%202.pdf).

¹⁵ Ramadhan, R., Anwar, M. C., & Sajidin, M. (2023). Upaya ASEAN dalam Menangani Kejahatan Transnasional Perdagangan Narkoba, Perdagangan Manusia dan Terorisme di Kawasan Asia Tenggara. *Indonesian Journal of Peace and Security Studies (IJPSS)*, 5(1), 12-33.

¹⁶ Iskandar dan Nursiti. (2021). "Peran Organisasi Internasional Dan Regional Dalam Penyelesaian Pelanggaran Hak Asasi Manusia Perdagangan Orang Di Indonesia." *Jurnal HAM* 12, no. 3 : 385. <https://doi.org/10.30641/ham.2021.12.385-404>.

¹⁷ Gabrielle, Efe, Josina. (2022). Pertanggungjawaban Hukum Pelaku Trafficking In Person Berdasarkan Hukum Internasional di Indonesia, vol.2, No.1.

¹⁸ Sandi, R. K., Patriani, I., & Fahriansyah, O. (2022). Drug-Free Asean 2025 Work Plan: Kebijakan Asean Dalam Menanggulangi Drug Trafficking (Studi Kasus Kawasan Golden Triangle Perbatasan Myanmar-Laos-Thailand). *SOVEREIGN: Jurnal Hubungan Internasional*, 4(1), 287-306.

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2. Align national policies with *the ASEAN 2025 vision: Forging Ahead Together*, and refer to ASEAN declarations in the field of transnational crimes such as *the ASEAN Comprehensive Plan of Action on Counter Terrorism (ACPoA on CT)* and *the ASEAN Plan of Action Against Trafficking in Persons Especially Women and Children (APA)*;
3. Establish special units or task forces within law enforcement agencies to effectively deal with transnational crimes;
4. Evaluate and update national policies and regulations to strengthen regional cooperation, including cooperation between law enforcement officials;
5. Taking policies and drafting national regulations related to the confiscation of the proceeds of crime, as well as establishing regulations regarding the return, distribution, and/or destruction of the proceeds of the crime;
6. Increase the capacity of financial intelligence agencies and institutions responsible for the prevention of money laundering crimes to track and investigate the flow of funds from crimes;
7. Grant limited authority to use special investigative methods such as electronic surveillance or undercover operations, in accordance with the provisions of the laws of the respective countries;
8. Develop an ASEAN cross-country criminal database and record system covering transnational crime and organized crime group operating patterns;
9. Strengthening the criminal justice system in all ASEAN member states;
10. Develop and improve national regulations to protect witnesses from intimidation or threats of retaliation during legal proceedings, as well as provide support and protection for victims;
11. Establish effective cooperation and exchange of information between the government, media, private sector, and civil society in handling transnational crime.

Indonesia and Cambodia, as part of ASEAN, have taken concrete steps through the 2004 ASEAN Declaration on Combating Trafficking in Persons, Especially Women and Children. This declaration focuses on three main points:¹⁹

- a. Strengthening mechanisms to prevent trafficking;
- b. Providing protection for victims;
- c. Law enforcement against the perpetrators of trafficking crimes.
- d. Cooperation and communication at the regional and international levels related to trafficking crimes.

Currently, Indonesia and Cambodia have tightened immigration supervision as a form of implementation of the international agreements they follow. The company that dispatched the victims did not have an official license as a labor distributor, because its business was engaged in the network and fiber optic consulting sectors. The victims were promised a salary of between Rp5,000,000 and Rp8,000,000 per month and were said to be working at an event titled Four Face Buddha in Cambodia. However, after an investigation by the police, it was discovered that they would actually be hired as operators of online gambling sites.²⁰

Although cooperation between Indonesia and Cambodia has shown progress, this step still needs to be extended to the entire ASEAN region. Since the two countries have strengthened cooperation, online gambling activities involving cross-border organized crime have begun to seek evasion detection by moving their operations to neighboring countries.²¹ In an effort to overcome this problem, the Cambodian government is reviewing regulations related to online gambling. Despite efforts to improve the sector, the country still faces challenges in formulating effective policies to crack down on online gambling. Now, traffickers can easily move to other countries such as Myanmar, Palau, or Nepal. In response, ASEAN is trying to allay concerns over rising cases of cyber fraud and human trafficking by establishing dialogue with the United Nations. While ASEAN has the principle of non-intervention and consensus-based decision-making, this kind of cross-border crime demands a more proactive approach, where online gambling should be seen as a national security and criminal justice issue that transcends the boundaries of jurisdiction between countries.²²

IV. CONCLUSIONS

The form of legal protection provided by the Government of Indonesia to Indonesian citizens who are victims of the Crime of Trafficking in Persons (TPPO) in Cambodia is regulated in the provisions of Articles 43 to 63 of Law Number 21 of 2007. The protection not only focuses on legal action against the perpetrator, but also includes the fulfillment of the rights of the victim, including rehabilitation services, the provision of compensation or compensation, social reintegration, legal assistance, and

¹⁹ Wibowo, A. P., Fransiska, A., Nugroho, F. E., & Adipradana, N. (2020). *Penanggulangan Tindak Pidana Perdagangan Orang: Kajian Hukum dalam Perspektif Nasional dan Internasional*. Penerbit Universitas Katolik Indonesia Atma Jaya.

²⁰ Faqiriah, N. (2022). *Analisis Upaya Pemerintah Kamboja Dalam Menangani Perdagangan Manusia 2015-2020* (Doctoral dissertation, Universitas Islam Indonesia).

²¹ Valerisella, N., Sliviani, N. Z., & Situmeang, A. (2025). Cooperation Frameworks of Indonesia and Cambodia Against Transnational Organized Crime in Online Gambling Human Trafficking. *Yustisia Tirtayasa: Jurnal Tugas Akhir*, 5(1), 1-27.

²² Nikson Sinaga (2022). "Dicegah Berangkat, Calon PMI Jalur Ilegal Kini Dipulangkan ." Kompas.Id.

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arrangements for the return of the victim to Indonesia. The central and regional governments, including legal representatives, are also involved in the process of assistance and protection. The Embassy of the Republic of Indonesia (KBRI) in Phnom Penh also played an active role by cooperating with Cambodian security and immigration authorities in rescuing the victims from the Poipet area, then moving them to Phnom Penh. As a follow-up, the Directorate General of Police assigned three personnel from the National Police Headquarters to Cambodia to pick up the victims. The Indonesian Citizen Protection Team from the Indonesian Embassy in Phnom Penh then met with the victims to ensure their condition was safe and stable. This team is also responsible for the identification and investigation process of trafficking cases experienced by victims, as well as facilitating the repatriation process to the country. Before being repatriated, the victims were taken to the police station in Phnom Penh to undergo a three- to five-day interview and investigation process by the local police. In order to overcome cross-border crimes such as the Crime of Trafficking in Persons (TPPO), the Government of Indonesia needs strong partnerships with other countries through various cooperation schemes, both in the form of international, bilateral, multilateral, and regional. One form of implementation of this cooperation is a mutual assistance agreement in handling trafficking cases. Efforts to prevent this crime have been carried out through synergy between countries, especially within the framework of ASEAN cooperation. For example, Indonesia and Cambodia have established bilateral cooperation in handling trafficking cases, especially involving Indonesian citizens who are exploited in the online gambling sector in Cambodia. The real form of this cooperation is realized through forums such as the Cambodia-Indonesia Bilateral Meeting on Immigration Matters. The existence of international legal instruments such as ACTIP (ASEAN Convention Against Trafficking in Persons) and the role of organizations such as IOM (International Organization for Migration) are very important in supporting efforts to prevent trafficking. Through these legal instruments, member states are expected to take preventive measures, strengthen their respective national legal systems, and stop the flow of profits from transnational criminal activities. In addition to international support, Indonesia also has a national legal basis in the form of the Law on the Crime of Trafficking in Persons (TPPO Law), which expressly regulates the punishment and legal action against human traffickers.

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