Implementation of Legal Protection for Victims of Human Trafficking as Online Gambling Admins in Law Enforcement Practices in Indonesia

Citra Subhan Lubis, Rahmayanti, Suci Ramadani

Abstract

This study examines the application of legal protection for victims of human trafficking who are exploited as online gambling admins in law enforcement practices in Indonesia. The main issue examined is the status of victims who may appear to be involved in online gambling activities, but may substantively be deceived, coerced, threatened, held captive, controlled, or exploited by human trafficking networks. This study aims to analyze the forms of legal protection for victims, their application in the law enforcement process, and the obstacles that arise in distinguishing victims from the main perpetrators. The research method used is normative juridical with a statutory and conceptual approach, through a review of legal provisions regarding human trafficking, online gambling, witness and victim protection, and restitution for victims of criminal acts. The results of the study indicate that legal protection for victims must be implemented from the stages of investigation, inquiry, prosecution, trial, and post-case recovery. This protection includes victim identification, prevention of criminalization, legal assistance, security protection, identity confidentiality, rehabilitation, restitution, repatriation, and social reintegration. The main obstacles in its implementation include the difficulty of proving exploitation, the dominant criminal approach to online gambling, weak inter-institutional coordination, and the organized and transnational nature of the crime. Therefore, law enforcement needs to adopt a victim-centered approach so that victims of human trafficking are not punished as perpetrators but rather protected as those who have lost their free will due to exploitation.

Keywords: *Implementation of Legal Protection for Victims of Crime. Human Trafficking*

Citra Subhan Lubis[1]
[1]Magister of Law, Universitas Pembangunan Panca Budi, Indonesia
e-mail: balancitra@gmail.com[1]

Rahmayanti[2], Suci Ramadani[3]
[2,3]Magister of Law, Universitas Pembangunan Panca Budi, Indonesia
e-mail: rahmayanti@dosen.pancabudi.ac.id[2], suciramadani@dosen.pancabudi.ac.id[3]

Introduction

Human trafficking is a form of crime that not only attacks a person's physical freedom, but also damages human dignity as a legal subject who has the right to live safely, free from exploitation, and receive state protection. In the context of Indonesian criminal law, the crime of human trafficking cannot be understood solely as an event of moving a person from one place to another, but rather as a series of actions that include recruitment, transportation, shelter, sending, transferring, or receiving a person by means of threats, violence, kidnapping, confinement, forgery, fraud, abuse of power, or the use of a vulnerable position for the purpose of exploitation.[1] These elements indicate that the core of human trafficking lies in the loss of the victim's freedom to determine his or her own will. Therefore, victims of human trafficking should not be seen as parties who freely agree to their involvement in a job or activity, because consent born of fraud, pressure, threats, or a vulnerable position does not have the legal quality of valid consent.

The development of information technology has transformed human trafficking patterns from conventional forms to digital and transnational ones. While previously human trafficking was often associated with sexual exploitation, domestic workers, migrant workers, or forced labor in the informal sector, a new method has emerged, recruiting victims to work as operators, admins, customer service representatives, or account managers in online gambling networks, online fraud, fraudulent investments, and other digital crimes. This method typically begins with a job offer with a high salary, accommodation facilities, a seemingly easy departure process, and the promise of legal employment in technology, digital marketing, or customer service. Once victims arrive at the work location, they often lose access to personal documents, are restricted in their freedom of movement, are forced to work long hours, are targeted, threatened, and even experience physical or psychological violence if they refuse to carry out the assigned work.[2] This pattern demonstrates that human trafficking in the online gambling ecosystem is no longer solely related to the movement of people, but also to the exploitation of digital labor to carry out cybercriminal activities that generate significant profits for criminal networks.

The phenomenon of human trafficking victims becoming online gambling admins raises complex legal issues because they find themselves in two seemingly contradictory positions. On the one hand, victims can be seen as perpetrators because they actually participate in operating accounts, responding to player messages, managing transactions, promoting sites, or assisting with access to gambling content. On the other hand, these actions can occur because victims are recruited, deceived, threatened, coerced, or controlled by human trafficking networks. This complexity requires law enforcement officials to use not only a formal legal approach based on external actions but also to assess the context of victimization underlying the victim's involvement. If authorities only consider the actions of online gambling admins without examining the elements of recruitment, deception, coercion, confinement, and exploitation, the victims risk being criminalized as online gambling perpetrators. This risk makes legal protection for victims of human trafficking as online gambling admins crucial to analyze in law enforcement practices in Indonesia.

Under Indonesian positive law, the prohibition on online gambling is regulated through the legal regime of information and electronic transactions. Law Number 1 of 2024 concerning the Second Amendment to the Electronic Information and Transactions Law prohibits any person from intentionally and without authority distributing, transmitting, or making accessible electronic information or electronic documents containing gambling content.[3] The criminal provisions also provide severe criminal penalties, namely a maximum prison sentence of ten years and/or a maximum fine of ten billion rupiah for acts related to electronic gambling content.[4] These provisions are normatively necessary to eradicate online gambling as a digital crime that harms society. However, in cases that overlap with human trafficking, the application of these provisions must be carried out carefully. Criminal law must not stop at proving that someone has accessed the system, run an account, or conducted operational communications.

Criminal law must also examine whether the person acted freely, had complete intent, enjoyed the benefits independently, or was forced into a situation due to exploitation.

In Indonesia's positive law, the prohibition against online gambling is regulated through the legal regime of information and electronic transactions. Law Number 1 of 2024 concerning the Second Amendment to the Electronic Information and Transaction Law prohibits everyone from deliberately and without the right to distribute, transmit, or make accessible electronic information or electronic documents that have gambling content. [3] The criminal provisions also provide a severe criminal threat, namely imprisonment for a maximum of ten years and/or a maximum fine of ten billion rupiah for acts related to electronic gambling content. [4] This provision is normatively necessary to eradicate online gambling as a digital crime that harms society. However, in cases that intersect with trafficking in persons, the application of these provisions must be carried out carefully. Criminal law should not stop at proving that someone has accessed a system, run an account, or conducted operational communications. Criminal law must also examine whether the person acts freely, has complete intentions, enjoys profits independently, or is actually in a state of coercion due to exploitation.

This issue is increasingly relevant because online gambling has developed into a broad socioeconomic phenomenon. PPATK noted that in 2024 the turnover of online gambling funds will reach IDR 359 trillion, while until October 2025 the value will reach IDR 155 trillion after an emphatic effort by the government. [5] PPATK also stated that the flow of online gambling funds is often related to other crimes such as fraud, narcotics, and human trafficking. [6] These data show that online gambling cannot be understood as a single offense, but rather as a node of crime connected to money laundering, illegal labor recruitment, account abuse, digital exploitation, and cross-border crime. Thus, the handling of online gambling admins originating from victims of trafficking requires a broader approach than just taking action against lower-level operators. Law enforcement should be directed at mapping the network structure, recruiting actors, financiers, site controllers, account managers, and parties that derive the main benefit from victim exploitation.

Law Number 21 of 2007 has placed trafficking in persons as a crime that is contrary to human dignity and violates human rights. [7] This law not only regulates the criminalization of perpetrators, but also contains the orientation of victim protection. This protection is important because victims of trafficking generally face multiple losses, namely economic loss, physical suffering, psychological distress, social stigma, threats from perpetrators, and difficulty accessing justice. In the case of online gambling admins, the victim's losses become more complex because the victim can carry an additional burden in the form of fear of being convicted as a cybercriminal. This fear can hinder the victim from reporting, providing information, or cooperating with the authorities. As a result, the actual network of perpetrators is actually more difficult to dismantle because the victim as the main source of information does not receive adequate protection guarantees.

An important principle in this context is the principle of non-punishment or the principle of not punishing victims for unlawful acts committed as a direct result of the trafficking situation. Theoretically, this principle departs from the understanding that victims of trafficking do not have full autonomy when carrying out actions ordered by the perpetrator. If the victim is forced to become an online gambling admin, then the administrative actions taken by the victim must be assessed in a causal relationship with coercion, fraud, detention, threats, or abuse of a vulnerable position. This principle does not mean that everyone who claims to be a victim should be automatically free from legal scrutiny. This principle demands a serious, evidence-based, and victim-oriented identification mechanism. The apparatus can still conduct examinations, but the examinations must be directed to distinguish between the main actors, the actors who make profits, recruiters, network controllers, and victims who are forced to carry out operational functions.

Literature Review

1. Legal Protection as a Theoretical Framework

Legal protection refers to the measures established by the state to safeguard individuals from violations of their rights and to restore those rights when violations have occurred. In criminal law, legal protection is not limited to prosecuting and punishing offenders. It also includes identifying victims, ensuring their safety, providing legal assistance, facilitating physical and psychological recovery, restoring economic losses, and preventing secondary victimisation during criminal proceedings.

Legal protection may be divided into preventive protection and repressive protection. Preventive legal protection seeks to prevent victimisation through public education, migration control, employment verification, early detection, and supervision of recruitment practices. Repressive legal protection is provided after the offence has occurred through rescue, investigation, prosecution, restitution, compensation, rehabilitation, repatriation, and social reintegration.

A victim-centred approach places the victim's dignity, security, autonomy, and recovery at the centre of law-enforcement action. Under this approach, a person's involvement in unlawful conduct does not automatically eliminate their status as a victim. The authorities must first examine whether the unlawful conduct was committed voluntarily or resulted from coercion, deception, exploitation, confinement, debt bondage, abuse of vulnerability, or threats imposed by traffickers.

Indonesia's current witness and victim protection framework is governed by Law Number 3 of 2026 on the Protection of Witnesses and Victims. This statute repealed Law Number 13 of 2006 and Law Number 31 of 2014 and introduced a broader framework covering protection rights, restitution, compensation, a victims' endowment fund, institutional cooperation, and the responsibilities of central and regional governments.

2. The Concept of Trafficking in Persons

Trafficking in persons is generally understood through three principal elements: the act, the means, and the purpose of exploitation. The act may include recruitment, transportation, transfer, harbouring, or receipt of a person. The means may involve threats, violence, abduction, confinement, fraud, deception, abuse of authority, abuse of vulnerability, debt bondage, or the giving of payments or benefits to a person who controls the victim. The final element is the purpose of exploiting the person.

This formulation reflects the Palermo Protocol, which Indonesia ratified through Law Number 14 of 2009. The Protocol provides an international legal foundation for preventing trafficking, prosecuting traffickers, protecting victims, and strengthening international cooperation. At the national level, trafficking in persons was comprehensively regulated through Law Number 21 of 2007 on the Eradication of the Crime of Trafficking in Persons. The statute recognises trafficking as an offence against human dignity and provides criminal sanctions for individuals and corporations involved in trafficking. It also regulates investigation, prosecution, victim protection, restitution, rehabilitation, repatriation, and community participation.

Following the entry into force of the new Indonesian Criminal Code, the applicable anti-trafficking framework must be interpreted by reading Law Number 21 of 2007 together with Law Number 1 of 2023 on the Criminal Code and Law Number 1 of 2026 on Criminal Adjustments. Article 2 of Law Number 21 of 2007 has been expressly repealed and its essential trafficking formulation incorporated into the new Criminal Code, particularly the provisions concerning recruitment, transportation, harbouring, transfer, or receipt of persons for exploitation. Other provisions of Law Number 21 of 2007, including victim protection and the non-punishment provision, remain relevant unless expressly repealed or amended.

3. Trafficking for Forced Criminality

Traditional discussions of trafficking frequently focus on sexual exploitation, domestic servitude, forced labour, child trafficking, and organ removal. The expansion of transnational cybercrime has produced another form of exploitation known as trafficking for forced criminality. In this form, victims are recruited, transported, confined, or controlled and subsequently compelled to participate in unlawful activities for the financial benefit of organised criminal groups.

Forced criminality may include online fraud, phishing, investment scams, money laundering, cryptocurrency fraud, illicit gambling operations, drug-related offences, and the use of victims' bank accounts or digital identities. The victim therefore occupies a complex position: the person suffers exploitation while simultaneously appearing to participate in a criminal enterprise.

The International Labour Organization defines forced labour as work or service exacted from a person under the threat of a penalty and for which the person has not offered himself or herself voluntarily. This definition is relevant where online gambling administrators are forced to work through violence, salary withholding, passport confiscation, confinement, debt, threats, or penalties for failing to meet operational targets.

UNODC has identified trafficking for forced criminality in Southeast Asian scam compounds as a major transnational organised-crime problem. Victims are often attracted through fraudulent employment advertisements, transported to compounds, deprived of their documents and freedom of movement, and compelled to conduct online scams or related illicit activities.

The term online gambling administrator should therefore not be interpreted solely as an occupational designation. Its legal meaning depends on the circumstances in which the individual was recruited and employed. A person who knowingly and voluntarily manages an online gambling platform for financial profit may be treated as an offender. Conversely, a person recruited through deception and subsequently forced to operate gambling accounts, respond to customers, process transactions, promote gambling content, or perform other unlawful tasks may satisfy the legal criteria of a trafficking victim.

Research Methodology

1. Nature of Research

This research is descriptive analysis which reveals the laws and regulations related to the legal theories that are the object of the author, as well as their implementation in society related to the object of research. The analysis is carried out based on the picture, the facts obtained and will be carried out carefully how to answer the problem in concluding a solution as an answer to the problem.

2. Types of Research

This research is a qualitative descriptive research, the purpose of This research is normative legal research (normative juridical), which is research conducted by examining legal norms, legal principles, legal principles, doctrines, and court decisions related to the principle of proportionality in imposing sanctions on perpetrators of narcotics crimes. Normative legal research is used because the focus of this research is not on community behavior or the effectiveness of the law in the field, but on the assessment of applicable legal provisions, synchronization of norms, judges' considerations, and the construction of Legal Protection for Victims of Human Trafficking as Online Gambling Admins.

3. Data Collection Methods

The data collection method in this study is carried out through *library research*, namely by collecting, studying, and inventorying legal materials related to the principle of proportionality in imposing sanctions on perpetrators of narcotics crimes. The literature study was carried out because this research is a normative legal research that focuses on the analysis of legal norms, legal principles, doctrines, and court decisions, not on the collection of empirical data in the field. Primary legal materials are obtained from laws and regulations related to legal protection for victims of trafficking in persons, such as the Constitution of the Republic of Indonesia in 1945, Law Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons, Law Number 31 of 2014 concerning the Protection of Witnesses and

Victims, the Criminal Code, the Code of Criminal Procedure, as well as other regulations relevant to the object of the research. Secondary legal materials are obtained from various literature that provide explanations of primary legal materials, such as books, scientific journals, research results, legal articles, expert opinions, and other scientific works related to the crime of trafficking in persons, victim protection, and digital-based crimes. The tertiary legal materials were obtained from legal dictionaries, encyclopedias, and other supporting sources that help explain the legal terms used in this study.

The data collection technique is carried out by reading, recording, classifying, and processing the legal materials that have been obtained in accordance with the subject matter of the research. Furthermore, all data collected are systematically compiled to make it easier for researchers to analyze legal protection for victims of human trafficking who are exploited as online gambling admins.

4. Data Type

The type of data used in this study is secondary data. Secondary data is data obtained not directly from the field, but through literature studies on various legal materials related to research problems. The secondary data in this study consisted of primary legal materials, secondary legal materials, and tertiary legal materials. The data used in this study are sourced from secondary data which includes the following:

a. Primary legal materials include laws and regulations related to the legal protection of victims of trafficking in persons, such as the Constitution of the Republic of Indonesia in 1945, Law Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons, Law Number 31 of 2014 concerning the Protection of Witnesses and Victims, the Criminal Code, the Criminal Procedure Code, and other relevant regulations. Secondary legal materials include books, scientific journals, research results, articles, and expert opinions related to trafficking, victim protection, and digital crime. The tertiary legal materials include legal dictionaries, encyclopedias, and other supporting materials that help explain the legal terms in this study.
b. Tertiary legal materials are legal materials that provide additional instructions or explanations to primary legal materials and secondary legal materials. This material includes legal dictionaries, Indonesian dictionaries, encyclopedias, indexes, and other reference sources that support the understanding of terms and concepts in research.

5. Data Analysis

Data analysis in this study was carried out qualitatively, namely by deciphering, interpreting, and connecting data obtained from primary legal materials, secondary legal materials, and tertiary legal materials systematically to answer the formulation of research problems. Qualitative analysis is used because this research is a normative legal research that does not aim to process data in the form of numbers, but rather to examine legal norms, legal principles, doctrines, and court decisions related to the principle of proportionality in imposing sanctions on perpetrators of narcotics crimes. The data analysis used in this study is qualitative and inductive, namely analysis based on the data obtained.

Results

The application of legal protection to victims of human trafficking as online gambling admins in law enforcement practices in Indonesia must be carried out with an approach that is not only oriented towards criminalizing online gambling, but also on identifying the victim's status as an exploited party. The victim in this case is often in a complex legal position because outwardly appears to be carrying out gambling activities, such as operating an account, serving players, arranging transactions, or disseminating information about online gambling sites. However, such involvement cannot be immediately understood as a form of criminal intent if the victim is recruited through job fraud, threatened, detained, withheld documents, charged with debt, or controlled by a network of perpetrators. Within the framework of Law Number 21 of 2007, the element of trafficking in persons focuses on the act of recruiting, transporting, sheltering, sending, transferring, or accepting a person in an unlawful manner for the purpose of exploitation. Thus, law enforcement must assess the relationship between the victim's actions as an online gambling admin and the conditions of exploitation that cause the victim to lose their freedom of will.

At the investigation and investigation stage, law enforcement officials need to apply a mechanism for identifying victims carefully. The examination should not only rely on digital evidence in the form of mobile phones, accounts, conversations, accounts, website addresses, or transaction history, because the evidence only shows the technical activities of the victim, not always showing free will to commit a criminal act. The apparatus must dig into the chronology of recruitment, the content of the job offer, the party who finances the departure, the location of the shelter, the pattern of supervision, threats, work targets, communication restrictions, and the party who gets the main benefit. This approach is important because Law Number 1 of 2024 does regulate the prohibition of distribution, transmission, or access to electronic information containing gambling, but its application must still pay attention to the principle of error in criminal law. A person cannot be justly punished if his actions are done because of pressure, threats, or exploitative circumstances that take away the freedom to refuse.

At the prosecution and trial stages, legal protection must be applied through the construction of a case that distinguishes the victim from the main perpetrator. Prosecutors need to place recruiters, controllers, financiers, site managers, and beneficiaries as the main focus of criminal liability. The judge also needs to assess whether the victim has the real ability to get out of the job or is in a repressive power relationship. In this context, the principle of victim protection must go hand in hand with the principle of criminal proof, so that the victim is not necessarily released without examination, but also not criminalized simply for carrying out an order in conditions of exploitation. This phenomenon is in line with the concept of trafficking for forced criminality, which is human trafficking that forces victims to commit criminal activities, including online fraud and illegal gambling.

Legal protection must also include the rights of victims as victims' witnesses, namely security protection, identity confidentiality, legal assistance, medical assistance, psychological assistance, and information on case developments. Law Number 31 of 2014 emphasizes the importance of protecting witnesses and victims in the criminal justice process. This protection is necessary because victims often have critical information regarding recruiter networks, locations of operations, transaction flows, and command structures. In addition, victims must also obtain recovery through rehabilitation, repatriation if exploitation occurs across borders, social reintegration, and restitution. Supreme Court Regulation Number 1 of 2022 has regulated the mechanism for restitution and compensation to victims of criminal acts. Thus, the application of ideal legal protection not only saves victims from exploitation, but also prevents criminalization, strengthens evidence against the main network, and realizes substantive justice for victims.

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