

ALSA LEGAL ENGLISH HANDBOOK HUMAN TRAFFICKING



A Guide to Improve Your English **ENGLISH DEVELOPMENT DIVISION**

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INTRODUCTION

ASSALAMUALIKUM WR.WB, SHALOM, OM SWASTYASTU, NAMO BUDDHAYA, SALAM KEBAJIKAN,

Greetings everyone!

We give our highest praise and gratitude to the presence of God Almighty who always gives all His blessings, gifts and protection to all of us.

Asian Law Students' Association Local Chapter Universitas Brawijaya is an organization that aims to connect all students of the Faculty of Law in Asia. As one of the 15 Local Chapters under Asian Law Students' Association National Chapter Indonesia, ALSA Local Chapter Universitas Brawijaya is always focused and has firm principles to carry out the Vision and Objectives of ALSA which are based on the ALSA Constitution.

In order to achieve this goal, ALSA Local Chapter Universitas Brawijaya always put forward the 4 pillars of ALSA in order to create individuals who can understand the different legal systems of each member of the National Chapter in ALSA, members develop its to become who international individuals have insights, responsible to the community and society, has a high commitment to academics and also has competitive legal skills in order for it to be beneficial to the surrounding community.

With that, I, Edelweis as the Director of ALSA Local Chapter Universitas Brawijaya term 2022-2023 is proud to present this Legal English Handbook that is orchestrated by the English Development Division.

We sincerely hope that this handbook could be beneficial for all readers and help accelerate them 2 out of 4 pillars of ALSA which are Academically Committed and Legally Skilled.

Finally, we hope that this Legal English Handbook can be a useful guide for all readers and can be used properly to support Legal English writing from the ALSA Local Chapter of Universitas Brawijaya.

"Small Changes, Big Impacts"

Wassalamualaikum Wr. Wb, Shalom, Om Shanti Shanti Om, Namo Buddhaya, Salam kebajikan untuk kita semua.

Together Will Be, Connected as One, May ALSA, Always be One!



Edelweiss Director ALSA LC Universitas Brawijaya

INTRODUCTION

ASSALAMUALIKUM WR.WB, SHALOM, OM SWASTYASTU, NAMO BUDDHAYA, SALAM KEBAJIKAN,

It is with great pleasure that I welcome you to the first volume of ALSA Legal English Handbook with the issue of Human Trafficking. This handbook aims to provide you with a comprehensive understanding of human trafficking concepts, its national and international regulations, and some of the cases. It is designed to serve as a guide for individuals and organizations seeking to navigate the complex legal landscape.

The law plays a crucial role in our daily lives, from protecting our rights and freedoms to regulating our interactions with others. However, the law can be intricate and challenging to comprehend without proper guidance. That is why this legal handbook has been crafted with the utmost care and attention to detail.

As the person in charge i would also like to express my gratitude to my English Development Division's staff, English Development Division manager and manager coordinator, my friends, and everyone whom I can't mention one by one that have been helping me make this month's ALSA Legal English Handbook, i also hope that this handbook can help the readers in any aspects and be able to give them english knowledge about this month's issue. Thank you for choosing this legal handbook as your guide to the law.

Wassalamualaikum Wr. Wb., Shalom, Om Santi Santi Om, Namo Buddhaya,

Together Will Be, Connected As One, ALSA, Always Be One!



Luh Grace Arabella Sudarta PIC ALSA Legal English Handbook (May)

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INTRODUCTION

Definition of human trafficking

Human trafficking is a heinous crime that involves the exploitation of individuals through the use of force, deception, or coercion for the purposes of forced labor, sexual exploitation, or other forms of exploitation. It encompasses various activities, such recruitment, as transportation, transfer, harboring, or receipt of individuals. This crime affects individuals of all ages, genders, and backgrounds, and it occurs in various parts of the world. The individuals who engage in human trafficking often use violence, fraudulent job agencies, and false promises of education or employment to deceive and manipulate their victims. According to Article 3 of the United Nations Protocol, the definition of human trafficking is the recruitment, transportation, transfer, harboring, or receipt of a person, through threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving or receiving payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation. Exploitation includes, at a minimum, exploitation for the purpose of prostitution or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude, or the removal of organs.[1]

In Indonesia, the definition of human trafficking is outlined in the Republic of Indonesia Law Number 21 of 2007 on the Eradication of Criminal Acts of Trafficking in Persons in Chapter I, General Provisions, Article 1. According to this article, "Trafficking in Persons" means the act of recruiting, transporting, harboring, transferring, or receiving a person by means of violence, threat, abduction, confinement, forgery, fraud, abuse of power or vulnerability, bondage of debt, or giving or receiving payments or benefits,

in order to obtain the consent of a person who has control over another person, whether within the country or across borders, for the purpose of exploitation or causing a person to be exploited. Also, the opinion of legal experts Rebecca Surtees and Martha Wijaya regarding trafficking in persons is that the crime of trafficking in persons is a "criminal syndicate", which is an association of a number of people formed to carry out criminal activities. From the above understanding, the criminal syndicate must be committed by more than one person and has committed a criminal act in its implementation. The activities of this syndicate of trafficking in women and children are carried out in an organized manner.

History of human trafficking

Human trafficking has changed its form over time. Human trafficking has a long and complex There history. are many arguments from several researchers and scholars about the first indication of when human trafficking started. The forerunner of human trafficking began in the 18th century when kids are forced to work.[2] Human trafficking itself started on a couple of hundred years ago in the transatlantic slave trade on Africa, to the exploitation of children and women in the modern sex trade. The researchers were historically tracing the starting point of contemporary human trafficking to the late 19th century for girls sexual when exploitation internationally gained its momentum. Young women were trafficked out of Africa to Europe to work as mine workers, wives, or prostitutes while slavery is centered around exploitation of labor.[3]

[1]"Human-Trafficking." *unodc*, https://www.unodc.org/unodc/en/human-Trafficking/Human-Trafficking.html. Accessed 30 April 2023

[2]Cree, Viviene E. "Confronting Sex Trafficking." *International Social Work*, vol. 51, no. 6, SAGE Publications, Nov. 2008, pp. 763–76. *Crossref*, https://doi.org/10.1177/0020872808095249.

[3]Usman, Usman Mika'il. "Human Trafficking: History and the Recent Development." *International Journal of Academic Research in Public Policy and Governance*, vol. 7, no. 1, Knowledge Words Publications, Feb. 2020. *Crossref*, https://doi.org/10.46886/ijarppg/v7-i1/7004.

During the period when people from Africa were transported against their will to European nations, England played a significant role in ending the transatlantic slave trade. In 1807, the English Parliament passed the Slave Act, which came into effect on January 1, 1808, and prohibited the trade of slaves. Then in 1904, an international treaty against the 'white slave trade' was created, focusing on migrant women and children.[4] In 1910, 13 countries signed the International Convention Against Trafficking

White Slaves to create an illegal form of trade. This International Convention led to the establishment of a national committee to work against trafficking in white women. In June 1921, The League of Nations held an international conference in Geneva, at which the term 'white slavery' was changed to 'trafficking in women and children'. This is done to ensure that human trafficking in all countries is recognized as a victim. During this conference, 33 countries signed the International Convention to Combat Trafficking in Women and Children.

In 1923, the League of Nations had a group of experts conduct two studies on trafficking in women and children. This study was conducted to answer the question that foreign women who sell themselves in these countries demand prostitution (prostitution). These two studies show that the main means of trafficking in women are violence and deception.

In 1949, the United Nations Convention on Trafficking in Persons and Sexual Exploitation. It is the first convention on trafficking in persons that is legally binding for countries that have signed it and obliges countries to prohibit illegal prostitution. However, like all conventions before it, this convention still deals only with human trafficking for the purpose of sexual exploitation.

In 2000, the United Nations Protocol Against Trafficking in Persons was validated. This only concerns all forms of illegal human trafficking.

While human trafficking is recognized internationally and international laws have been passed, it is still a very serious problem worldwide. According to a report provided in 2004 by the US Department of State, 600,000 to 800,000 people are trafficked across international borders every year and more people are trafficked in their countries of origin. Traffickers today still use every type of method to get their victims similar to those seen in the 1923 League of Nations namely violence and deception.



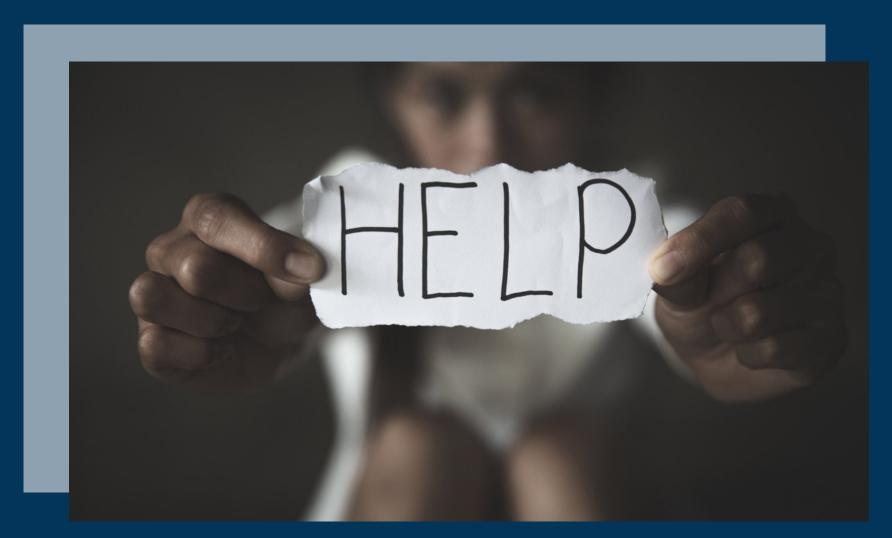
Linda Woolf source; St. Louis Magazine

According to Linda Woolf, a psychology professor at Webster University, these methods included an element of coercion, which included promises of employment or marriage, kidnapping, and several girls being sold to traffickers by their own parents.

^[4] Kangaspunta, Kristiina. "Trafficking in Persons. A Short History." Freedom From Fear, vol. 2008, no. 1, United Nations Publications, Oct. 2008, pp. 38–41. Crossref, https://doi.org/10.18356/9a0bf148-en.

Importance of Understanding Human Trafficking

Human trafficking is a transnational crime that has been a problem for countries around the world for a long time. Human trafficking involves acts such as deception, coercion, and exploitation, all of which are detrimental to humanity and individual freedom. This issue has caused great concern, as human beings (especially women and children) have become a commodity for trade. Human trafficking is a new form of modern-day slavery. These practices make human beings nothing more than goods and can certainly be used according to the wishes of the buyer. When they are bought, they lose their rights, even their entire humanity. Every person has his own dream of a life worth living. He will naturally strive to fulfill these dreams, making every effort to achieve his dreams, but unfortunately, they have nothing, they do not have the proper education and skills to work and earn money. They also have no money or other material possessions that can be used to secure their lives. In continuing their lives, they have no choice but to use what they have in order to achieve their dreams. Their bodies, self-respect, and humanity are at stake for the sake of these dreams. It is ironic that humanity is now a commodity that can be bought and sold.



Understanding this practice is therefore important to ensure that people who are victims of human trafficking get the protection and assistance they need. In practice, there are several international conventions that have regulated this, including the International Convention for the Suppression of White Slave Traffic 1921,[5] The International Convention for the Suppression of Traffic in Women of Full Age 1933, the International Convention for the Suppression of Traffic in Women and Children 1921. This is an important concern because of the several international conventions approved by countries in the world, none of them can really tackle and even eliminate acts of human trafficking that occur both domestically and between countries. This is evidenced by the fact that more and more cases are arising related to this issue, which is increasingly sophisticated and difficult to handle. Understanding human trafficking is linked to global issues such as illegal trade, cross-border crime, and economic exploitation. By increasing our awareness and understanding of human trafficking, we can contribute to efforts to tackle the problem and ensure human freedom and dignity are respected around the world.

[5]Novianti. "Jurnal ilmu hukum." TINJAUAN YURIDIS KEJAHATAN PERDAGANGAN MANUSIA (HUMAN TRAFFICKING) SEBAGAI KEJAHATAN LINTAS BATAS NEGARA, 2014.

LEGAL FRAMEWORK FOR COMBATING HUMAN TRAFFICKING

International Legal Instruments

The global community considers human trafficking to be a grave offense or a serious crime, and it should be eliminated promptly from the international arena.[6] Serious crime according to the UN Convention against Transnational Organized Crime (2000) known as Palermo Convention conducted constituting an offense punishable by maximum а deprivation of liberty of at least four years or a more serious penalty. [7]



We can also see its urgency from several regulations regarding human trafficking. International law's perspective on human trafficking has been included in the Universal Declaration of Human Rights (UDHR). The UDHR's Article 4 explicitly prohibits any form of slavery or servitude, and acknowledges that slavery is a commonly used form of human trafficking, but not the only one. The ICCPR's Article 8 also prohibits all forms of slavery and considers such acts as criminal offenses. Both the UDHR and ICCPR firmly assert that any kind of slavery is not acceptable and is strictly forbidden.

One of the most important international legal instruments to combat human trafficking is the UN Convention against Transnational Organized Crime (2000) known as The Palermo Protocol which was held by the United Nations in 2000 that mainly discussed children and women human trafficking. The Palermo Protocol is a clearer version of the UNTOC Protocol held in 2000 with more effort on how to protect the victim and also more comprehensive regulations about human trafficking itself. Which, Article 5 of the protocol requires the nation to criminalize trafficking, attempted trafficking, and any other intentional participation or organization in a trafficking scheme. [8] The Palermo Protocol mandates that countries implement measures to prevent human trafficking, which include tackling its underlying causes like poverty and gender inequality. It also requires countries to educate potential victims about the dangers and methods of trafficking. The protocol also promotes international collaboration among governments to prevent and combat traffickings, such as exchanging information and providing technical support to countries with limited resources or expertise.

^[6] Arifin, Ridwan, et al. "International Legal Instruments in Responding to Human Trafficking." *Lentera Hukum*, vol. [7] "International Instruments Concerning Trafficking in Persons." OHCHR, https://www.ohchr.org/en/documents/tools-and-resources/international-instruments-concerning-trafficking-persons.

^[8] United Nations Convention Against Transnational Organized Crime And The Protocols Thereto Article 5

Two conventions from International Labour Organization (ILO) [9] mainly talk about forced labor or services, The ILO Forced Labour Convention (Convention No. 29 of 1930) stated that any illegal exaction of forced or compulsory labor shall be punishable as a penal offense, and it shall be an obligation on any states ratifying this convention to ensure that the penalties imposed by law are really adequate and are strictly enforced[10], which means that forced labor is one of the forms of human trafficking that ILO prohibited. Other than ILO Convention No. 29, human trafficking international instruments are also mentioned in its newly adopted Protocol the ILO Abolition of Forced Labour Convention (Convention No. 105 of 1957) even though it is not specifically talking about human trafficking, the convention discussed things which define forced or compulsory labor and prohibited each member of the convention to not make use of any forms of forced or compulsory labor.[11] The convention aims to eliminate all forms of forced labor, including slavery, debt bondage, and other forms of coercion[12] which are mentioned in Article Number 2. It requires ratifying countries to take effective measures to prevent and abolish forced labor, to ensure that victims have access to effective remedies and compensation, and to provide for the prosecution of those who engage in forced labor.

Domestic Laws and Regulations

Human trafficking is a fairly widespread crime practice in Indonesia, which threatens life in society. The problem discussed is the legal arrangements regarding human trafficking in force in Indonesia, in this case, the Law on human commerce and the Criminal Code. And how the application of criminal sanctions against human traffickers in Indonesia.[13] According to Article 3 of the UN protocol, human trafficking is defined as the recruitment, transportation, transfer, harboring, or receipt of individuals through the use of force, coercion, abduction, deception, abuse of power, position of vulnerability, or payments to achieve the consent of a person controlling another person. The purpose of such acts is exploitation, which can include the exploitation of prostitution or other forms of sexual exploitation, forced labor or services, slavery or slavery-like practices, servitude, or organ removal.[14]



Source: Sekretariat Kabinet Indonesia

[9]"International Instruments Concerning Trafficking in Persons." OHCHR, https://www.ohchr.org/en/documents/tools-and-resources/international-instruments-concerning-trafficking-persons.

[10]ILO Convention No.105 Article 2

[11]ILO Convention No.105 Article 1

[12]ILO Convention No.29 Article 25

[13] Daud, B.S. and So019) "Penerapan Sanksi Pidana Terhadap pelaku Perdagangan manusia (human trafficking) di indonesia," Jurnal Pembangunan Hukum Indonesia, 1(3), pp. 352–365. Available at: https://doi.org/10.14710/jphi.v1i3.352-365.poyono, E. (2

[14] "Trafficking in persons for ransom and the need to expand the interpretation of Article 3 of the UN Trafficking Protocol" (2015) Anti-Trafficking Review [Preprint], (4). Available at: https://doi.org/10.14197/atr.20121547.



In other regulations it is also regulated, which is stated in Act Number 21 / 2007 Article 1 paragraph (1) and (2), which are;

- 1. The act of recruiting, transporting, or accepting a person by threat of violence, use of force, abduction, confinement, forgery, fraud, abuse of power or vulnerable position, debt bondage or providing payments or benefits, so as to obtain the consent of the person who has control over the other person, whether carried out within the State or between States, for the purpose of exploitation or resulting in exploitation.
- 2. The crime of human trafficking is any act or series of acts that fulfill the elements of the criminal offense specified in this law. (The substance of the law is formal because based on the evidence of the purpose of the crime of trafficking, the judge can convict a person).

According to the given definition, the perpetrator of human trafficking is an individual or a group that is involved in any aspect of recruiting, transporting, trading, sending, receiving, or harboring a person from one place to another, with the intention of making a profit. On the other hand, a person who has been trafficked (known as a victim of trafficking) is someone who has been recruited, brought, purchased, sold, transferred, received, or concealed, as outlined in the definition of human trafficking, including children, regardless of whether the child has given consent or not. Indonesia government have made a lot of regulations and law regarding human trafficking cases that is always increasing through the years, one of the examples is the provisions of Article 1 point 1 of Law 21/2007 anti-trafficking law which defined human trafficking and trafficked forms are only recruiting act, transporting, sheltering, sending, transferring or receiving a person with threats of violence, use of force, kidnapping, confinement, counterfeiting, fraud, force violence or a position of vulnerability, debt bondage or giving payments or benefits, so as to obtain the consent of the person who has control over the other person, whether carried out within country or between countries, for the purpose of exploitation or causing people to be exploited.[15]



Insufficient government protection efforts are a contributing factor to the rise in human trafficking cases. As of now, the government has not gathered comprehensive data on the total number of human trafficking victims. Some experts deem certain government agencies' standard operating procedures (SOPs) inadequate, and local-level protection agencies do not take enough proactive measures to address these cases.

Additionally, the lack of awareness and resources allocated to tackle this issue is also a significant concern. Despite the global recognition of human trafficking as a serious crime, many governments and communities lack the necessary knowledge, skills, and resources to detect and combat it effectively. This includes insufficient training for law enforcement officers, social workers, and healthcare professionals to identify and assist victims of trafficking.

Moreover, the root causes of trafficking, such as poverty, inequality, and discrimination, are not being adequately addressed. There is a need for more comprehensive approaches that tackle the systemic and structural issues that allow trafficking to thrive. This includes implementing policies that promote economic empowerment, education, and social inclusion, as well as holding perpetrators accountable through robust law enforcement and prosecution efforts.

In summary, the prevalence of human trafficking is partly due to insufficient government protection, lack of awareness and resources, and inadequate attention to the root causes of trafficking. Addressing these issues through a comprehensive and coordinated approach is crucial in the fight against human trafficking.[16]

COOPERATION AND COORDINATION OF HUMAN TRAFFICKING

Cross Border Cooperation

Human trafficking is a transnational crime that requires international cooperation to effectively combat it. Traffickers often operate across multiple countries, using complex networks to move victims across country borders. Given the transnational nature of human trafficking, cooperation between countries is essential in order to effectively prevent and combat it. Crossborder cooperation involves the exchange of information, resources, and intelligence between law and government agencies across different countries.

Cross-border cooperation in human trafficking prevention refers to the collaboration between law enforcement agencies, non-governmental organizations (NGOs), and other stakeholders across different countries to combat human trafficking. It involves information sharing, coordination of efforts, and cooperation in order to prevent human trafficking, identify and rescue the victims, and bring the perpetrators to justice.

As per the Palermo Protocol (United Nations 2000), which is the "Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing Nations the United against Convention Transnational Organized Crime," (Article 9 - Article 11), countries that ratify the Protocol must each other's collaborate with law agencies identify enforcement to entails traffickers and victims. This exchanging information about the methods

employed by traffickers and providing training to investigators, law enforcement, and support personnel. Parties must also enhance their security and border controls to detect and prevent trafficking. This includes reinforcing their border controls, mandating commercial carriers to check passports and visas, setting standards for the technical quality of travel documents, cooperating verifying in the and authenticity of their documents when used outside their own country. [17]

In addition to law enforcement agencies, cross-border cooperation can also involve non-governmental organizations (NGOs) and other stakeholders. NGOs often play a crucial role in identifying and assisting victims of human trafficking, and can cooperate with law enforcement agencies to provide support and care to human trafficking victims. For example, the International Organization for Migration (IOM) has developed partnerships with NGOs in several countries to assist victims of human trafficking. IOM Indonesia has assisted more than 9000 victims of trafficking, from which 69% were female and 31% were male. In 2015, IOM Indonesia with Ministry of Marine Affairs and Fisheries and Task Force 115 provided direct assistance to 1,342 fishers who were identified as victims of trafficking in Benjina, Ambon, and Pontianak.[18]

One of the key challenges in preventing human trafficking is the lack of coordination and cooperation between law enforcement agencies, as different countries have different laws, procedures,

[17] UN Human Rights. (2005). United Nations Convention against Transnational Organized Crime 2005 2. UNODC,https://www.unodc.org/documents/treaties/Special/2000_Protocol_to_Prevent_2C_Suppress_and_Punish_Trafficking_in_Persons.pdf.

[18] Assistance to Survivors of Trafficking in Persons. Assistance to Survivors of Trafficking in Persons, IOM Indonesia, https://indonesia.iom.int/assistance-survivors-trafficking-persons.

and standards for investigating and prosecuting trafficking cases. This can emerge obstacles to effective cooperation and information sharing between agencies.

Lack of resources, including financial, human, and technical resources can come across as a challenge in cross-border cooperation. Effective prevention and combating of human trafficking require significant resources, including the training of law enforcement officers, the establishment of specialized units, and the provision of support services to victims of trafficking. In many cases, countries lack the necessary resources to undertake these activities, which can hinder effective cooperation.

Political and cultural differences among countries can also be a challenge in crossborder cooperation. Countries may have approaches, different priorities, and attitudes towards trafficking, which can create obstacles in the exchange of information and cooperation. For example, at the 42nd session of the Asian African Legal Consultative Organization (AALCO) in Seoul, the Ghana Delegation stated that cultural practices of the Asian African regions had made them easy targets for those engaged in the criminal activity of trafficking women and children across the world. The issue with Asian African Culture is consistent, in which historically and sociologically the culture has fundamental differences with that of Western Culture. [19]

To overcome these challenges, many countries have established formal and informal mechanisms for cross-border cooperation, which includes bilateral and multilateral agreements, joint investigations, and the sharing of best practices and resources. Some of the ways to overcome challenges in cross-border cooperation in order to prevent human

trafficking are such as:

- 1. Building trust and establishing communication;
- 2. Increasing awareness and education;
- 3. Strengthening legal frameworks;
- 4.Enhance data collection and sharing; and
- 5. Increasing resources and capacity.

Bilateral and Multilateral Agreements and Initiatives

Nations seek to cooperate with each other to solve an issue that concerns and threatens the well-being of a nation. In order to cooperate with other nations, each nation proceeds with the help of international instruments. International instruments can be defined as formally signed ratified international and agreements between two or more states or other international entities (non-state actors).[20] In general, there are two kinds of international instruments, bilateral and multilateral.

Bilateral cooperation is a cooperation that is agreed between two countries, while multilateral agreement is a cooperation between two countries or more.[21] Bilateral cooperations usually take place in the same region due to similar factors that can affect an issue. For example, the bilateral agreement between Malaysia and with Indonesia memorandum а understanding on April 1st 2022 aims to migrant workers of each protect respective nation from human trafficking. [22] Whereas multilateral agreement is able to transcend regional borders (while it is not a specific condition for multilateral agreement) and has a wider range of effects. For instance, the multilateral agreement of the ASEAN Convention Against Trafficking in Persons Especially Women and Children was enacted to

^[19] Atmasasmita, Romli. "International Cooperation on Combating Human Trafficking Especially Women and Children: A View from Indonesia." Indonesian Journal of International Law, vol. 1, no. 4, 2021. Indonesian Journal of International Law, https://doi.org/10.17304/ijil.vol1.4.562.

^[20]Reichel, Philip, and Jay Albanese. Handbook of Transnational Crime and Justice. SAGE Publications, 2014. [21]*Ibid*. pp 303-304.

^[22]ASEAN Convention Against Trafficking in Persons, Especially Women and Children.

further strengthen member states cooperation and commitment towards preventing and combating human trafficking by prosecuting and punishing the perpetrators and to protect and assist victims of human trafficking, as well as to have a regional instrument that is legally binding that would assist member states in combating human trafficking. [23]

Examples of both bilateral and multilateral agreements between nations are such as: Bilateral Agreements:

- 1.Free Trade Agreement (FTA) between the United States and South Korea: A pact between two countries that eliminates tariffs and other barriers to trade in goods and services, in which was signed in 2007 and came into effect in 2012;
- 2. Visa Waiver Program (VWP) between the United States and the United Kingdom: A program that allows citizens of certain countries to travel to the US for tourisms or business without obtaining a visa, in which this program enables eligible UK citizens to travel to the US without a visa for up to 90 days;
- 3.Air Services Agreement between Australia and the United States: An agreement that allows airlines from both countries to operate flights between them;
- 4. Social Security Agreement between Canada and the United States: An agreement that coordinates the social security systems of both countries to provide benefits to people who have lived or worked in both countries;
- 5. Double Taxation Avoidance Agreement (DTAA) between India and Mauritius; An agreement that prevents taxpayers from being taxed twice on the same income.

Multilateral Agreements:

- 1. Paris Agreement on Climate Change: A legally binding international treaty on climate change. It was signed by 196 countries in 2015 and aims to limit global warming;
- 2.World (WTO) Organization Trade The WTO is agreements: an intergovernmental organization that regulates international trade between countries. The agreements cover services, goods, and intellectual provide rights, property and framework for trade relations between member countries;

Role of International Organizations in Combating Human Trafficking

International organizations emerged as a way to connect various nations in the world to fulfill their national interest that can't be achieved or are difficult to achieve alone as a single nation. International organizations are formal institutions that are formed by two or more countries through legitimate agreements to achieve their national interest and goals through actions that are able to transcend the national boundaries country.[24] An international organization established is via an international agreement or treaty among which nations, establishes the organization's mandate, structure, function, and resources.[25] There are various why reasons international organizations are formed, whether it's economic reasons, political reasons, global security reasons, and many more. One thing that is evident is that the moment when international organizations are formed is when multiple countries have the same basic interest in a matter. [26]

[23]ASEAN Convention Against Trafficking in Persons, Especially Women and Children.

[24] Nugrahaningsih, Nurfitri, et al. "The Role of International Organization for Migration in Handling Human Trafficking in Sambas Regency, West Kalimantan Province." Jurnal Hubungan Internasional, vol. 9, no. 1, 2020, https://doi.org/10.18196/hi.91163.

[25]Baylis, John, et al. *The Globalization of World Politics an Introduction to International Relations*. Oxford University Press, 2020.

[26] Mackenzie, David. "An Introduction to International Organizations." A World Beyond Borders: An Introduction to the History of International Organizations, vol. 1, University of Toronto Press, 2010, pp. 1–8. JSTOR, http://www.jstor.org/stable/10.3138/j.ctt2tttsh.6. Accessed 21 Apr. 2023.

International organizations provide many benefits to their members. It plays an important role in global governance and international relations.[27] International organizations provide forums for member states to cooperate and coordinate on a subject or issue that concerns their member state. To illustrate, member states can discuss concerning issues in the United Nations General Assembly (UNGA). Not only that, international organizations are also able to create international law through various ways, one of them is via a treaty called a law making treaty, in which member states can choose to sign the treaty as a signatory and ratify it to adopt that treaty as a law.

International organization plays a vital role to provide a way for nations to tackle, discuss and cooperate on international issues. It is a known fact that human trafficking has been recognized as a that threatens crime transnational security and a crime that transcends national borders.[28] Human trafficking is also associated with organized crime done by gangs, mafias, or of the same sort of type.[29] Because of this, many nations around the world, if not all, had taken a hand in contributing to a solution to end human trafficking. To handle and to eradicate such intricate matters, nations need to cooperate in some sort of vessel. International organizations are the vessel to do so.

Much cooperation and coordination via international bodies and organizations has been done by international communities to combat human trafficking. The United Nations with the cooperation of its subsidiary body, The United Nations Office on Drugs and Crime

(UNODC) has provided a way to combat human trafficking through its protocol, namely The Palermo Protocol. The Palermo Protocol, known as The Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children aims to eradicate human trafficking with a "Three Approach", which Pillar repression, prevention, and protection and assistance.[30] The first pillar, repression, obligates nations to pass laws and regulations for punishing the perpetrators of trafficking in persons. The second pillar, prevention, means that governments are required to take appropriate measures to combat human trafficking via bilateral or multilateral collaboration. The last pillar, protection and assistance, means that state parties must ensure the protection of trafficked victims that reside within their borders. The third pillar means that the basic rights of migrants due to trafficked victims respected should be and the European protected.[31] Likewise, (EU) adopted Brussels Union The Declaration on Preventing and Combating Trafficking in Human Beings in 2002 as a way to combat human trafficking. Similarly, the Council of Europe Convention on Actions Against Trafficking in Human Beings in 2005 was also upheld and it has three main objectives. Firstly, to prevent and combat trafficking in human beings, while guaranteeing gender equality. Secondly, to protect the human rights and protections of victims and witnesses of human trafficking. And lastly, to promote international cooperation on action against trafficking in human beings.

^[27] Baylis, J., et al. op. cit.

^[28] Zhidkova, Tatiana. "Globalization and the Emergence of Violent Non-State Actors: The Case of Human Trafficking." New Global Studies, vol. 9, no. 1, 2015, pp. 1–25., https://doi.org/10.1515/ngs-2014-0014.

^[29] Whitman, Amy, and David H Gray. "Transnational Human Trafficking." Global Security Studies, vol. 6, no. 3, 2015, pp. 1–8.

^[30] Pourmokhtari, Navid. "Global Human Trafficking Unmasked: A Feminist Rights-Based Approach." Journal of Human Trafficking, vol. 1, no. 2, 2015, pp. 156–166., https://doi.org/10.1080/23322705.2014.1000078.

^[31] Reichel, Philip, and Jay Albanese. Op.cit. pp 157

MODUS OPERANDI OF HUMAN TRAFFICKING

Modus operandi is a Latin term that denotes the behavior, conduct, or operational methodology of a criminal. It refers to the characteristic method used by offenders in committing their crimes, as they often resort to the same approach repeatedly. Moreover, MO is a crucial aspect of criminal investigations, as it provides law enforcement agencies with valuable insights into the offender's behavior and helps them identify potential suspects. The MO is a combination of the habits, techniques, and routines that criminals use to plan and execute their crimes. Van Heerden provides a more comprehensive definition MO, characterizing it as "the stereotyped habits and techniques of criminals." These techniques may include specific tools, disguises, or methods for gaining access to a target, such as breaking locks or hacking security systems.

However, criminals may also alter their MO to avoid detection or increase their chances of success. This is why it is crucial for investigators to remain vigilant and adaptable when analyzing crime scenes gathering evidence. Overall, and understanding the MO of a criminal is an essential aspect of criminal investigations, and it requires a combination of forensic and behavioral analysis. By identifying the patterns and techniques used offenders, investigators can develop effective strategies for preventing and solving crimes.[32]

Marais lists the following factors that influence MO:[33]

- 1. Opportunity to commit a crime.
- 2. Physical capacity.
- 3. Changing needs and desires.

4. Knowledge and experience.

There are a few types of modus operandi (MO) that perpetrators use in human trafficking.[34]

Deception in social media is mostly used by perpetrators to lure the victims; the perpetrators use the media to advise fake jobs, scholarships, modeling opportunities, and employment opportunities. But before all the deception, it may start with consent. According to some studies (usually in children and women trafficking cases), exploitation, kidnapped, force, coercion, and abuse of authority are, however, is a misrepresentation of trafficking because even if the perpetrators are interested in kidnapping, they prefer to negotiate with guardians by offering a false job or marriage proposals, which is relatively easy and low risk. Former sex workers and brothel owners sometimes recruiters, using their wealth to lure impoverished villagers into the sex trade. They provide financial assistance to needy families in exchange for the victims' services as a form of collateral. These transactions are often carried out with the knowledge of family members or even parents, but through deception or ignorance. The victims are then handed over to intermediaries, brokers, and procurers for transportation, who are usually not known to the authorities as criminals. NGOs argue that a lack of about human trafficking, awareness political apathy towards the issue, and corruption among law enforcement problem. agencies the perpetuate Although the police are responsible for enforcing laws against prostitution and

[32] Van Heerden, T.J. Criminalistics. Pretoria. Sigma Press, 1985.

[33] Marais, C.W, et al. Crime Investigation. Promedia Publishers, 1990. 2(2):46-49

[34]Pardhoothman, Swastika. "An Analysis of the Modus Operandi of Perpetrators in Human Trafficking." UnisalR Home, 1 June 2015, uir.unisa.ac.za/handle/10500/21167.

trafficking, sex workers and observers view them as part of the problem. Sex workers in Mumbai and Calcutta report that police intervention often involves harassment, extortion, and arrests on soliciting charges, rather than addressing the violence of pimps and traffickers and protecting underage girls. Many believe that local police and politicians receive bribes from organized crime networks to protect the sex trade.

Victims of trafficking face emotional blackmail, violence, and confinement, as well as the risk of being apprehended, detained, prosecuted, and deported. Most victims lack identity documents, and once removed from their communities and taken to an unfamiliar area with a different culture and language, it is challenging for them to return home and face potential social exclusion.

Recruiters and perpetrators of human trafficking use various methods to deceive and manipulate their victims. These include:

- 1. Tourist Worker Scheme Workers:
 These workers leave their home countries as tourists, but actually go abroad to find employment. Programs of this kind are often used to exploit vulnerable individuals for better employment opportunities.
- 2.Escort Services Workers: Victims are "escorted" through airports and seaports without the required travel documents. This allows them to bypass immigration controls and gain entry to the destination country illegally.
- 3. Blind Ads: Advertisements for overseas employment are published without indicating the recruiter's name, instead providing a P.O. Box to which applications may be submitted. This makes it difficult for victims to verify the legitimacy of the recruitment

- 4. Agency and increases their risk of exploitation.
- 5. Visa Assistance or Immigration Consultancy Scheme Entities: These entities operate under the guise of providing immigration counseling or visa facilitation services. But in reality, they are working to recruit by offering overseas internships on immigrant visas. We may also conduct orientation seminars, but this is really a recruitment activity
- 6.Direct Hiring Workers: Victims are recruited directly by the foreign employer and are deployed as tourists or through other illegal means.
- 7. Camouflaged Participants or Representatives in Seminars/Sports Events: Workers leave as participants in seminars or sports events abroad but intend to work there. This type of scheme is often used to bypass immigration controls.
- 8. Mail Order Bride Scheme Marriage: Marriages between Filipino women and foreigners are arranged through brokers. In many cases, the Filipino wife ends up working as a domestic worker for her husband and his family, or in worse cases, abroad.



It is essential to be aware of these MOs and to take necessary measures to prevent human trafficking. Governments and law enforcement agencies need to strengthen their efforts to combat human trafficking and ensure that perpetrators are brought to justice. Moreover, educating individuals on the dangers of human trafficking and providing support for victims is crucial in ending this heinous crime.

Contrary to popular belief, this crime is not limited to girls from specific geographical areas and communities; it has spread to all areas and communities, including boys and men. Despite numerous International Conventions and Optional Protocols prohibiting the trafficking of children for the slave trade, millions of children are still trafficked for forced labour, domestic servitude, forced beggary, illegal adoption, forced marriage, criminal activities, and to become soldiers, camel jockeys, and other labour exploitation.[35]

[35] Mallick, Anupriyo. "Trafficking in Persons: Facts and Facets." *Social Change*, vol. 34, no. 3, 2004, pp. 125–134., https://doi.org/10.1177/004908570403400311.

STAGES OF HUMAN TRAFFICKING

Human traffickers frequently aim at teenagers or children who are emotionally vulnerable. Typically, these perpetrators will initiate contact by cultivating a friendly relationship with the potential victim, providing them with things they desire to establish a sense of security and trust. Once the victim has established this sense of security and trust, the trafficker will then offer them a job or an opportunity to make quick money, ultimately leading the victim into the harrowing world of human trafficking Stages of Human Trafficking:



Based on Law Number 21 of 2007 on Law on Elimination of Human Trafficking Crimes, human trafficking is divided into 4 stages:[36]

1. Recruitment

Recruitment is an action that usually starts with identifying the victim, the perpetrator will try to find ways to approach the victim using a good approach to take sympathy. After the victim is successfully approached, the perpetrator will give what the victim wants, starting from gifts, praise, assistance, etc. In this stage, the perpetrator will also know the victim's personal life starting from the house, personality, family, etc. which can later be used to threaten/against the victim.

2. Transfer

Relocation is the act of sending someone from one place to another. This stage usually begins with the victim being offered a job with the lure of getting a lot of money. Then the victim will be invited to a place by the perpetrator which will later become a shelter.

[36] Indonesia Law Number 11 of 2007 on Regulation of the eradication of criminal acts of Human Trafficking

3. Shelter

Shelter is an act of receiving or collecting something, in this case, humans. This stage is an advanced stage where the perpetrator begins to show his true intentions to the victim. The victim begins to be threatened to do something the perpetrator wants. This stage makes the victim begin to lose control over his life because he experiences threats and exploitation to carry out the perpetrator's wishes.

4. Transaction

The victims will be brought to be sold after being collected at the shelter. This can happen through private transactions with a buyer or through public transactions like auctions. Victims may be "tested" through rape or severe physical abuse.

The majority of the women and girls will be sold into sex slavery. Men and boys are frequently sold into labor camps or other forms of forced labor.

5. Exploitation

Exploitation is an act with or without the consent of the victim to do something, exploitation is a stage where the victim loses all control over himself.

Exploitation is divided into 2:

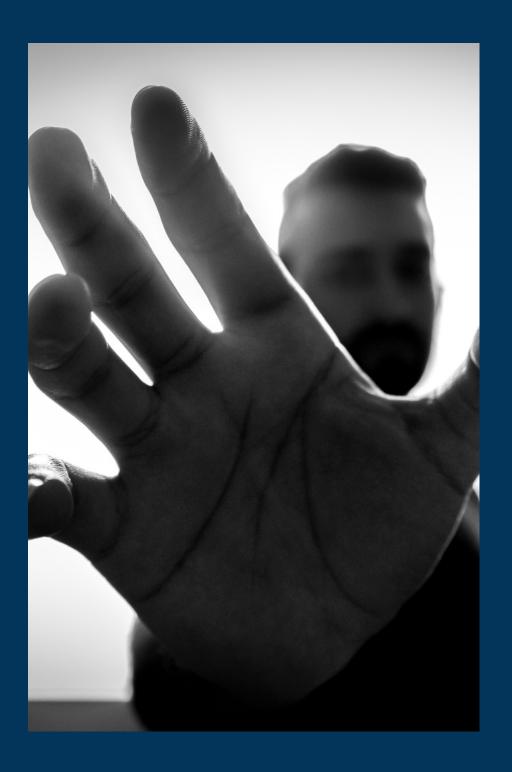
1. Labor and physical exploitation

Labor and physical exploitation is characterized by forced labor or services, slavery or practices similar to slavery, oppression, extortion, exploitation of physical, sexual, and reproductive organs, or unlawfully removing or transplanting organs and/or body tissue or utilizing a person's energy or abilities by third parties. others to gain both material and immaterial benefits.

2. Sexual Exploitation

Sexual exploitation is any form of using the sexual organs or other organs of the victim for profit, including but not limited to all activities of prostitution and obscenity, often including injecting the victims with drugs, physical abuse, and threats. The victim was subsequently made to work unreasonably long hours and was constantly harassed.

FORM OF PREVENTION FOR HUMAN TRAFFICKING CRIME CASES



Prevention efforts are an important part of the global movement to combat human trafficking. Vulnerable prevention efforts address the plan of human traffickers head-on. With accurate and targeted information, the communities will be greater prepared to respond to the menace of human trafficking.

Prevention efforts should summarize crosscutting efforts, such as amending labor laws to protect all workers, actively enforcing labor laws in areas where human trafficking is most prevalent, and reducing vulnerability to traffickings such as governmental and non-governmental organizations' measures to facilitate policy implementation through effective enforcement, improved reporting, and government-approved standards, and monitoring of supply chains to (including combat forced labor through government procurement policies), and efforts to reduce the demand for commercial sex.[37]

There are many ways to prevent human trafficking. In general, it can be divided by three main ways, such as:[38]

- Primary prevention is prevention to stop the violence before it occurs. Primary prevention strategies include strengthening and building healthy relationships, reducing risk in the personal environment, and also increasing defensive factors.
- Secondary prevention is prevention to provide a direct response to violence when it occurs. These prevention consist of first responders, basic services and emergency, and medical care.
- Tertiary prevention is a prevention activity that has long-term responses that occur in the aftermath of a criminal act, such as rehabilitative services (e.g., long-term housing, job training, therapeutic counseling, and other accommodation services) that prevent revictimization.

[37] 3PS: Prosecution, Protection, and Prevention - United States Department of States, U.S. Departement of States, 9 Jan. 2021, https://www.state.gov/3ps-prosecution-protection-and-prevention/

[38] Human Trafficking Prevention: Strategies for Runaway and Homeless Youth Settings. November 2020. Family Youth Service and Bureau. https://www.acf.hhs.gov/sites/default/files/documents/fysb/acf_issuebrief_httprevention_10202020_final_508.pdf

When it comes to human trafficking, there are various components of prevention, such as:

• Awareness Raising

Awareness raising starts with increasing the awareness of the trafficking perils between minors, "high-risk" groups, and the public through information deployment campaigns. Addressing the Social Problems Underlying the Trafficking Phenomenon Contribute to the improvement of the employment prospects for victims of trafficking and "at-risk" persons with the research of labor markets in the selected places and improving the local authorities in developing effective employment strategies for "high-risk" groups. Also enhance the capacities of the Migration Offices through awareness-raising for the

officials and personnel of the federal and regional offices.



• Capacity Building Activities for Law Enforcement and Judicial Authorities
Upgrade the capacities and abilities of the law enforcement authorized officer to
effectively prevent, detect, investigate, and execute trafficking crimes with diversified
training, sharing and international practices, and exchange visits to Europe countries. [39]

Therefore, the first step that must be taken in preventing human trafficking and prosecuting the perpetrators is to first recognize the complexity of the crime of human trafficking. Crime cannot be fought alone, so there must be coordination between the authorities. In addition, anti-trafficking strategies must be used, ranging from increasing women's education in countries of origin to prevent girls from being trafficked, to improving facilities and guaranteeing police force in destination countries to make police officers less vulnerable to bribes. These need to be integrated into each policy area. The problem of human trafficking cannot be ruled out as something that can be solved with a few additional specialized and dedicated units.[40]

^[39] International Organization for Migration. *Prevention of Human Trafficking in the RF*.
[40] Ruth D. Prevention, Prosecution and Protection - Human Trafficking. United Nation. https://www.un.org/en/chronicle/article/prevention-prosection-and-protection-human-trafficking

EXAMPLES OF HUMAN TRAFFICKING CRIME CASES

Human trafficking is an issue that always haunts the enforcement of human rights in various countries, therefore all countries should take this of human trafficking phenomenon seriously and overcome it comprehensively. Human trafficking does not only occur in poor & developing countries but also in developed countries.

Human trafficking, as explained, comes in many forms, types, and scopes. The following are the instance of human trafficking crime cases:

• The Sexual Exploitation of Romanian Migrants In the European Union

Sexual exploitation happens to Romanian migrants in the European Union which was categorized as human trafficking occurred between 2007 to 2020. Human trafficking occurs due to various factors such as economic needs, low employment opportunities, social factors, and low knowledge of the dangers of human trafficking. Many young women are faced with gender inequality and are perceived as not having many employment options, therefore they are "sold" and exploited as sex workers in various other European Union countries.



The Exploitation of Romanian Migrants in EU Protest Source; openDemocracy

Romania's geographical location also makes it strategic to human trafficking, because Romania is located at the crossroads between West and East, it makes the country a strategic access point to a lot of other countries in europe. Political Economy policies that integrate the migration also played a role in this case for pushing women into a sex worker. The conclusion of this case is that there are a lot of factors and reasons underlying human trafficking in Romania, but the factor that has the most influence and underlines this case is economic factors. [41]

There are three legal frameworks used when dealing with sex commerce: criminalisation, decriminalization, legalization. This is regulated in Article 210 and 211 of the Criminal Code which criminalize sex trafficking and labor trafficking with a sentence of three to ten years in prison for crimes involving adult victims and five to ten years in prison for crimes involving children.

• Teenagers become Human Trafficking Victims in Surabaya

The human trafficking phenomenon has become a social fact that always occurs in Indonesia, including in Surabaya. Low level of education and poor economy is the basis of this problem, low level of education leads to economic poverty so that people do various ways to get income including human trafficking. In difficult economic conditions, many young women want to get a job to fulfill their need but unfortunately this situation is utilized by some people to deceive them, they become victims of human trafficking. These youth who are mostly underage were promised for a job but then they get kept and sold. [42]



These young women are usually used as sex workers and forced laborers. Human trafficking can cause deep trauma for its victims, the impact of human trafficking can cause feelings of insecurity, stress, and feelings of inferiority. Even in social life, victims are socially ostracized and considered as a disgrace to the community, this understanding must be removed because the victim should be embraced and supported, not only by the community but also the government.

In Indonesia, human trafficking crime is regulated by the Law on the Eradication of Human Trafficking, perpetrators of this crime can be prosecuted with a minimum imprisonment of three years and a maximum of fifteen years and a fine of at least Rp120 million and a maximum of Rp600 million. The government has a very important role in helping victims both physically and psychologically, and more than that the government must also be more serious in eradicating this crime.

^[41]K. Blitz, Brad. "Forced Migration and Modern Slavery: Unplanned Journeys of Exploitation and Survival." Journal of Modern Slavery, Vol. 8,No. 1, 2023, https://discovery.ucl.ac.uk/id/eprint/10166531/1/v8i1-forced-migration-full-issue-final.pdf

^[42]Ari Satriani, Rizka. "Study Of Human Trafficking In Adolescent Girl Secondary School Level At Surabaya." Jurnal BK Unesa, Vol. 4, No. 1, 2013, https://ejournal.unesa.ac.id/index.php/jurnal-bk-unesa/article/view/6121

GLOSSARY

Human Trafficking	The illegal action of moving or pressuring individuals with the intention of profiting from their labor or services, often through the use of involuntary work or sexual abuse.
International Organization	An official and ongoing system created through a mutual agreement among members (which may include both governmental and non-governmental parties) from two or more independent nations, designed to advance the shared goals of the group.
Transnational	Expanding or functioning beyond the borders of a particular nation.
Organized Crime	Illicit practices that are organized and directed by influential groups, and executed on a significant scale.
Perpetrator	An individual who commits an injurious, unlawful, or unethical deed.
Obscenity	Any statement or action that greatly violates the accepted moral standards of a given period.
Slavery	The condition of being compelled to work in servitude as a slave.

GLOSSARY

Extortion	The act of acquiring something, typically money, using coercion or intimidation.
Oppression	The condition of being subjected to unfair treatment or domination.
Heinous	Highly immoral or wicked.
Procurement	The act of acquiring a quantity of goods or resources, particularly for a government or an organization.
Criminalization	The act of criminalizing an activity by making it unlawful.
Decriminalization	The act or process of no longer regarding something as illegal or as a violation of criminal law.
Imprisonment	The condition of being confined or incarcerated; captivity.
Violence	Conduct that employs bodily strength with the intention to harm, injure, or kill a person or thing.

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