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# Policy Framework for Crime Prevention Based on the Modus Operandi of Human Trafficking in Cibadak District Court Decision No. 92/Pid.Sus/2024/PN.CBD

Sherlyn Sherlyn<sup>1\*</sup> & Ade Adhari<sup>2</sup>

<sup>1,2</sup>Faculty of Law, Universitas Tarumanagara Jakarta, Indonesia

## Correspondence

Sherlyn Sherlyn, Faculty of Law, Universitas Tarumanagara Jakarta, Indonesia, Letjen S. Parman St No.1, RT.6/RW.16, Tomang, Grogol petamburan, West Jakarta City, Jakarta 11440, e-mail: sherlyn.205220037@stu.untar.ac.id

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*Original Article*

## Abstract

This study investigates the increasing prevalence of human trafficking in Indonesia facilitated through social media platforms as a mechanism for recruiting illegal migrant workers, as illustrated by the Cibadak District Court Decision No. 92/Pid.Sus/2024/PN.Cbd. In this case, the defendant, Clara Emilia Yulianti, and her network recruited prospective migrant workers without official authorization by offering high-paying jobs abroad, thereby exposing significant gaps in state oversight and digital protection for prospective migrants. The objective of this study is to analyze the modus operandi of the illegal recruitment scheme in this case and to evaluate existing prevention policies to address the legal loopholes exploited by the perpetrators. Employing normative legal methods alongside legislative, conceptual, and case study approaches, the study finds that the perpetrators used social media to lure victims, collect fees, and engage in unlawful sheltering and deployment activities in violation of Article 2(1) of Law No. 21/2007 in conjunction with Law No. 18/2017. Preventive efforts should prioritize strengthening oversight of online recruitment through enhanced cooperation between the government and digital platforms to enable detection, verification, and removal of illegal recruitment content.

**Keywords:** *Human Trafficking, Modus Operandi, Crime Prevention Policy, Migrant Workers.*

## Abstrak

Penelitian ini mengkaji maraknya TPPO di Indonesia yang memanfaatkan media sosial sebagai sarana perekrutan tenaga kerja ilegal, sebagaimana terlihat dalam Putusan PN Cibadak No. 92/Pid.Sus/2024/PN.Cbd. Dalam kasus tersebut, terdakwa Clara Emilia Yulianti bersama jaringannya merekrut calon pekerja migran tanpa izin resmi melalui tawaran pekerjaan bergaji tinggi di luar negeri, sehingga mencerminkan lemahnya pengawasan dan perlindungan bagi calon pekerja migran di ruang digital. Penelitian ini bertujuan menganalisis modus operandi perekrutan ilegal dalam kasus tersebut serta mengevaluasi kebijakan pencegahan untuk menutup celah hukum yang dimanfaatkan pelaku. Dengan metode hukum normatif dan pendekatan perundang-undangan, konseptual, serta studi kasus, penelitian menemukan bahwa pelaku menggunakan media sosial untuk menjaring korban, mengumpulkan biaya, serta melakukan penampungan dan pengiriman ilegal yang melanggar Pasal 2 ayat (1) UU No. 21/2007 jo. UU No. 18/2017. Pencegahan perlu diarahkan pada penguatan pengawasan perekrutan daring melalui kerja sama pemerintah dan platform digital untuk deteksi, verifikasi, serta penghapusan konten perekrutan ilegal.

**Kata Kunci:** *Tindak Pidana Perdagangan Orang, Modus Operandi, Kebijakan Pencegahan, Pekerja Migran.*

## 1. INTRODUCTION

Human trafficking is categorized as an extraordinary crime because it not only violates criminal law but also fundamentally undermines human dignity and human rights. It reduces individuals to commodities traded for the benefit of particular groups.<sup>1</sup> Indonesia, with its large population of migrant workers, remains highly vulnerable to such practices. World Bank data estimates that approximately nine million Indonesian migrant workers are employed abroad, while the Indonesian Migrant Worker Protection Computerized System (SISKO P2MI) records only about 4.6 million officially registered as of April 2023. This disparity shows that millions of workers remain outside legal protection and face a heightened risk of becoming victims of human trafficking. The gap underscores the severe threat posed by trafficking through illegal labor recruitment.<sup>2</sup>

The Indonesian government has taken formal measures by enacting Law Number 21 of 2007 on the Eradication of Human Trafficking. This statute sets out the legal definition of various trafficking activities, including recruitment, harboring, and transportation for exploitation. Its criminal provisions are intended to furnish the legal framework necessary to prosecute offenders.<sup>3</sup> Nevertheless, the persistent and difficult-to-eradicate nature of human trafficking shows that its response cannot depend solely on normative regulations. Effective law enforcement must be supported by an understanding of the perpetrators' patterns of conduct, commonly referred to as the modus operandi. This concept describes the specific methods or recurring patterns used by offenders in carrying out the crime, from the planning and execution stages to the means employed to obscure or conceal their actions.<sup>4</sup>

Understanding the modus operandi of human trafficking is essential. From an enforcement standpoint, such patterns enable investigators and prosecutors to trace trafficking networks, map perpetrators' movements, and strengthen evidentiary findings. This knowledge also forms a critical basis for prevention, as identifying the vulnerabilities and strategies exploited by offenders allows for more accurate and responsive countermeasures.<sup>5</sup> However, the implementation of these regulations in

<sup>1</sup> M . Ilham Wira Pratama, "Kebijakan Hukum Pidana dalam Penanggulangan Tindak Pidana Perdagangan Orang Berdasarkan Undang-Undang Nomor 21 Tahun 2007 tentang Pemberantasan Tindak Pidana Perdagangan Orang," *Jurnal Fakta Hukum* 1, no. 2 (2023): 98–108, <https://doi.org/10.58819/jfh.v1i2.56>.

<sup>2</sup> Mayang Talentasari Prananda, "Perlindungan Hukum Bagi Pekerja Migran Indonesia Korban Kejahatan Perdagangan Orang Dalam Perspektif Hukum Ketenagakerjaan," *Media Hukum Indonesia (MHI)* 2, no. 2 (2024): 453–61, <https://ojs.daarulhuda.or.id/index.php/MHI/article/view/498/532>.

<sup>3</sup> Fajar Dimas Nur Islam, Galang Vergiawan, dan Fedro Hans Nobuala Zaluchu, "Upaya Penanggulangan Perdagangan Orang di Indonesia: Tinjauan terhadap Kebijakan dan Kinerja Pemerintah," *Jurnal Ilmiah Ilmu Pendidikan* 7, no. 2 (2024): 1961–71, <https://doi.org/10.54371/jiip.v7i2.3332>.

<sup>4</sup> Apriana M. Bouk, Rudepel Petrus Leo, dan Darius Antonius Kian, "Modus Operandi, Upaya Penanggulangan Serta Hambatan Tindak Pidana Perdagangan Orang Khususnya Anak di Wilayah Hukum Kepolisian Daerah Nusa Tenggara Timur," *Jurnal Syntax Admiration* 4, no. 8 (2023): 1365–80, <https://doi.org/10.46799/jsa.v4i8.674>.

<sup>5</sup> Bouk, Leo, dan Kian.

practice continues to encounter substantial challenges. Inadequate oversight, limited personnel capacity, and low public awareness frequently diminish the effectiveness of enforcement efforts. Consequently, offenders remain able to exploit systemic weaknesses and gaps in enforcement. This condition reveals a significant disparity between the normative framework in place and the practical realities of addressing human trafficking cases.<sup>6</sup> This condition aligns with the findings of Elen Aendya Frahma in *Juris Studia: Jurnal Kajian Hukum*, which underscore that the effectiveness of crime prevention policies depends largely on the state's capacity to develop early-detection mechanisms and strengthen cross-institutional coordination.<sup>7</sup> These findings are further supported by other studies showing that prevention policies cannot operate effectively without integrated coordination among the central government, regional authorities, and frontline implementing officials.<sup>8</sup>

The Cibadak District Court Decision No. 92/Pid.Sus/2024/PN.Cbd illustrates how this recruitment scheme operates in practice. Defendant Clara Emilia Yulianti and her network offered purportedly legal employment in Australia in exchange for an administrative fee of IDR 40,000,000 per person. The victims were gathered at a villa and told they would depart by sea. Funds were collected, either in cash or through bank transfers, amounting to hundreds of millions of rupiah. In reality, the planned departure was to be carried out illegally without any official documentation. The victims ultimately never left and suffered substantial material and psychological losses. This pattern shows that fraudulent labor recruitment remains a primary mechanism used by trafficking syndicates to ensnare victims.

Although many victims do not reach the stage of direct exploitation because the scheme is uncovered during recruitment, the false promises and deception involved already satisfy the elements of a criminal offense. The court's reasoning prioritized formal evidentiary requirements over the protection of victims' rights. For example, the defendant's testimony—ordinarily admissible as evidence—cannot serve as the sole basis for conviction in human trafficking cases without corroborating evidence such as documents, witnesses, or other supporting indications. This raises questions about whether the judgment provides adequate deterrence and protection. This gap renders the case particularly significant for further analysis.

From a criminological standpoint, the crime pattern in this case can be interpreted through causation theory, which explains criminal behavior as the result of interactions

<sup>6</sup> Lourensy Varina Sitania dan Eko Suponyono, "Akomodasi Pemberantasan Tindak Pidana Perdagangan Orang Dalam Aspek Hukum Internasional dan Nasional," *Jurnal Pembangunan Hukum Indonesia* 2, no. 1 (2020): 38–54, <https://doi.org/10.14710/jphi.v2i1.38-54>.

<sup>7</sup> Elen Aendya Frahma, "Peran Organisasi Internasional Dalam Penanggulangan Kejahatan Transnasional : Studi Atas Dinamika Kerja Sama Antarneegara ASEAN," *Juris Studia Jurnal Kajian Hukum* 6, no. 2 (2025): 253–62, <https://doi.org/10.55357/is.v6i2.843>.

<sup>8</sup> Delycian Anwar Rannu dan Ade Adhari, "Multiplicity of Crimes in Indonesian Law: Regulation and Determination of Concursus Realis," *Jurnal Al-Dustur* 8, no. 1 (2025): 1–13, <https://doi.org/10.30863/al dustur.v8i1.8633>.

between perpetrators' internal factors and external societal conditions. The offender exploited the victims' economic vulnerability and limited knowledge of legal overseas employment procedures by recruiting them through Facebook, housing them in rented accommodations, and arranging their departure to Australia without proper documentation. This pattern reflects organized planning and the strategic use of gaps in digital monitoring, enabling the offense to proceed in a systematic manner. Weak early-detection mechanisms further facilitated the scheme; the fact that dozens of victims were gathered without being detected illustrates inadequate oversight, including weak verification of recruiters or intermediaries. This demonstrates how regulatory gaps and institutional negligence continue to be exploited by trafficking networks.

From a policy perspective, the protection of migrant workers is governed by Law Number 18 of 2017, which is intended to complement Law Number 21 of 2007 to provide comprehensive safeguards. However, regulatory inconsistencies frequently create confusion in implementation. Conduct that should fall within the scope of criminal human trafficking is often treated merely as an administrative violation. As a result, victims receive insufficient protection, and perpetrators face inadequate sanctions. This condition further heightens the vulnerability of Indonesian migrant workers to trafficking practices.

Human trafficking frequently emerges from economic pressures, low educational attainment, and weak state oversight over migration processes. Poverty, unemployment, and regional disparities create conditions in which overseas job offers—even those with unclear legality—are readily accepted. The use of social media broadens the reach of recruitment, enabling perpetrators to disseminate fraudulent job postings rapidly, particularly in communities with limited digital literacy. These circumstances heighten victims' vulnerability and expose them to various forms of exploitation, including forced labor and physical or sexual abuse. This pattern indicates that trafficking is shaped not only by legal shortcomings but also by unresolved socioeconomic conditions.

Recent reports show that human trafficking in Indonesia continues to rise, particularly through unprocedural deployment of migrant workers. This trend demonstrates that despite the existence of legal instruments, ground realities reflect a persistent inflow of victims, rendering criminalization alone insufficient to curb the offense. The steady increase in cases suggests the need for a paradigm shift: enforcement should not depend solely on prosecuting cases after they surface, but must also prioritize preventive strategies and early-detection mechanisms capable of disrupting trafficking networks before victims are entrapped.

The problem becomes more complex with the involvement of certain officials, whether through direct assistance—such as document falsification—or by tolerating illegal recruitment practices. Such conditions reveal ineffective administrative oversight, allowing trafficking syndicates to operate with relative impunity. Within the

international framework, the Palermo Protocol underscores that states must not only prosecute offenders but also strengthen prevention, victim protection, and inter-agency coordination. Consequently, improving prevention policies is essential to close the systemic gaps exploited by traffickers.

A crime-prevention approach that relies solely on post-incident punishment has evident limitations. Such a strategy does not necessarily prevent new offenses from occurring. Preventive measures are therefore essential to address potential risks before a crime takes place, including community outreach, legal literacy initiatives, and strengthened collaboration between citizens and law-enforcement authorities.<sup>9</sup> Repressive measures remain important—particularly for deterrence and victim redress—but they must be complemented by curative and rehabilitative strategies aimed at minimizing the broader impact of the crime. A similar approach has been applied in addressing sexual offenses against children, where preventive safeguards are implemented through outreach, supervision, and educational reinforcement, while repressive actions are taken only once a violation is established and are accompanied by psychosocial support for the victim.<sup>10</sup>

The analysis of the *modus operandi* in the Cibadak District Court Decision is crucial, as it illustrates in detail how perpetrators recruit and transport victims through illegal channels. Understanding this pattern enables authorities to design more targeted preventive measures and improve coordination among agencies responsible for protecting migrant workers. The findings in this case also reveal a gap between the legal framework and its implementation, given that illegal recruitment methods continue to be exploited by syndicates amid weak oversight. Against this backdrop, this study examines two central questions: what *modus operandi* of human trafficking is reflected in the Cibadak District Court Decision, and how this pattern can inform the development of more effective prevention policies. This focus is selected because the case highlights the limitations of the current migrant worker protection system in responding to evolving digital crime dynamics.

## 2. RESEARCH METHODOLOGY

This study employs a normative legal research method that examines positive legal norms, legal principles, and their application in judicial decisions. Three analytical approaches were used: a statute approach to review the provisions of Law Number 21 of 2007, Law Number 18 of 2017, and related regulations; a conceptual approach to explore penal and non-penal theories and policies; and a case approach through an

<sup>9</sup> H. Noor Rohmat, *Hukum Kriminologi dan Viktimologi*, ed. oleh Yuris dan Teguh Samudera (Yogyakarta, 2024), hal. 180.

<sup>10</sup> Muhammad Dzar Imran dan Yovita Arie Mangesti, “Tindakan Preventif dan Represif Sebagai Upaya Perlindungan Hukum Tindak Pidana Pemerkosa Anak,” *Iblam Law Review* 4, no. 1 (2024): 257–66, <https://doi.org/10.52249/ilr.v4i1.249>.

examination of Cibadak District Court Decision No. 92/Pid.Sus/2024/PN.Cbd. Data were collected through a literature review of primary and secondary legal materials, including statutes, legal scholarship, and court rulings. The data were analyzed qualitatively by interpreting legal norms systematically, grammatically, and teleologically to assess the appropriateness of their application in practice. This method offers insight into both the normative framework and judicial practice in human trafficking cases involving migrant worker recruitment.

### **3. RESULT AND DISCUSION**

#### **3.1. Modus Operandi of Human Trafficking in Cibadak District Court Decision No. 92/Pid.Sus/2024/PN.Cbd**

The modus operandi of human trafficking in Cibadak District Court Decision No. 92/Pid.Sus/2024/PN.Cbd was carried out through a structured and deliberately planned scheme that utilized social media as the primary recruitment tool. The legal facts established at trial show that Clara Emilia Yulianti, together with several other individuals—including ALVI (a fugitive), Abdul Sukur alias Mas Gondrong, Saeful Anwar alias Aan, and Asep Mulyana—played active roles in recruiting, sheltering, and preparing to send prospective migrant workers illegally to Australia. The scheme began around May 2023, when ALVI offered the defendant a recruitment job with a promised payment of IDR 5,000,000 per person. The defendant subsequently used a Facebook account under the name “Rohmate Gusti” to advertise fictitious employment opportunities at a fruit plantation on Christmas Island, Australia, claiming wages of approximately IDR 180,000 to IDR 200,000 per hour. To gain the victims’ trust, she offered full facilities and required an administrative fee of approximately IDR 40,000,000 per person for purported passport and visa processing.

After securing multiple victims, the group gathered the prospective workers in a rented house in Kebon Kelapa Village, Palabuhanratu, Sukabumi, where they waited for the planned departure. The victims were to be transported by sea using a vessel owned by Asep Mulyana, without any official travel or employment documentation. Clara Emilia was involved not only in recruitment but also in arranging logistics and distributing operational funds to her associates, totaling IDR 100,000,000, to cover transportation, lodging, and departure preparations. In this case, the “process” elements—recruitment, housing, and transport; the “method” elements—fraud and abuse of vulnerability; and the “purpose” element—labor exploitation—were all proven to have been fulfilled pursuant to Article 2(1) in conjunction with Article 11 and Article 4 in conjunction with Article 10 of Law No. 21 of 2007 on the Eradication of Human Trafficking. Accordingly, the defendant’s modus operandi reflects a trafficking scheme that leveraged promises of overseas work to obtain financial gain through deception and the exploitation of prospective migrant workers.

Based on causation theory in criminology, a crime does not occur spontaneously but results from the interaction between internal factors of the perpetrator and external conditions within the social environment. In this case, the primary causal factors stem from economic motives and the desire to obtain quick financial gain, as reflected in the actions of Clara Emilia Yulianti and the network of other perpetrators who capitalized on the community's economic vulnerability. The victims' socioeconomic circumstances—characterized by low income and a strong aspiration to secure employment abroad—constitute external factors that the perpetrators systematically exploited.<sup>11</sup> By constructing the illusion of lucrative employment opportunities in Australia, the perpetrators created an enticing narrative that effectively drew victims into the scheme.

According to causation theory, crime occurs when causal factors—such as economic pressure, weak oversight, and the presence of opportunities—interact with the perpetrator's psychological condition, producing the effect of a criminal act.<sup>12</sup> In this case, the immediate cause lies in the perpetrator's exploitation of the victims' trust and their lack of knowledge regarding formal procedures for overseas labor placement. The perpetrators relied on deception, manipulation, and persuasion through a systematically crafted scheme designed to create conditions in which victims voluntarily entered an exploitative situation.<sup>13</sup> Internal causal factors—such as greed, low legal morality, and weak ethical awareness—reinforced the intent to treat others as economic instruments. Structurally, insufficient state oversight of informal labor recruitment and persistently high unemployment rates in Indonesia further strengthen the causal relationship between poverty and the rise of human trafficking offenses.

The culmination of these causal factors results in both material and immaterial harm to the victims, including financial losses stemming from fictitious administrative fees and psychological trauma arising from feelings of deception and exploitation.<sup>14</sup> This causal theory also explains that the consequences of a crime are experienced not only by individual victims but also by society at large, including diminished public trust in lawful recruitment mechanisms and disruptions to social order. In criminal law, this causal relationship provides a foundation for determining criminal liability, as the defendant is assessed not only on the basis of their conduct but also on their intent and awareness of the resulting harm.<sup>15</sup>

The modus operandi employed by Clara Emilia Yulianti reflects a pattern consistent with the causal theory of crime: a direct cause rooted in economic motives

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<sup>11</sup> Arief Gosita, *Masalah Korban Kejahatan* (Jakarta: Akademika Persindo, 1993), hal. 63.

<sup>12</sup> A. S. Alam, *Kriminologi Suatu Pengantar*, ed. oleh Amir Ilyas, Pertama (Jakarta: Prenada Media, 2018), hal. 198.

<sup>13</sup> H. Bahrn, "Human Trafficking dalam Perspektif Hukum Pidana," in *Human Trafficking dari Sudut Pandang Hukum, Sejarah, Politik, Agama, dan Film*, ed. oleh Sulaiman Kurdi (Yogyakarta: Zahir Publishing, 2025), hal. 15.

<sup>14</sup> Rhendy Ahmad Fauzi, "Review of Victimology of Victims of Theft in The Criminal Justice System," *Jurnal Ilmiah Advokasi* 11, no. 2 (2023): 214–31, <https://doi.org/10.36987/jiad.v11i2.3356>.

<sup>15</sup> Irman Syahriar, *Fenomena Kriminologi* (Banyumas: Wawasan Ilmu, 2024), hal. 98.

and opportunity, an indirect cause arising from social conditions and weaknesses in the legal system, and a concrete consequence manifested in the exploitation and financial loss suffered by the victims. This case affirms that human trafficking is not merely the act of a deviant individual but the result of a complex interplay among economic need, regulatory loopholes, and moral deterioration—forming a causal chain that ultimately produces human exploitation.

An analysis grounded in causation theory further demonstrates a strong relationship between the victims' need for employment and the perpetrators' exploitation of that vulnerability. The victims, largely from low-income communities, were motivated by the desire to improve their standard of living through work abroad. Socioeconomic factors such as poverty, unemployment, and limited access to lawful employment thus created conditions of heightened vulnerability. In this sense, the victims' need for employment functions as a situational factor that opens opportunities for perpetrators to deceive and manipulate.

Defendant Clara Emilia Yulianti and her network capitalized on this fundamental need as a form of psychological control, enticing victims with promises of high-paying jobs in Australia, complete facilities, and expedited travel arrangements. Their actions illustrate the use of a systematic mechanism of persuasion and deception, which causation theory identifies as an instrumental factor—namely, a means that directly produces the consequences of the crime. In this case, the perpetrators' false promises and manipulative tactics served as the immediate cause of the victims' financial losses, the transfer of funds, and their entanglement in the human trafficking scheme.

The relationship between the victims' needs and the perpetrators' actions reflects a convergence of social and moral causation. The victims harbored no malicious intent; their actions were driven by the hope of attaining a better life. In contrast, the defendant exploited her position and knowledge to deceive others for personal gain. This constitutes an abuse of vulnerability as stipulated in Article 2(1) of Law No. 21 of 2007 on the Eradication of Human Trafficking.<sup>16</sup>

The consequences of this causal interaction extend beyond individual harm and generate broader social effects. Victims experience financial loss and trauma stemming from fraudulent recruitment practices, which erodes their trust in employment agencies. At the societal level, such cases foster increased skepticism toward legitimate overseas employment opportunities. This demonstrates that perpetrators and victims are linked within a chain of social causation: the victims' economic need serves as the entry point for exploitation, while the perpetrators' greed functions as the primary driving force. From the perspective of causation theory, human trafficking represents not only a violation of formal legal norms but also a manifestation of underlying social and moral

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<sup>16</sup> Yudistira Nugroho, Fajriya Risik Fidayanti, dan Mohammad Insan Nabil, "Analisis Yuridis Putusan Pidana Nomor 438/Pid. Sus/2020/PN CBI tentang Tindak Pidana Perdagangan Orang," *Fenomena* 19, no. 2 (2025): 167–77, <https://doi.org/10.36841/fenomena.v19i02.7278>.



inequalities that, if unaddressed, will continue to reproduce conditions conducive to similar crimes.

The causal dynamics in this case reveal that victims and perpetrators operate within an interconnected structural cycle in which economic pressure serves as the principal trigger, and the perpetrators' greed reinforces the trajectory toward exploitation. Within the framework of criminological causation theory, the causes of crime are understood not solely through individual actions but also through the broader social structures that create opportunities for criminal behavior. The victims involved in this case come from economically disadvantaged backgrounds, possess limited educational attainment, and lack knowledge of official procedures for overseas labor placement—conditions that collectively heighten their vulnerability to manipulation and exploitation.

Defendant Clara Emilia Yulianti functioned as an instrumental actor who converted the victims' socioeconomic conditions into opportunities for criminal exploitation. She used her position as an intermediary or "employment service provider" to build trust, presenting herself as someone with access and connections abroad. By doing so, she created a false sense of security and legitimacy for the victims. Her actions constituted the efficient cause that directly produced the criminal consequences, namely exploitation and financial loss. She served as the central agent linking the initial cause—the victims' vulnerability—with the ultimate outcome of material harm and exploitation.

Beyond economic and moral factors, structural conditions also played a crucial role in shaping the causal relationship in this case. Weak governmental oversight of illegal labor recruitment practices, limited public awareness of safe migration pathways, and unequal domestic employment opportunities created a vacuum readily exploited by actors such as the defendant. In Émile Durkheim's sociological terms, this situation reflects a state of anomie, in which social norms weaken and individuals lose a moral compass for guiding their actions. Under these conditions, human trafficking flourishes because perpetrators perceive such schemes as "business opportunities," while victims perceive them as "life opportunities." The impact extends beyond individual suffering to broader societal harm. Communities in the victims' home regions lose trust in any employment offers, and the state's credibility as a protector of its citizens becomes compromised. In the long term, this causal cycle can reinforce a persistent pattern of poverty and crime, where new potential victims continue to emerge due to the same economic pressures, while new perpetrators arise in response to the perceived profitability of similar unlawful practices.

Based on the theory of cause and effect, the human trafficking crime in this case emerges from a complex interaction among the victims' needs, the perpetrators' malicious intent, and the state's structural negligence. These three components form a mutually reinforcing causal chain that ultimately produces the outcome of human

exploitation. Therefore, preventing crimes of this nature cannot rely solely on punitive measures against the perpetrators; it also requires addressing the underlying causes, including improving community economic conditions, expanding legal education and safe-migration awareness, and strengthening oversight of labor recruitment practices.<sup>17</sup> Only by targeting these root factors can the causal relationship underlying human trafficking be disrupted and substantive justice effectively realized.

### **3.2. Policy on the Prevention of Human Trafficking Crimes Based on the Modus Operandi of Job Recruitment in the Decision**

Human trafficking prevention policies grounded in the recruitment-based modus operandi identified in Cibadak District Court Decision No. 92/Pid.Sus/2024/PN.Cbd must be oriented toward strategies that address the underlying social, economic, and legal factors enabling the crime. The ruling shows that the perpetrators' central method—recruiting prospective migrant workers by promising high-paying jobs abroad—amounts to an exploitation of public trust amid pressing economic hardship. Accordingly, prevention efforts cannot rely solely on repressive legal measures; they must also encompass proactive and preventive strategies, including enhancing public awareness and strengthening protection mechanisms from the earliest stages of labor recruitment.<sup>18</sup>

Prevention strategies grounded in the perpetrators' modus operandi can be implemented by enhancing public legal and digital literacy, particularly because in this case the offender relied on social media—specifically Facebook—as the primary tool for attracting victims. The government must work collaboratively with digital platforms to monitor and identify posts or accounts promoting overseas employment without official authorization. Within the framework of digital surveillance, it is essential to expand content-regulation policies for platforms like Facebook, which are frequently used as channels for illegal recruitment. Such oversight may be carried out through cooperation between the Ministry of Communication and Information Technology (Kominfo) and digital platform providers to detect and remove content that could facilitate criminal activity, including fictitious job recruitment. This approach is not unprecedented; the Indonesian government previously implemented a similar intervention by temporarily disabling the TikTok Live feature in October 2024 due to misuse that triggered public unrest. Responsive measures of this kind demonstrate the

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<sup>17</sup> Elsa Rina Maya Toule, “Kebijakan Kriminal Terhadap Pencegahan Tindak Pidana Perdagangan Orang,” *Mizan: Jurnal Ilmu Hukum* 9, no. 1 (2020): 1–19, <https://doi.org/10.32503/mizan.v9i1.1049>.

<sup>18</sup> Satriya Aldi Putrazta et al., “Perlindungan HAM dari Perbudakan Modern Bagi ABK Indonesia di Kabupaten Tegal (Studi Pada ABK yang Tergabung di Komunitas INFISA),” *Unes Law Review* 6, no. 1 (2023): 1879–94, <https://doi.org/10.31933/unesrev.v6i1.982>.

state's authority and responsibility to ensure that digital environments do not become fertile ground for human trafficking activities.<sup>19</sup>

Accordingly, human trafficking prevention policies must incorporate a cyber-governance component, namely a system for monitoring, reporting, and rapidly removing illegal recruitment content through integrated coordination between government institutions and social media platform providers. By extending oversight into the digital sphere, prevention strategies become not only conventional but also adaptive to the increasingly complex modus operandi that characterizes crime in the technological era. In addition, the Ministry of Manpower, the Indonesian Migrant Workers Protection Agency (BP2MI), and law enforcement authorities must strengthen migrant-worker databases and tighten licensing mechanisms for labor placement agencies so the public can readily distinguish legitimate recruiters from fraudulent ones. This policy approach functions as an early-warning system, preventing individuals from being misled by unrealistic job offers—such as the scheme used by Clara Emilia Yulianti, who promised wages of IDR 180,000–IDR 200,000 per hour in Australia without any official procedures.

From a criminal-policy standpoint, these preventive measures must be supported through the integration of penal and non-penal strategies. Penal policies aim to create a deterrent effect, including the imposition of harsher penalties on illegal recruiters and increased sanctions for crimes facilitated through information technology.<sup>20</sup> Non-penal policies, in turn, aim to strengthen the socioeconomic conditions of communities by expanding access to decent domestic employment and providing skills training for low-income groups so they do not depend on uncertain job opportunities abroad. Reducing economic disparities can lower the incentive for individuals to pursue illegal overseas employment, thereby disrupting the recruitment-based trafficking chain at its point of origin.

Prevention policies must also prioritize the protection of victims and potential victims. The state needs to establish an integrated protection framework that focuses not only on prosecution but also on rehabilitation, restitution, and the social reintegration of victims, as mandated by Law No. 21 of 2007 on the Eradication of Human Trafficking. Victims who suffer financial losses and psychological trauma require comprehensive support to prevent them from becoming targets of illegal recruitment again. This approach reflects a humanistic model of prevention, in which the state's role extends beyond punishment to include restoring and safeguarding its citizens from future exploitation.<sup>21</sup>

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<sup>19</sup> Budiyo, *Pengantar Cybercrime dalam Sistem Hukum Pidana di Indonesia* (Banten, 2025), hal. 81-82.

<sup>20</sup> Islam, Vergiawan, dan Zaluchu, "Upaya Penanggulangan Perdagangan Orang di Indonesia: Tinjauan terhadap Kebijakan dan Kinerja Pemerintah."

<sup>21</sup> Zainab Ompu Jainah, *Kapita Selekta Hukum Pidana* (Tangerang: Tira Smart, 2018), hal. 82.

Policies to prevent human trafficking based on recruitment-based modus operandi must prioritize synergy across sectors, including legal, economic, social, and technological. Every agency, from local governments and educational institutions to law enforcement officials and civil society organizations, must be involved in raising public awareness and strengthening oversight systems. This way, the modus operandi described in the Cibadak District Court ruling, which exploits poverty, ignorance, and technological advancements for exploitation, can be systematically prevented. Therefore, prevention policies aim not only to stop crimes after they occur but also to build social immunity so that the community is immune to the inducements and deceptions typical of illegal recruitment-based human trafficking.

Based on Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers, policies to prevent human trafficking using recruitment-based modus operandi, as described in the Cibadak District Court Decision Number 92/Pid.Sus/2024/PN.Cbd, must be directed at strengthening a legal, transparent, and protection-based labor placement system. In this case, defendant Clara Emilia Yulianti conducted illegal recruitment without following the mechanisms and requirements stipulated in the law, such as permission from the Manpower Office, medical check-ups, job training, and official government permits. These procedural violations demonstrate weak oversight and a lack of public awareness of the legal provisions governing the recruitment and placement of Indonesian workers abroad.

Articles 49 to 61 of Law No. 18 of 2017 provide that the placement of migrant workers may be conducted only by authorized institutions, namely the Indonesian Migrant Worker Protection Agency (BP2MI) or Indonesian Migrant Worker Placement Companies (P3MI) that hold written permits in the form of SIP3MI (Indonesian Migrant Worker Placement Company Permit) and SIP2MI (Indonesian Migrant Worker Placement Permit) issued by the Minister. These provisions underscore that any recruitment undertaken without an official permit constitutes an administrative violation subject to legal sanctions under Articles 56, 58, and 74, including written warnings, termination of business operations, permit revocation, and, in cases resulting in harm or exploitation, criminal penalties. Accordingly, Clara Emilia Yulianti's recruitment activities, conducted outside lawful procedures, constitute a breach of these norms and ultimately fall within the scope of human trafficking as defined in Article 2(1) of Law No. 21 of 2007.

Articles 75 and 76 of Law No. 18 of 2017 further mandate that the central and regional governments provide oversight and supervision of all activities related to the placement and protection of Indonesian migrant workers. This requirement implies that monitoring must extend not only to licensed labor placement companies but also to digital and online recruitment activities, which often serve as primary channels for illegal schemes. The government must utilize an integrated information system, as mandated by Article 16(d), which requires the establishment and development of a placement and

protection information system for migrant workers. Such a system is essential for early detection of suspicious recruitment patterns and for providing the public with access to official lists of registered labor placement companies.

Articles 31 through 36 set forth the government's obligations to provide legal, social, and economic protection to prospective migrant workers. These provisions emphasize that preventing human trafficking cannot be achieved solely by tightening recruitment licensing; it must also be supported by community empowerment measures, including education, job training, and clear dissemination of information regarding lawful overseas employment procedures. With adequate protection and guidance, communities are less likely to fall prey to offenders offering fictitious, high-paying jobs.

The implementation of Law No. 18 of 2017 in preventing human trafficking based on the job-recruitment *modus operandi* rests on three central components: (1) strengthening the licensing and oversight system for recruitment agencies, (2) enhancing legal awareness and literacy within communities to prevent victimization, and (3) strictly enforcing the law against illegal recruiters. The Cibadak District Court case illustrates that weak law enforcement and minimal oversight remain key factors enabling the continued effectiveness of recruitment-based trafficking schemes. Consequently, prevention policies must be integrative and proactive, consistent with the mandate of migrant-worker protection under Law No. 18 of 2017 and Law No. 21 of 2007, in order to prevent similar crimes from recurring.

Within the framework of Barda Nawawi Arief's crime-prevention theory, the anti-trafficking policy reflected in Cibadak District Court Decision No. 92/Pid.Sus/2024/PN.Cbd must be approached rationally and holistically, balancing penal (repressive) and non-penal (preventive) strategies. Barda emphasizes that criminal policy forms part of broader social policy aimed at social defense and social welfare.<sup>22</sup> Combating human trafficking thus requires not only punishing offenders such as Clara Emilia Yulianti, but also eliminating the underlying causal factors that perpetuate these crimes, including poverty, low legal literacy, and inadequate oversight of labor recruitment practices.

The penal component of Barda's framework is reflected in the imposition of criminal sanctions on offenders found guilty of trafficking, as applied in this case. Law No. 21 of 2007 provides a strong legal foundation for imposing severe penalties on individuals engaged in trafficking through illegal recruitment. This penal approach functions as a repressive and deterrent mechanism intended to dissuade perpetrators and prevent others from committing similar acts.<sup>23</sup> However, Barda's theory cautions

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<sup>22</sup> Barda Nawawi Arief, *Bunga Rampai Kebijakan Hukum Pidana Perkembangan Penyusunan Konsep KUHP Baru* (Jakarta: Kencana, 2010), hal. 84.

<sup>23</sup> Lilik Mulyadi, *Putusan Hakim Dalam Hukum Acara Pidana: Teori, Praktik, Teknik Penyusunan, dan Permasalahan* (Bandung: Mandar Maju, 2007), hal. 91.

that reliance on penal measures alone is insufficient; when legal policy depends exclusively on punishment, it becomes merely curative, addressing the effects of crime rather than its root causes.<sup>24</sup>

The non-penal approach serves as a crucial instrument for early prevention. Under Law No. 18 of 2017 on the Protection of Indonesian Migrant Workers, the government is required to conduct public outreach, guidance, and legal education to ensure that communities can distinguish between lawful and unlawful employment opportunities. This aligns with Barda's view that non-penal policies should focus on improving social conditions in order to reduce the factors that contribute to crime.<sup>25</sup> Such measures include economic empowerment programs, the expansion of domestic employment opportunities, skills training, and digital literacy initiatives to prevent the public from being easily misled by online recruitment schemes like the one used by the defendant.

The theory also underscores the importance of inter-institutional coordination as part of an integrated policy framework. Efforts to combat human trafficking cannot rest solely on law enforcement; they require collaboration among local governments, social institutions, and the private sector. For example, the Indonesian Migrant Workers Protection Agency (BP2MI) should work with the Ministry of Communication and Information Technology to monitor online recruitment activities, while the Ministry of Social Affairs and local manpower offices can provide support to prospective migrant workers to prevent their involvement in illegal recruitment channels. This policy synergy reflects the principle of integrality emphasized by Barda Nawawi Arief, which calls for combining legal measures with social interventions to create a comprehensive prevention system.<sup>26</sup>

In the Cibadak District Court case, Barda's prevention theory provides a useful lens for evaluating the extent to which the legal system has operated holistically. The court's imposition of a severe sentence demonstrates the effectiveness of the penal approach; however, measures related to victim protection and the prevention of reoffending require further strengthening. This includes ensuring that victims receive psychosocial rehabilitation, access to restitution, and opportunities for decent employment so they are not once again targeted by illegal recruitment practices.<sup>27</sup>

Barda Nawawi Arief's crime-prevention theory situates legal policy as a strategic instrument of equitable social control rather than merely a mechanism of punishment.<sup>28</sup> In recruitment-based human trafficking cases such as this one, penal and non-penal approaches must function synergistically and proportionately: penal measures to

<sup>24</sup> Barda Nawawi Arief, *Kebijakan Hukum Pidana* (Bandung: PT. Citra Aditya Bakti, 2002), hal. 101.

<sup>25</sup> Bambang Waluyo, *Viktimologi: Perlindungan Korban dan Saksi* (Jakarta: Sinar Grafika, 2022), hal. 19-20.

<sup>26</sup> Arief, *Kebijakan Hukum Pidana*, hal. 89.

<sup>27</sup> Antonius PS Wibowo, *Restitusi Bagi Korban Tindak Pidana Dalam Sistem Peradilan Pidana di Indonesia* (Riau: Genta Publishing, 2024), hal. 171.

<sup>28</sup> Arief, *Kebijakan Hukum Pidana*, hal. 97.

impose clear sanctions on offenders, and non-penal measures to address the underlying causes of crime through welfare enhancement, legal education, and systematic oversight of labor placement practices. The integration of these two approaches allows prevention policies to genuinely protect the public and fulfill the fundamental objectives of criminal law in Barda's conception—namely, human protection and social welfare within a just societal order.

#### 4. CONCLUSION

The findings of this study show that the human trafficking offense examined in Cibadak District Court Decision No. 92/Pid.Sus/2024/PN.Cbd was committed through an illegal recruitment pattern carried out via social media, taking advantage of the community's economic vulnerability and low legal literacy. The perpetrators offered fictitious overseas employment, recruited potential victims, and arranged their departure without proper documentation. This pattern reflects a contemporary form of exploitation enabled by weak oversight of labor recruitment practices.

Accordingly, prevention efforts must focus on strengthening supervision of online recruitment through cross-agency cooperation and collaboration with digital platforms to detect and remove unlawful job advertisements. Enhancing legal and digital literacy, along with ensuring transparency regarding legitimate job-placement procedures, is essential to reducing community vulnerability. Both central and regional governments must reinforce oversight of recruitment agencies, as mandated by Law No. 18 of 2017, while simultaneously fostering synergy among legal, social, and economic policy approaches. Law enforcement authorities must also ensure that case handling goes beyond prosecuting offenders to include the restoration of victims' rights through rehabilitation and social reintegration. Such an approach is expected to produce a more comprehensive form of prevention—one that does not rely solely on repressive measures but instead builds social resilience by increasing legal awareness and protecting communities from exploitative practices.

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