

Structural Vulnerability and Victim Protection in Human Trafficking across Indonesia and India



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ABSTRACT

Human trafficking is a complex form of exploitation rooted in structural inequality and social vulnerability. While existing scholarship has examined trafficking through legal, sociological, and policy perspectives, limited attention has been given to how vulnerability is produced, experienced, and potentially reproduced through institutional responses. This research examines victim vulnerability and protection in Indonesia and India through an integrated criminological and victimological perspective. It employs a comparative socio-legal and documentary research design based exclusively on secondary sources, including international legal instruments, national legislation, official statistics, institutional reports, and peer-reviewed literature. The findings demonstrate three principal findings. First, vulnerability to human trafficking results from interconnected socioeconomic and structural factors, including poverty, economic insecurity, gender inequality, migration pressures, social marginalization, and institutional weaknesses, while stigma and economic loss perpetuate vulnerability after victimization. Second, Indonesia and India demonstrate persistent gaps between formal legal protection and effective implementation, particularly in institutional coordination, restitution, rehabilitation, and victim reintegration. Third, sustainable victim recovery requires an integrated framework combining legal remedies, compensation, psychosocial assistance, livelihood support, survivor participation, and community-based reintegration through coordinated institutional case management and accessible victim services.



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Introduction

The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons (2000) recognizes human trafficking as a serious transnational crime and a serious violation of human rights at the level of the international community. It continues to thrive in communities across the world, exploiting social vulnerabilities, poverty, and structural inequalities.¹ Trafficking is a complex issue cutting across the global development, justice, and security agendas, with victims suffering sexual exploitation, forced labor, and domestic servitude. Trafficking is

¹ Adriani Adnani and Meita Lefi Kurnia, 'Legal Policy Against the Crime of Women Trafficking in Indonesia', *Jurnal Ilmiah Ekotrans & Erudisi*, 4.1 (2024), 73–81 <https://doi.org/10.69989/nq7ph812>



an obstacle to the realization of the SDGs, especially Goal 5 (Gender Equality), Goal 8 (Decent Work), and Goal 16 (Peace, Justice and Strong Institutions).²

Trafficking in human beings is a transnational crime and a serious violation of human rights and human dignity. This practice not only involves the recruitment, transportation, or harboring of persons for the purpose of exploitation, but also the functioning within social conditions that place certain persons in a significantly weaker bargaining position than the perpetrators or exploitation networks.³ Poverty, gender inequality, restricted employment prospects, migrant flows, societal discrimination and weak institutional protections may increase the risk of becoming a victim of human trafficking. Therefore, human trafficking cannot be reduced to a mere act of crime committed by a perpetrator against a specific victim, but is also a societal process that exploits and sometimes magnifies pre-existing vulnerabilities. This perspective is critical to the human rights protection agenda because the success of eradicating human trafficking cannot be measured only by the number of offenders arrested or convicted, but also by the ability of the State to prevent victimization, stop exploitation, rehabilitate victims, and ensure the substantive restoration of their rights.⁴

Human trafficking is a vile violation of human rights, especially women's rights, because it entails treating people as products, as well as torture, detention, and sexual violence. Those who are most susceptible to human trafficking are women and infants. Victims are targeted not just for sexual exploitation such as prostitution, but also for other forms of exploitation such as forced labor, forced servitude, slavery, or similar practices to slavery. All these acts are obviously contrary to concepts of human rights. Trafficking of women and children has been an ongoing problem in a number of nations, including Saudi Arabia, Japan, Malaysia, Hong Kong, Taiwan, Singapore, and Indonesia. Every year, it is believed that 600,000 to 800,000 men, women, and children are trafficked abroad for sexual exploitation. No country is immune to this scourge. In cases of trafficking, women and children are always subjected to captivity and violence, a violation of their basic rights.⁵

² Sy. Hasyim Azizurrahman and others, 'The Early Warning System in Preventing Human Trafficking: Border (In) Security and Challenges for Indonesia', *Hasanuddin Law Review*, 9.3 (2023), 287 <https://doi.org/10.20956/halrev.v9i3.4692>

³ Herbin Marulak Siahaan and Nimerodi Gulo, 'Enhancing Indonesia's Law Enforcement: Integrating Financial Investigations to Combat Human Trafficking Networks', *KRTHA BHAYANGKARA*, 20.2 (2026), 476–99 <https://doi.org/10.31599/krtha.v20i2.5611>

⁴ Leanne van Rooy, Celia J. Filmlalter, and Tanya Heyns, 'Experiences of Human Trafficking Survivors When Managed in an Emergency Department: A Descriptive Qualitative Study', *International Emergency Nursing*, 86 (2026), 101814 <https://doi.org/10.1016/j.ienj.2026.101814>

⁵ Monique Jones, Stephanie Barnhill, and Felicia Jenkins, 'Unfolding Simulation on Human Trafficking for Prelicensure Senior Nursing Students', *Teaching and Learning in Nursing*, 21.3 (2026), e1437 <https://doi.org/10.1016/j.teln.2026.04.003>

Indonesia has tackled this issue by enacting many laws and ratifying a number of international accords. One of the important legislative instruments is Law No. 21 of 2007 on the Eradication of Human Trafficking. This statute provides a thorough regulation of definitions, prevention, law enforcement, and victim protection. Also, the government has set up a Task Force for the Prevention and Handling of Trafficking in Persons (TPPO) to coordinate efforts to combat trafficking at the national and regional levels effectively.⁶ However, the execution of these laws and policies still faces a range of problems. The main challenges are a lack of public legal awareness and inadequate law enforcement by authorized authorities. Moreover, victims of trafficking are often unwilling to report their conditions out of fear of societal stigma or intimidation by the criminal. But understanding victim vulnerability does not mean seeing victims as fundamentally weak or responsible for their own victimization.⁷

Vulnerability is a relational condition, shaped via the interaction of human qualities, social structures, power relations, and the capacity of institutions to give protection. People may become vulnerable to human trafficking not only because of poverty, gender, age, or migration status, but also because of the interaction between those factors and lack of legal protection, discriminatory practices, recruitment mechanisms, and unequal opportunities. The analysis of victim vulnerability thus needs to move beyond the question of who is vulnerable to a more fundamental topic: that of the creation, exploitation, and perpetuation of such vulnerability. This shift permits research to move away from perspectives that implicitly blame the victim for the seriousness of the problem and instead focus on societal structures and institutions that affect the distribution of risk of victimization.⁸

In this respect, the criminological perspective provides a necessary basis. To understand human trafficking as a crime that thrives in certain environments, characterized by economic inequality, unsafe migration, social disorganization, weak institutional controls, and the adaptability of criminal networks to social and technological changes, a criminological approach is needed.⁹ Conversely, the victimological approach tackles the limitations of that technique by stressing the victim's agency, experience, recovery process, stigma, and access to justice in the research. From this perspective, victims are not merely passive objects of state protection; they are located as rights-holders who are able to make decisions and

⁶ Ni Putu Rai Yulianti and others, 'Legal Protection for Women and Children as Victims of Human Trafficking in Indonesia', *Jurnal Hukum Novelty*, 13.1 (2022), 26 <https://doi.org/10.26555/novelty.v13i1.a18738>

⁷ Fakhru Islam, 'Human Trafficking Law Enforcement Over the Victims and Offenders: The Perspective of Anti-Trafficking Stakeholders', *Victims & Offenders*, 19.8 (2024), 1512–40 <https://doi.org/10.1080/15564886.2023.2227964>

⁸ Mikayla Mefford and others, 'Combating Human Trafficking: Pediatric Surgeons as Agents of Change', *Seminars in Pediatric Surgery*, 35 (2025), 151522 <https://doi.org/10.1016/j.sempedsurg.2025.151522>

⁹ Saba Demeke, 'A Human Rights-Based Approach for Effective Criminal Justice Response to Human Trafficking', *Journal of International Humanitarian Action*, 9.1 (2024), 4 <https://doi.org/10.1186/s41018-023-001434>

participate in their own healing. This approach also reveals that victimization does not necessarily stop after a successful rescue of a victim from a trafficking network. Further types of vulnerability may come from difficulties in accessing restitution, rehabilitation, psychosocial assistance, legal protection, social acceptability, and livelihood opportunities. Indeed, institutional actions aimed at protecting victims can result in secondary victimization when they are administered paternalistically, restrict victim agency, or prioritize control over recovery. The question of whether state institutions may contribute to reducing or alternatively prolonging the vulnerability of victims is inseparable from the concept of victim protection.¹⁰

Given these links, in this research criminology and victimology are not seen simply as parallel perspectives. Rather, it places them in an analytical context that links the production of crime, the process of victimization and the realization of victims' rights. The human rights viewpoint is used as a critical-normative lens to assess whether state interventions do indeed restore victims as rights-holders, or simply transfer them from one form of control to another. Victimology is used to research the experiences of victims in these circumstances and how societal and institutional responses may compound vulnerability. Criminology is used to explain how structural disparities and institutional deficiencies create conditions under which human trafficking networks are able to operate. In this sense, the protection of human rights is not an automatic consequence of the existence of legislation; instead, it is the result of institutional capacity to turn legal rights into accessible protection, effective remedies, and the re-establishment of victim agency.¹¹

This relationship does not view criminology and victimology as simply parallel perspectives, but as part of an analytical continuum that links the creation of crime, the process of victimization and the realization of victims' rights. In this article, the human rights viewpoint serves as a normative-critical lens to assess whether the state's remedies actually reconstitute victims as rights-holders or simply shift them from one form of control to another.¹² Victimology is used to examine the experience of these conditions by victims and how societal and institutional responses may perpetuate vulnerability. Criminology is applied to explain how structural disparities and institutional deficiencies generate conditions that allow human trafficking networks to flourish. In this sense, human

¹⁰ Rebecca Frilund, 'Human Trafficking, Forced Labour and Carceralties in the Wild Berry Industry', *Geoforum*, 168 (2026), 104478 <https://doi.org/10.1016/j.geoforum.2025.104478>

¹¹ Jessica Peck and others, 'Prevention, Recognition, and Response to Human Trafficking: Practical Application for Pediatric Clinical Environments', *Journal of Pediatric Health Care*, 39.4 (2025), 646–57 <https://doi.org/10.1016/j.pedhc.2025.03.004>

¹² Devara Izzatun Aqnisyah and Dian Azmawati, 'Evaluating The Effectiveness of Indonesia-Iom Cooperation in The Governance of Human Trafficking and Illegal Labor Migration', *Proceedings University of Muhammadiyah Yogyakarta Undergraduate Conference*, 3.1 (2023), 194–205 <https://doi.org/10.18196/umygrace.v3i1.548>

rights protection is not assumed as a given consequence of legislation, but rather as the result of institutional capacity to translate legal rights into accessible protection, effective reparation, and the restoration of victim agency.¹³

Indonesia and India provide a relevant comparative context for testing that argument. A pertinent comparative context for evaluating this argument is provided by Indonesia and India. Both countries are confronted with the issue of human trafficking in social environments that are defined by economic inequality, population mobility, gender disparity, and institutional challenges. However, they have distinct legal and institutional structures. Human trafficking is perpetuated by institutional weaknesses and socio-cultural vulnerabilities, as evidenced by comparative findings from India and Indonesia. Indonesia is a unitary state with a civil law tradition, while India is a federal state with a common law tradition. Not only are these distinctions formal characteristics of legal systems, but they also affect the distribution of authority for victim protection, the translation of policies into practice, and the access of victims to redress. The victim protection framework in Indonesia is supported by institutional mechanisms such as the LPSK (Witness and Victim Protection Agency) and Law No. 21 of 2007.¹⁴

India, in contrast, utilizes a federal governance structure, a constitutional prohibition of trafficking under Article 23, state-level responsibility for policing and public order, and a multilayered framework of criminal law, victim compensation, legal assistance, and rehabilitation. The Bharatiya Nyaya Sanhita and Bharatiya Nagarik Suraksha Sanhita, which were implemented in 2024, have also resulted in substantial criminal-law reform in India. These distinctions render India an analytically valuable contrasting case, as they enable the investigation of whether variations influence the state's ability to translate formal rights into substantive protection in constitutional recognition, legal design, institutional decentralization, and victim-support mechanisms. However, the gap between "law in the books" and "law in practice" is not inherently eliminated by the existence of legal frameworks in both countries.¹⁵ Rather, this divide offers an analytical space to observe the interaction between social structures and institutional capacities, which in turn influences the experiences of victims. Consequently, the objective of the comparison is not to determine which country has a superior system, but rather to demonstrate the manner in which various institutional arrangements

¹³ van Rooy, Filmalter, and Heyns.

¹⁴ Theresia Tampubolon, Winsherly Tan, and Ninne Zahara Silviani, 'Legal Protection Against Human Trafficking: A Dilemma in Indonesia and the ASEAN Region', *Journal of Judicial Review*, 27.1 (2025), 329–54 <https://doi.org/10.37253/jjr.v27i1.10395>

¹⁵ Therecy Angella Sitio and Hery Firmansyah, 'Human Trafficking and the Crisis of Victim Protection in Indonesia', *JHKL*, 8.1 (2026), 324–37 <https://doi.org/10.46924/jhkl.v8i1.478>

interact with structurally produced vulnerability and influence the access of victims to protection, compensation, rehabilitation, agency, and reintegration.¹⁶

De Vries et al. undertook research exploring individual, family, social relationship, and community-level influences. The research included data on 40,531 children and adolescents associated with the court system in Florida, including 801 victims or suspected victims of human trafficking. The results show that increased risk of victimization is associated with negative childhood experiences, domestic violence, interactions with antisocial partners or peers, and some societal situations. The authors expressly challenge the dominance of research that focuses on individual-level risk factors, and highlight the necessity of social and ecological circumstances for comprehending human trafficking victimization.¹⁷ Nimble et al. (2014) carried out follow-up research on the relationship between human trafficking and labor migration in Andhra Pradesh. The research employed a mixed-method approach and included 121 key informant interviews, 5 focus group talks, 7 case studies, and a survey of 5,888 persons. The main findings imply that people trafficking is not a natural part of migration, but the result of the combination of individual, household, community, and structural variables. Thus, migration is seen as a continuum that incorporates trafficking, hazardous travel, and vulnerability.¹⁸ In addition, the research by Angkasa et al. develops a model for the implementation of restitution in the framework of the protection of victims of human trafficking. The main focus is on more effective execution of restitution, which is normatively accepted by Indonesian law to ensure that victims obtain reparation for the damages they have endured.¹⁹

Although the three above-mentioned studies have improved the understanding of the determinants of victim vulnerability and protection, research that combines the formation of vulnerability, the victimization process, and legal and institutional responses as a continuous process remains limited. Furthermore, existing research has not been able to fully account for whether institutional actions interrupt the cycle of victim vulnerability or maintain it in the aftermath of

¹⁶ Lauren N. Moton, "'Victim Is Such a Touchy Word': Rethinking Victimhood among Human Trafficking Intervention Court Defendants in the US", *International Journal of Law, Crime and Justice*, 82 (2025), 100763 <https://doi.org/10.1016/j.ijlcj.2025.100763>

¹⁷ Ieke de Vries, Michael Baglivio, and Joan A. Reid, 'Examining Individual and Contextual Correlates of Victimization for Juvenile Human Trafficking in Florida', *Journal of Interpersonal Violence*, 39.23–24 (2024), 4748–71 <https://doi.org/10.1177/08862605241243332>

¹⁸ Neha Nimble, Sharli Mudaliyar, and Tejeswar Karkora, 'Labour Migration and Human Trafficking in Andhra Pradesh, India: A "Determinants of Migrant Vulnerability" Perspective', *Genealogy*, 8.3 (2024), 85 <https://doi.org/10.3390/genealogy8030085>

¹⁹ Angkasa Angkasa and others, 'Development of a Restitution Model in Optimizing Legal Protection for Victims of Human Trafficking in Indonesia', *Journal of Indonesian Legal Studies*, 8.1 (2023), 93–128 <https://doi.org/10.15294/jils.v8i1.67866>

the trafficking incident.²⁰ Thus, this research offers a unique lens through the combination of criminological and victimological perspectives to understand how structural conditions create vulnerability, how this vulnerability is exploited in the trafficking process, and how institutional responses either impact recovery or perpetuate the vulnerability of victims. It also discusses the implications of these differences for the ability of the state to translate the formal recognition of victim rights into meaningful human rights protection, particularly in relation to access to justice, recovery, agency, and reintegration, by comparing Indonesia and India as two different socio-legal and institutional contexts.²¹

Research Method

This research adopts a comparative socio-legal and documentary research design, informed by criminological and victimological perspectives, to examine how structural conditions shape vulnerability and victimization in human trafficking in Indonesia and India. The research is grounded in a constructivist paradigm, which understands vulnerability and victimization as phenomena shaped by interactions among structural conditions, social relations, legal norms, and institutional practices. Accordingly, the analysis extends beyond formal legal provisions to examine how socioeconomic inequality, migration, gender relations, social marginalization, and institutional responses create or influence conditions of vulnerability and exploitation. The research employs three complementary approaches: a socio-legal approach to examine the interaction between legal norms, institutional practices, and socioeconomic conditions in shaping vulnerability, recruitment, exploitation, victimization, and access to protection and justice; a conceptual approach to apply criminological theories of vulnerability and victimization alongside victimological perspectives; and a comparative approach to systematically examine Indonesia and India across five analytical dimensions, namely structural vulnerability, mechanisms of victimization, legal and institutional responses, continuation or reproduction of vulnerability, and substantive human rights protection.²²

The research relies exclusively on secondary and documentary sources, including international legal instruments such as the Palermo Protocol and the Universal Declaration of Human Rights, Indonesian and Indian legislation, official government documents and statistics, institutional and international-organization

²⁰ Maria Regina Fallo and others, 'Social Rehabilitation Process of Human Trafficking Victims in East Nusa Tenggara, Indonesia: Gathering Insights from the Professionals', *Asia Pacific Journal of Social Work and Development*, 2025, 1–22 <https://doi.org/10.1080/29949769.2025.2469912>

²¹ Nasif Sadik and Subrata Banarjee, 'The Hidden Chains: Exploring Pathways of Women Trafficking in Bangladesh', *Women's Studies International Forum*, 115 (2026), 103264 <https://doi.org/10.1016/j.wsif.2025.103264>

²² Subrata Banarjee, 'Identifying Factors of Sexual Violence against Women and Protection of Their Rights in Bangladesh', *Aggression and Violent Behavior*, 52 (2020), 101384 <https://doi.org/10.1016/j.avb.2020.101384>

reports, and judicial and legal materials where relevant.²³ The collected materials are analyzed through qualitative thematic analysis and structured comparative analysis. The analysis first identifies relevant patterns within each jurisdiction and subsequently compares the two cases to examine similarities, differences, and their explanatory significance. Criminological perspectives are used to analyze how structural and social conditions create opportunities for trafficking and exploitation. In contrast, victimological perspectives examine vulnerability, victimization, access to protection, recovery, and the potential reproduction of vulnerability following trafficking. Through this integrated approach, the research seeks to explain how different legal, social, and institutional arrangements influence the substantive realization of victims' rights, particularly their access to justice, recovery, agency, and reintegration.²⁴

Results and Discussion

Structural Determinants of Victim Vulnerability in Human Trafficking

Human trafficking is not only illegal, but it is also a complex societal problem that exploits weakness. Criminologists argue that trafficking is a symptom of systemic flaws and deep-rooted structural imbalances within the enforcement system. Conversely, victimology is concerned with the subjective experience of victims and the social conditions that make them vulnerable to many kinds of harm. From a criminological point of view, these characteristics explain why human trafficking is not random, but rather takes place in certain social settings that offer a mix of economic necessity, population movement, insufficient protection, and opportunities for offenders to exploit. But structural issues are not deterministic causes. Poverty, migration, or marginalization in themselves do not render a person vulnerable to human trafficking.²⁵

Such elements become relevant when they interact with recruitment processes, power relations, demand for exploitative labor or services, and insufficient institutional capacity to prevent and detect exploitation. The cumulative causation framework in the trafficking and exploitation research also indicates that the harm experienced by victims is affected by the interaction of macro factors such as economic systems, institutions, social inequality and policies, and conditions at the individual and community levels. The relevant criminological question is

²³ Ika Yuliana Susilawati, Sri Karyati, and Hafizatul Ulum, 'The Eradication of Human Trafficking: What Can We Learn From East Lombok District?', *Jurnal IUS Kajian Hukum Dan Keadilan*, 12.2 (2024), 393–405 <https://doi.org/10.29303/ius.v12i2.1373>

²⁴ Ana Guerreiro, Sílvia Gomes, and Pedro Sousa, 'Feminist Criminology and Women in Organized Crime: A Theoretical Exercise', *Ex Aequo - Revista Da Associação Portuguesa de Estudos Sobre as Mulheres*, 45, 2022 <https://doi.org/10.22355/exaequo.2022.45.05>

²⁵ Mara Clemente, 'Feminism and Counter-Trafficking: Exploring the Transformative Potential of Contemporary Feminism in Portugal', *Social & Legal Studies*, 32.3 (2023), 420–40 <https://doi.org/10.1177/09646639221119361>

therefore not only ‘What causes victimization?’ But how can particular social conditions produce an unequal distribution of the danger of victimization?²⁶

Although poverty is one of the structural characteristics most often connected with vulnerability to human trafficking, the relationship should not be read in linear terms. Poverty alone does not make someone a victim of human trafficking. But the more basic issue is the ways in which poverty and economic inequality constrain the choices accessible to individuals and households. Decisions to take a job or to move to another location are often made under conditions of extreme constraint, where access to decent work, secure income, education, and social protection is limited.²⁷ In such cases, a job offer with a promise of better income might be far more attractive, even if the information about the position, the employer, and the working conditions is lacking. Studies on sociological determinants of human trafficking in Southeast Asia indicate that vulnerability to exploitation is influenced by poverty, lack of economic opportunities, migration, gender, and poor regulations and law enforcement practices. Thus, poverty should not be associated with the victim but with a condition that reduces the sphere of alternatives and increases dependence on those who control mobility and employment.²⁸

This situation is a case in criminology that shows that the trafficking market does not work in isolation from larger economic institutions. The criminals do not create conditions of vulnerability from the outset; they use pre-existing inequities, turning economic necessity into criminal opportunity. In this sense, trafficking can be viewed as a process of converting economic deprivation into exploitable dependency.²⁹ This reliance happens when people need jobs, and the recruiters control information, access to jobs, transportation, documentation, or movement networks. The “cumulative causation” approach to trafficking research also shows that the danger of exploitation is a result of the interaction between macro-level structural causes and the specific conditions of people and communities in the migration process. Therefore, an approach to criminology that focuses solely on

²⁶ Julie Lima de Pérez, ‘A Criminological Reading of the Concept of Vulnerability’, *Social & Legal Studies*, 25.1 (2016), 23–42 <https://doi.org/10.1177/0964663915593411>

²⁷ Ruben Malau, ‘Upaya Perlindungan Hukum Terhadap Anak Selaku Korban Tindak Pidana Perdagangan Orang (Human Trafficking) Di Indonesia’, *Verdict: Journal of Law Science*, 2.1 (2023), 1–11 <https://doi.org/10.59011/vjlaws.2.1.2023.1-11>

²⁸ Christina Kösl, Annette Korntheuer, and Janusz Surzykiewicz, ‘Not Vulnerable Enough for Victim Support?! Advancing the Formal Identification of Human Trafficking for Labour Exploitation through a Multidimensional Vulnerability Approach’, *International Review of Victimology*, 32.1 (2026), 18–39 <https://doi.org/10.1177/02697580251369522>

²⁹ Anindita Kusumowijoyo, Anjani Marta, and Kimberly Natali Boasrifa, ‘The Artificial Intelligence as a One-Stop Point for Dealing with Online Human Trafficking Scams in Indonesia’, *Journal of Sustainable Development and Regulatory Issues (JSDERI)*, 1.3 (2023), 189–211 <https://doi.org/10.53955/jsderi.v1i3.18>

the behavior of offenders does not provide a comprehensive explanation for the vulnerability of various populations to trafficking.³⁰

This is an analytical dimension which perpetrator-oriented approaches are unable to fully grasp. This is where victimology comes in. Criminology explains how structural conditions provide opportunities for exploitation, whilst victimology is concerned with how this vulnerability is perceived and negotiated and how it may endure in the aftermath of victimization. Survivors of trafficking do not usually return to the same social status they held before their exploitation. Stigma, loss of livelihoods, limited access to justice, dependence on protective services, and challenges to reintegration might create new types of vulnerability.³¹ Susceptibility to human trafficking is not evenly distributed across society. Risk levels can differ even with the same economic and migration situations because of the different social statuses of individuals within gender, family, employment, and community structures. Hence, gender should not be viewed as a demographic characteristic of the victims but as a power structure that shapes the ability to resist exploitation, mobility, safety, employment, and access to resources. For example, in countries where the distribution of labor is unequal, women tend to be concentrated in informal work or in jobs that are socially seen to be extensions of home tasks. Such situations can lead to a greater reliance on agents, employers, or recruitment networks that control access to employment opportunities.³²

Therefore, the link between gender and trafficking is not only the fact that women are more frequently the victims of certain forms of exploitation; rather, it is the way in which gender inequality results in an unequal allocation of bargaining power and opportunity. Therefore, gender categories should be used not to label victims definitively but to explore the processes which create vulnerability. For example, a woman who takes a job in a place that is far from where she lives cannot be considered vulnerable simply because she is a woman. Her vulnerability is compounded when gender intersects with poverty, informal employment, economic dependency, lack of information, or social norms that constrain independent decision-making.³³ Furthermore, this view explains why approaches that categorize some groups as “vulnerable” may provoke conceptual issues. If women, children, migrants, or the impoverished are defined as the vulnerable, then the attention may shift away from the mechanisms that create

³⁰ Higinio Fernández-Sánchez and others, ‘International Migration and Sex Trafficking: A Scoping Review’, *Social Science & Medicine*, 405 (2026), 119472 <https://doi.org/10.1016/j.socscimed.2026.119472>

³¹ Yan Ping Qi and others, ‘Folic Acid Supplementation and Malaria Susceptibility and Severity among People Taking Antifolate Antimalarial Drugs in Endemic Areas’, *Cochrane Database of Systematic Reviews*, 2026.2 (2026) <https://doi.org/10.1002/14651858.CD014217.pub2>

³² María Belén Ortega-Senet and others, ‘Chile’s Child Protection Paradox: Do Intervention Trajectories Increase Children’s Vulnerability to Sexual Exploitation?’, *Child Abuse & Neglect*, 179 (2026), 108181 <https://doi.org/10.1016/j.chiabu.2026.108181>

³³ Joy Ayemoba and others, ‘Delays in Crime Victim Compensation in Illinois Affect the Most Vulnerable’, *The American Journal of Surgery*, 251 (2026), 116579 <https://doi.org/10.1016/j.amjsurg.2025.116579>

vulnerability to the characteristics of the groups themselves. Gender and marginalization characteristics are also relevant in the treatment of victims in the aftermath of their trafficking experience.³⁴

With the recent structural vulnerabilities and institutional deficiencies in Indonesia, the Ministry of Women's Empowerment and Child Protection (2023) revealed that more than 1,000 victims of human trafficking were found countrywide, with women accounting for almost 80% of the total. The vulnerability of some regions (East Nusa Tenggara, West Kalimantan, and North Sumatra) as main sources of victims is still ongoing due to high rates of poverty (often in conflict-prone areas) and inadequate local job options. This creates irregular migratory flows. Victims are trafficked into forced employment in domestic industries such as palm oil plantations and fisheries, and increasingly into forced domestic work and cyber-scam operations overseas as a consequence of the digitization of exploitation.³⁵ But Indonesia's victim protection structure is also marked by repeated failures, as well as signs of growth.³⁶ There are institutional procedures and legislation, but poor rehabilitation, stigmatization, and weak law enforcement continue to be obstacles to effective execution. The main drivers of human trafficking include persistent poverty, gender inequality, migration pressures, and lack of institutional protection.³⁷

Human trafficking continues to exist in Indonesia as a result of informal recruitment practices and inadequate supervision. It is primarily observed in sectors that are labor-intensive and poorly regulated (as seen through a criminological lens). From a victimological perspective, victims continue to face structural barriers to recovery, such as stigma, mobility restrictions, and limited reintegration opportunities. Addressing these issues requires victim-centered solutions that provide not only legal recourse but also psychosocial services and community empowerment, alongside systemic structural reforms. This must also entail increasing the availability of facilities.³⁸

³⁴ Yvonne Rafferty, 'Promoting the Welfare, Protection and Care of Victims of Child Trafficking during the Coronavirus (COVID-19) Pandemic', *Journal of Children's Services*, 15.4 (2020), 191–200 <https://doi.org/10.1108/JCS-07-2020-0027>

³⁵ Jeremy Davison and Ito Peng, 'Views on Immigration in Japan: Identities, Interests, and Pragmatic Divergence', *Journal of Ethnic and Migration Studies*, 47.11 (2021), 2578–95 <https://doi.org/10.1080/1369183X.2020.1862645>

³⁶ Ja Ian Chong, 'Discipline over Exceptionalism: Singapore-Based Scholars, Regional Sensitivities and the Appeal of Anglophone International Relations Approaches', *Contemporary Southeast Asia*, 44.2 (2022), 230–49 <https://doi.org/10.1355/cs44-2d>

³⁷ Sekou Keita and Paul Schewe, 'Out of Sight, out of Mind? Terror in the Home Country, Family Reunification Options, and the Well-Being of Refugees', *World Development*, 146 (2021), 105562 <https://doi.org/10.1016/j.worlddev.2021.105562>

³⁸ Amanda Cruce, 'Legal Protections for Sexual and Gender Minority Youth in Foster Care: A Review of Preventing Sex Trafficking and Strengthening Families Act (Normalcy Standards)', *Children and Youth Services Review*, 166 (2024), 107902 <https://doi.org/10.1016/j.childyouth.2024.107902>

Social stigma can further the susceptibility of a victim, even after escaping a situation of exploitation. For survivors of sexual and gender-based abuse, especially women and girls, returning to their families or communities is not necessarily synonymous with recovery. The experience of trafficking may be interpreted through the prism of social standards that blame the victim. Such stigma can diminish family and community support, hinder employment possibilities, and deter victims from reporting crimes or participating in legal procedures. Victimization, therefore, does not stop at the exploitative act of the perpetrator; it may continue through social systems that limit the victim's ability to reassert their agency to acquire the resources necessary for their survival. This scenario shows that the protection of the victim should be considered as a process of restoring social and economic capacity, instead of a simple act of cutting the connection between the victim and the perpetrator.³⁹

This problem is especially important when considering Indonesia because the state already has a legal framework that is quite complete and includes criminal consequences for human trafficking, notably as included in the Criminal Code (KUHP). The relevant provisions of the KUHP are contained in Book II, Article 295 paragraph (1) points 1 and 2, Article 295 paragraph (2), Article 296, Article 297, Article 298 paragraphs (1) and (2), and Article 506. In addition, there is the National Action Plan for the Eradication of Trafficking in Persons (RAN-PPTPP), Law No. 21 of 2007, and task force structures at the national and regional level.⁴⁰ The existence of a legal framework does not automatically entail substantive protection. One of the most eloquent demonstrations of this is the restitution mechanism. The problem in Indonesia in terms of victim protection is not the lack of legal basis for restitution, but the difference between the normative recognition and the practical fulfillment of that right. In the human trafficking instances adjudicated by the courts, none of the culprits complied with any of the seven rulings that included a duty for reparation. The case demonstrates that the existence of restitution as a right of the victim does not inevitably result in an effective remedy.⁴¹ This gap is suggestive of the justice system's failure to ensure that rights established in court verdicts are converted into actual benefits for victims, and indicative of a more fundamental issue of institutional capability.

Therefore, the effectiveness of victim protection cannot be assessed solely based on the existence of legal norms or the presence of restitution in judicial decisions, but on the degree to which legal mechanisms ensure the implementation, provision, and realization of victims' rights. This failure at the implementation

³⁹ Gerald Leppert and others, 'Human Mobility as a Climate and Disaster Risk Management Strategy: Addressing Intersectional Vulnerability and Enhancing Women's Agency', *Progress in Disaster Science*, 30 (2026), 100570 <https://doi.org/10.1016/j.pdisas.2026.100570>

⁴⁰ Azizurrahman and others.

⁴¹ Joko Sriwidodo, 'Children as Victims of Human Trafficking: A Review of Law Enforcement Problematics and Victim Protection', *Journal of Hunan University Natural Sciences*, 50.12 (2023) <https://doi.org/10.55463/issn.1674-2974.50.12.8>

stage might, from a victimological perspective, increase the victim's vulnerability. The economic losses that come from trafficking are not recovered, and victims are left with insufficient means to rebuild their lives.⁴²

Protecting victims of human trafficking requires the involvement of a multitude of parties, including the police, prosecutors, courts, victim protection agencies, local governments, social services, and civil society organizations. Therefore, uncoordinated fragmentation might lead to institutional holes. A failure to identify victims promptly as such may result in delay or even denial of access to protection, legal help, rehabilitation, and reparations.⁴³ This dilemma is worsened when the protective systems actually restrict the victim's autonomy. For example, reports on protection practices in Indonesia said that victims accommodated in government shelters throughout the reporting period were prohibited from freedom of movement without approval from the proper government agency. The results show a great paradox: organizations whose purpose is to reduce vulnerability can create new dependencies if they are established with too paternalistic a vision. Therefore, the effectiveness of protection cannot be assessed by the mere existence of shelters, rehabilitation programs, or legal systems. It is measured by the ability of these interventions to re-create the victim's control over mobility, resources, decisions, and life.⁴⁴

These difficulties reveal a gap in the execution of substantive protection and formal protection. Indonesia has the legal framework and institutional mechanisms to protect victims. Still, their effectiveness is dependent upon the ability of different institutions to work together in a coherent way and to ensure that victims may exercise their rights effectively. Restitution is an example of how far victims' rights are recognized in law, but not always in practice. Moreover, stigma, limited access, and overprotective paternalism might create additional barriers to victim independence. Thus, the main problem of victim protection in Indonesia is not only the legal gap, but also the gap between the legal recognition and the institutional fulfillment of victims' rights.⁴⁵

These findings give rise to a fundamental premise from the perspectives of victimology and criminology. Victim vulnerability is a condition that the social and institutional environment can duplicate if state interventions fail to address the underlying causes of the issue. Criminology shows how inequality and

⁴² Aga Natalis and Naufal Hasanuddin Djohan, 'Cybersex Trafficking: Legal Challenges and Protection for Women and Children in Indonesia', *International Cybersecurity Law Review*, 6.3 (2025), 421–56 <https://doi.org/10.1365/s43439-025-00149-1>

⁴³ Liliya Wetangterah, 'Fragile Agency: The Lived Religion of Human Trafficking Victims in East Nusa Tenggara Indonesia', *Practical Theology*, 16.6 (2023), 761–72 <https://doi.org/10.1080/1756073X.2023.2221586>

⁴⁴ María del Mar Jiménez-Lasserrotte and others, 'From Precariousness to Prostitution: Experiences of Moroccan Migrant Women with Trafficking and Sexual Exploitation in Agricultural Settings', *Women's Studies International Forum*, 112 (2025), 103162 <https://doi.org/10.1016/j.wsif.2025.103162>

⁴⁵ Setyasih Harini, 'Indonesia's Policy Response to Indonesian Migrant Worker Trafficking in Southeast Asia', *Journal of Governance and Public Policy*, 12.3 (2025), 345–62 <https://doi.org/10.18196/jgpp.v12i3.27218>

opportunity hierarchies produce the conditions for exploitation; victimology shows how the consequences of victimization stigma, loss of resources, limited access to protection can compound a victim's vulnerability. Thus, substantive protection should serve as a means for breaking the link from structural vulnerability to victimization, and then to recovery and restored agency.⁴⁶

India's Anti-Trafficking Policies and the Protection of Vulnerable Victims

India is in a similar but different situation. According to the National Crime Records Bureau (NCRB), India recorded 2,250 incidents of human trafficking and 6,036 victims in 2022. It includes 2,878 adolescents and 3,158 adults as victims. In 2023, the number of registered instances fell slightly to 2,183, while the number of victims reported rose to 6,288, including 2,687 juveniles and 3,601 adults.⁴⁷ Such numbers imply that changes in the number of registered instances do not necessarily correspond to a similar decrease in the number of persons subjected to trafficking. The criminological theories of social disorganization and strain account for the greater targeting of persons living in geolocalized groups *criando*. Legislation like the Immoral Traffic Prevention Act and newer victim compensation schemes have been put into place, but in the domain of victim research, little is known about the magnitude of this problem. This is because many survivors have not been able to access legal remedies due to the poor implementation of these changes, which is attributable to the many gaps in the systemic response and the lack of psychosocial assistance for survivors.⁴⁸

In 2023, India legislatively passed the Bharatiya Nyaya Sanhita (BNS), the Bharatiya Nagarik Suraksha Sanhita (BNSS) and the Bharatiya Sakshya Adhiniyam (BSA). The laws marked a major overhaul of the criminal justice system in India. These laws replaced the Indian Penal Code, Code of Criminal Procedure and the Indian Evidence Act, respectively, and major portions of these laws come into force with effect from 1st July, 2024. The reforms should not be viewed as creating a trafficking-specific victim protection regime, but rather as strengthening the larger legal framework on criminal justice and victim rights. Section 396 of the BNSS provides for a victim compensation plan where the State Governments are to formulate schemes, in consultation with the Central Government, for compensating victims or their dependants who have suffered loss or harm and require rehabilitation. The clause also provides for determination of compensation by State or District Legal Services Authorities and for

⁴⁶ Cynthia Fraga Rizo and others, 'Human Trafficking Services for Youth with Minoritized Identities: Application of an Access to Care Framework', *Children and Youth Services Review*, 172 (2025), 108263 <https://doi.org/10.1016/j.childyouth.2025.108263>

⁴⁷ Budi Hermawan Bangun and Fatma Muthia Kinanti, 'The Urgency of Combating Human Trafficking for Online Scams in Indonesia', *Brawijaya Law Journal*, 12.1 (2025), 82–102 <https://doi.org/10.21776/ub.blj.2025.012.01.05>

⁴⁸ Shovita Dhakal Adhikari, "'Bichara", "Katthai": Countering the Discourse: Understanding Risk and Resilience in Response to Child Trafficking in the Entertainment Sector of Nepal', *Children and Youth Services Review*, 179 (2025), 108607 <https://doi.org/10.1016/j.childyouth.2025.108607>

establishing a method of compensation in the event the offender is not discovered or trial does not take place.⁴⁹

The significance of this framework to trafficking victims is that it provides a statutory means for the pursuit of rehabilitation and compensation that is separate from the criminal penalty of perpetrators. However, the mere presence of such a mechanism should not be taken as evidence of effective protection of victims. Its substantive relevance depends on the actual recovery of the victim, institutional co-ordination, timely execution, and accessibility. This transformation is accomplished by institutional innovations and legal adjustments that aim to enhance the rights of victims, enable their access to justice, and tackle the socio-ecological conditions that sustain exploitation. With its large population size, India's long-standing inequities and many kinds of trafficking (bonded labor, sexual exploitation/prostitution, coerced marriage/prostitution, domestic servitude) mean that victim protection is an issue that needs comprehensive solutions.⁵⁰

India's victim protection framework includes both trafficking specific treatments and welfare-oriented rehabilitation procedures. Ujjawala Scheme is a Scheme specifically designed to tackle the problem of commercial sexual exploitation through prevention, rescue, rehabilitation, reintegration, and repatriation of trafficked women and children. The Swadhar Greh Scheme, in contrast, has a wider responsibility to provide housing, rehabilitation, and institutional support to women in difficult situations, including those who need protection and aid to reconstruct their lives. When considering analysis, this distinction is vital, as the two schemes deal with different aspects of vulnerability and should not be seen as interchangeable elements of a single anti-trafficking apparatus. The presence of these two shows that there are many institutional entry channels for vulnerable women and children; yet, the presence of these programs does not guarantee the continuity of rescue, rehabilitation, compensation, and sustainable reintegration.⁵¹

From a victimological perspective, the effectiveness of these mechanisms is not merely a function of their formal availability, but also of their ability to attenuate the effects of victimization over time. If trafficking-specific and wider welfare responses are not sufficiently coordinated between institutions, victims may experience disruption in access to shelter, psychosocial support, legal aid,

⁴⁹ Jaffer Latief Najar, 'Hybrid Governance and Competing Agendas: Analysing Anti-Trafficking Approaches in Urban India', *Geoforum*, 173 (2026), 104675 <https://doi.org/10.1016/j.geoforum.2026.104675>

⁵⁰ Kezban Yagci Sokat, Melissa Chi, and Jonathan Hudlow, 'Transit Monitoring Capacity Expansion: Analytics for Combating Human Trafficking', *Transportation Research Interdisciplinary Perspectives*, 24 (2024), 101032 <https://doi.org/10.1016/j.trip.2024.101032>

⁵¹ M. Yusuf and others, 'Legal Harmonization of Child Protection in Human Trafficking: A Comparative Study of Indonesian Positive Law and Islamic Law', *Islamic Law and Social Issues in Society*, 1.2 (2025), 116–38 <https://doi.org/10.64929/ilsis.v1i2.14>

compensation, and livelihood opportunities. This is especially true as the structural and social elements that gave rise to vulnerability are not necessarily removed with exit from an exploitative environment. Thus, it is necessary that rehabilitation includes not only emergency rescue but also restoration of economic stability, social support, access to justice, and victim agency. Thus, the Indian situation is illustrative of a more general institutional tension. Although the existence of different protection mechanisms may expand access to aid, fragmented implementation may limit the potential to interrupt the perpetuation of vulnerability in the post-trafficking period.⁵²

However, there are still some major difficulties to be addressed in the future. The more often deployed operations under the victimological studies, known as “raid-and-rescue,” are largely concerned with control rather than rehabilitation. Survivors are not enabled to be placed in community-oriented care but are instead placed in institutionalized settings. Compensation plans are supposed to be progressive, but in practice there are delays in the payments and the survivors are not provided with the requisite sums. Stigma and social exclusion continue to be significant challenges, especially for women and children who might be ostracised from their communities. Strain theory and social disorganization explain why Indigenous, racialized, and marginalized populations are vulnerable to violence when public health policies are aggressively enforced, since they take into account the subjectivities of these communities. Conversely, victimological perspectives highlight the relevance of survivors’ agency and participation in the formulation of protective measures.⁵³

At the same time, India’s victim-centered policy orientation and institutional reforms mark a paradigm leap in anti-trafficking legislation, unprecedented in its scope. With the inclusion of victim rights in new legal systems, improvement in institutional support structures, and a focus on reparation and rehabilitation measures, India is inching toward a paradigm that respects the victim as a crucial stakeholder in the justice process. However, the continuing stigma, bureaucratic problems, and uneven implementation all indicate that victimological ideas have the potential to be more firmly embedded in practice. A victim-centered approach involves legislative reform, cultural transformation, institutional accountability, and survivor-led empowerment.⁵⁴

⁵² Juan Castillo-Cruz and others, ‘Candida Glabrata Subverts Intracellular Trafficking and Modulates Autophagy to Replicate in Human Epithelial Cells’, *Microbial Pathogenesis*, 203 (2025), 107479 <https://doi.org/10.1016/j.micpath.2025.107479>

⁵³ Rohan Kumar, Niharranjan Mishra, and Pooja Shree Mishra, ‘Human Trafficking: A Review of the Crime in Odisha, India’, *Children and Youth Services Review*, 119 (2020), 105532 <https://doi.org/10.1016/j.childyouth.2020.105532>

⁵⁴ Joelle Mak and others, ‘Psychosocial Interventions to Improve the Mental Health of Survivors of Human Trafficking: A Realist Review’, *The Lancet Psychiatry*, 10.7 (2023), 557–74 [https://doi.org/10.1016/S2215-0366\(23\)00105-0](https://doi.org/10.1016/S2215-0366(23)00105-0)

India's experience shows that structural reform and victim-centered protection need to be harmonized so that legal and institutional improvements effectively serve the needs of victims and arrest the persistence of vulnerability after trafficking. "Laws and compensatory schemes are fundamental in themselves, but their implementation without community ownership and survivor participation only results in partial protection." To fight trafficking in India, the root causes of poverty, inequality and gender discrimination must be tackled, and the needs of victims must be put at the center of both policy and practice. Thus, the changes will be able to deliver actual justice and real protection against those who prey on the most vulnerable.⁵⁵

There is a need for legal and procedural responses that are more victim-sensitive than the rescue-to-prosecution model. This suggests that victim protection cannot be understood only in terms of the identification and removal of victims of trafficking situations by authorities. More importantly, can institutional interventions enable victims to participate in decisions affecting their lives and to restore control over their economic and social destinies? Where institutional responses are largely custodial or protective, protection risks re-establishing reliance rather than restoring agency. Such institutional dynamics, as exemplified by India's anti-trafficking architecture, have increased the formal channels for prevention, prosecution, compensation, rehabilitation and reintegration. But the presence of these systems does not mean susceptibility is absent.⁵⁶ The crucial question is the quality and continuity of institutional action at the different stages of victimization. The post-trafficking condition of vulnerability may continue even after physical exploitation has ended, if rescue is isolated from rehabilitation, where recompense is impossible to obtain, or when rehabilitation is poorly participatory. Thus, effective protection involves institutional arrangements that can restore the preconditions of resources, agency, and social circumstances that enable victims to transcend vulnerability, rather than merely interrupting the immediate opportunity for exploitation from an integrated criminological and victimological perspective.⁵⁷

This experience in India shows that the major problem in victim protection is not the absence of legal or institutional measures but the disconnect between involvement at the point of rescue and protection during subsequent recovery phases. India has built a rather substantial protection architecture comprising welfare-based rehabilitation, compensation mechanisms, legal help, trafficking-specific initiatives, and recent criminal justice system reforms. But these

⁵⁵ Antonio Di Marco, 'Minimum Wages Directive and Beyond: Workers' Dignity Taken (Almost) Seriously', *Human Rights Law Review*, 23.3 (2023) <https://doi.org/10.1093/hrlr/ngad012>

⁵⁶ Sukman, Budi Parmono, and Rahmatul Hidayati, 'Legal Protection for Indonesian Migrant Workers from Human Trafficking Crimes', *Lex Publica*, 12.1 (2025), 1–31 <https://doi.org/10.58829/lp.12.1.2025.278>

⁵⁷ Barış Tezcan and Kayse Lee Maass, 'Human Trafficking Interdiction with Decision Dependent Success', *Socio-Economic Planning Sciences*, 87 (2023), 101521 <https://doi.org/10.1016/j.seps.2023.101521>

mechanisms are not necessarily a continuous system. Research on anti-trafficking service provision in India finds that service providers continue to face institutional and operational barriers to sustained assistance delivery, and that interventions have traditionally been organized around the three-stage logic of rescue, rehabilitation and reintegration.⁵⁸

The Indian situation thus provides an analytically meaningful contrast for understanding the link between institutional protection and structural vulnerability. What this matters for is not the proof that India has a better model for protecting victims, but the particular mix of structural and institutional features that is used to address trafficking. India's federal government structure creates a complex institutional environment where national legislation interacts with state-level implementation, law enforcement agencies, welfare institutions, and civil society organizations in the protection process.⁵⁹ At the same time, the social construction of vulnerability is shaped by the interplay of poverty, caste and gender inequalities, labor informality, internal migration and geographical disparities. Recent work on trafficking in India in this vein has called for a departure from a narrow criminal-law lens to an analysis of the political economy of work, welfare and mobility. These features make India a fertile contrasting case for the present research, as they enable the analysis to go beyond the formal existence of legal protections, and to explore the manner in which different institutional arrangements respond to structurally generated vulnerability.⁶⁰ The comparison with Indonesia is not to determine which country offers better protection but to gauge how much the state's capacity to deliver on formal recognition of victim rights through substantive recovery is impacted by differences in governance, social structure, legal architecture, and institutional coordination. The important comparative question then is whether institutional solutions can restore agency, reduce vulnerability to post-victimization, and avoid its reproduction, or curtail the current conditions of exploitation.⁶¹

Comparatively, Indonesia deals with fragmented enforcement and severely restrictive shelter procedures, while India suffers from bureaucratic inefficiencies and impediments to rehabilitation, compounded by cultural shame. The legal structures and institutional procedures in existence have made positive efforts to bring about change in both countries. Still, both show evidence of the gap between

⁵⁸ Gerry George Mathew, 'Advocacy in Disparity: Challenges of Organ Donation for Renal Transplantation in India', *Transplantation Proceedings*, 2026 <https://doi.org/10.1016/j.transproceed.2026.07.046>

⁵⁹ Tanti Kirana Utami, 'Regulation of Legal Sanctions against Perpetrators of Non-Procedural Placement of Indonesian Migrant Workers: A Human Trafficking Perspective', *Cogent Social Sciences*, 10.1 (2024) <https://doi.org/10.1080/23311886.2024.2421347>

⁶⁰ Natalia and others, 'Criminal Liability and the Non Punishment Principle for Trafficking Victims in Indonesia', *Jurnal IUS Kajian Hukum Dan Keadilan*, 14.1 (2026), 107–21 <https://doi.org/10.29303/ius.v14i1.1820>

⁶¹ Ruslan Orlovskyi and Vasyl Kozak, 'Criminal Liability for Human Trafficking in the Context of the War in Ukraine: Challenges and Impact', *Forensic Science International: Synergy*, 9 (2024), 100558 <https://doi.org/10.1016/j.fsisyn.2024.100558>

official commitments and real-life experience.⁶² Victimology addresses the problem of incomplete protection; veteran survivors experience stigmatization, lack of psychosocial support services, and lack of agency. Criminology explains why trafficking persists through structural inequalities, lack of oversight, and resilient criminal networks.⁶³

Table 1. Criminological-Victimological Comparison of Anti-Trafficking Frameworks

Comparative Dimensions	Indonesia	India
Primary Framework Orientation	Case-based and Administrative: Focuses heavily on procedural handling of individual cases and bureaucratic task force coordination.	Structural and Rights-based: Rooted in fundamental constitutional protections, public interest litigation, and statutory mandates.
Core Legislation	Law No. 21/2007 on the Suppression of the Crime of Human Trafficking.	The Bharatiya Nyaya Sanhita (BNS), 2023 (superseding IPC 1860) and the archaic <i>Immoral Traffic (Prevention) Act (ITPA)</i> , 1956.
Systemic Criminological Drivers	Rural deprivation, agrarian economic displacement, irregular migrant labor streams, and rapid emergence of cross-border cyber-scam operations.	Deeply entrenched caste hierarchies (Scheduled Castes/Tribes), generational bonded labor, forced marriage, and rapid unregulated urbanization.
Geographic & Enforcement Vulnerabilities	Archipelagic Geography: Highly porous maritime borders making coastal monitoring difficult; reliance on informal recruitment networks.	Massive Demographic Scale: Governance strain across diverse state jurisdictions; systemic marginalization of localized minorities.
Primary Institutional Bottlenecks	Institutional Fragmentation: Disconnected coordination between national, provincial, and local anti-trafficking task forces (<i>Gugus Tugas</i>).	Bureaucratic Overload: Severe judicial backlog, slow administrative redress, and delayed dispersal of victim funds.
Victim Compensation Mechanisms	Restitution is tied directly to criminal sentencing; rarely successfully extracted from offenders due to legal loopholes.	Integrated into the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023; centrally coordinated via the National Legal Services Authority (NALSA).

⁶² Andrew Rosser, Kate Macdonald, and Ken M.P. Setiawan, ‘Implementing the United Nations Guiding Principles on Business and Human Rights: Insights from Indonesia’, *Human Rights Quarterly*, 44.1 (2022), 56–80 <https://doi.org/10.1353/hrq.2022.0002>

⁶³ Yselle Flora Kuete Malah and Simplicie Asongu, ‘An Empirical Analysis of Human Trafficking in an Era of Globalization’, *Journal of Economic Studies*, 49.7 (2022), 1269–83 <https://doi.org/10.1108/JES-06-2021-0288>

Institutional Care & Shelter Infrastructure	Limited localization of state shelters; heavily reliant on NGO-run safehouses with highly restrictive mobility practices.	Centralized state-funded programs (Ujjawala and Swadhar Greh), frequently critiqued for paternalistic rescue models.
Victimological Outcomes & Reintegration Gaps	Low Service Access: Less than 20% of identified victims access holistic rehabilitation; severe social stigma hinders local reintegration.	Suppressed Survivor Agency: Procedural delays and deeply rooted cultural stigma undermine long-term community reintegration.

Source: Processed by the author

The comparative research indicates that for an effective anti-trafficking strategy, the combination of the victimological and criminological approaches is needed. Structural transformation is crucial to deal with systemic vulnerabilities, but it is equally important to prioritize the victim in the response and to ensure survivors are rescued and not abandoned.⁶⁴ Although Indonesia and India are in different socio-legal situations, both countries have to face the difficulty of translating the legal framework into substantive justice. Both countries need to be able to combine structural analysis and victim-centered practice to provide sustained protection and meaningful justice for victims of trafficking. A broader criminological-victimological comparison of Indonesia and India demonstrates that the institutional actions of both nations, faced with similar structural drivers of trafficking, may be different. This variation offers a more profound theoretical perspective on how far we really emphasize the protection of victims.⁶⁵ Criminology shows that trafficking is the outcome of systemic imbalances, lack of enforcement of laws, and the rise of new criminal networks. Victimology focuses on the assessment of the effectiveness of protection through the analysis of the experienced and exercised agency of survivors and their reintegration. Comparative use of case studies from Indonesia and India shows that both vulnerability and resilience/recovery are the outcome of a combination of structural factors and specific institutional choices.⁶⁶

From Formal Protection to Substantive Human Rights in Addressing Victim Vulnerability

The comparative criminological-victimological perspective applied to Indonesia and India produces theoretical generalizations beyond the two situations. Based on the evidence of both cases, human trafficking is not a criminal trend but a

⁶⁴ Engine Kubota, Fahmi Fairuzzaman, and Saman Omar, 'Human Trafficking: Legal Analysis on Indo-Malaysia Border', *Journal of Judicial Review*, 25.2 (2023), 347–68 <https://doi.org/10.37253/jjr.v25i2.8513>

⁶⁵ Filippo Grandi, 'The Global Compact on Refugees: A Historic Achievement', *International Migration*, 57.6 (2019), 23–26 <https://doi.org/10.1111/imig.12671>

⁶⁶ Nunung Rahmania and others, 'Patterns and The Role of The Government in Preventing Human Trafficking', *Dialogia Iuridica*, 15.1 (2023), 128–55 <https://doi.org/10.28932/di.v15i1.7564>

structural issue that calls for systemic adjustments. This will require institutional reforms and socio-cultural adjustment due to the stigmatization that surrounds it. From a criminological point of view, trafficking is considered an individual strain, social disorganization, and adaptive criminal networks. However, victimology stresses the relevance of survivors' agency, experiences, and reintegration in any meaningful discourse. Together, these viewpoints point to a need for more theoretical models that integrate structural factors with the realities of victim experiences.

Trafficking is the consequence of the convergence of institutional weakness with systemic inequities, and victim protection has to be theorized as a social process, as well as a legal process. Integrating criminological and victimological approaches, scholars and policymakers might better comprehend trafficking through understanding both structural forces and survivor realities. The integrated paradigm is not only relevant to Indonesia and India, but also to conflicting socio-legal discussions on trafficking at the global level, showing how exploitation is best understood.⁶⁷

This research highlights that criminology and victimology are not mutually exclusive and can co-exist in a non-exclusionary manner. The nature of criminology, systemic inequalities, under-resourced enforcement institutions, and responsive international networks explain the continuation of trafficking. In contrast, knowledge of victimology helps us to understand the causes for the failure to protect victims to persist, such as the nature and impact of stigmatization, the absence of psychosocial assistance, ineffectiveness of referral procedures, and the inequalities of power. Integration is a necessary step for theoretical development that entails the building of models that simultaneously reflect survivor realities and structural causes. This would permit the move from descriptive accounts to explanatory models that can inform policy and practice.⁶⁸

The comparative results suggest that the institutional actions needed to improve victim protection in Indonesia and India are different but complementary. Indonesia's main challenge is translating formal legal guarantees into meaningful access to justice and recovery, even in instances where institutional and procedural hurdles prevent the implementation of victims' rights.⁶⁹ The larger problem in India is to build victim-centered reforms within a complex institutional architecture. Access to available measures of protection may be hindered by bureaucratic procedures and unequal coordination. The differences don't mean the two countries need to be approached in completely

⁶⁷ Rizo and others.

⁶⁸ Jax Kynn and others, 'Structural Vulnerabilities and Over-Criminalization of LGBTQ + Youth in the California Justice System', *Children and Youth Services Review*, 160 (2024), 107586 <https://doi.org/10.1016/j.childyouth.2024.107586>

⁶⁹ Nurhaeni Sikki, Marina Puspita, and Sahidin, 'Human Trafficking in the Border Area of Indonesia (A Case Study in West and East Kalimantan)', 2024, pp. 218–36 https://doi.org/10.2991/978-2-38476-208-8_26

different ways. Both cases underscore the significance of strengthening the coordination between state institutions, civil society groups and community-based actors in an effort to prevent the concentration of protection at the stage of rescue or criminal procedures. Multi-level cooperation is particularly important in cases where structural vulnerability results from poverty, unstable employment, gender inequality, social marginalization and limited access to public services. Transnational cooperation can be useful in this context to build institutional capacity and knowledge, but the success of such cooperation depends on the ability of national and local actors to translate this cooperation into accessible forms of recovery and protection.⁷⁰

It is also important to provide law enforcement officers, social workers and other frontline professionals with the requisite training to ensure that identification, referral and support are undertaken in a manner that minimizes secondary victimization and stigma. Compensation and restitution should be seen as substantive aspects of victim protection and not as secondary by-products of criminal proceedings. Delays in compensation, broken referral systems and long-term institutionalization can undermine the ability of otherwise well-established legal structures to deliver meaningful reparation. Therefore, a better approach would be to combine legal remedies with psychosocial treatment, livelihood support, engagement of survivors and community-oriented reintegration. This would go beyond statutory recognition of rights to their effective realization in the post-trafficking lives of survivors, furthering victim protection.⁷¹

The comparative examination of Indonesia and India indicates that the construction of a legal victim-protection system is just the first prerequisite for the implementation of victims' rights. Legal systems adopted by both countries recognize victims as persons in need of rehabilitation, protection, and recourse to financial reparation. However, the antecedent analysis indicates that the legal acknowledgment of these rights does not necessarily coincide with their functional enjoyment. Although the trafficking system in Indonesia nominally recognizes reparation, its practical implementation remains an issue.⁷² Research on Indonesian trafficking cases has found a wide gap between the restitution awarded by the courts and the reparation received by the victims. More recent findings have also underlined institutional and procedural impediments to its adoption. Likewise, in India, Section 396 of the BNSS provides a legal basis for victim compensation and rehabilitation. However, the existence of a compensation program alone does not ensure that victims would have timely and adequate

⁷⁰ Najar.

⁷¹ Bernard Koomson, Kwame Adusei, and Dawuda Abdulai, 'Free under Kinship Care? A Phenomenological Exploration of Reintegrated Victims of Child Trafficking in Ghana', *Child Abuse & Neglect*, 161 (2025), 107311 <https://doi.org/10.1016/j.chiabu.2025.107311>

⁷² Natalia Maharani and others, 'Effectiveness of International Legal Instruments in Preventing and Eradicating Human Trafficking: Palermo Protocol Implementation Study', *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi*, 2026, 1–20 <https://doi.org/10.24090/volksgeist.v9i1.15370>

access to compensation. Hence, the issue today is not just whether victims have legally recognized rights, but whether institutional frameworks allow the realization of those rights. A right that cannot be accessed, or that is delayed or virtually unenforceable, may satisfy formal legality standards yet fail to provide substantive human-rights protection.⁷³

One of the main reasons for the gap between formal recognition and substantive protection is institutional capability. In Indonesia, the victim protection process involves collaboration among law-enforcement authorities, the court, LPSK, local governments, and service providers. In India, however, anti-trafficking tasks are divided among central and state-level institutions, legal service authorities, law enforcement agencies, rehabilitation centers, and civil society organizations. These different institutional configurations pose different sorts of implementation problems. But neither can be reduced to a simple matter of whether appropriate institutions exist. The essential issue is whether responsibility is adequately coordinated at all phases of victim protection. Reports have also shown difficulty with LPSK support and limits on victims staying in government shelters during judicial processes.⁷⁴ At the same time, information from Indonesia suggests that victims may have difficulties in receiving reparation and protection. Protection also faces many access points due to the institutional architecture in India. But government programs and legal-service procedures depend to a great extent on the collaboration between service providers and state authorities. The analytical implication is that institutional fragmentation might become a kind of vulnerability. When victims are compelled to approach multiple agencies to access protection, legal assistance, compensation, and rehabilitation, the burden of navigating the system is effectively transferred to individuals whose access to information, resources, mobility, and social support may already have been compromised by trafficking.⁷⁵

The institutional dimension confronts the more difficult question of what is meant by victim-centered protection. Protection can be paternalistic if victims are viewed mostly as objects of rescue and rehabilitation rather than as rights-bearing individuals involved in decisions about their own recovery. This tension is especially relevant when considering trafficking solutions, when removal from exploitation may need to happen immediately, but where there is also a danger of institutional dependency if follow-up protection is planned without effective survivor engagement. This contradiction is exemplified by the simultaneous

⁷³ Tingting (Christina) Zhang and others, 'A Qualitative Assessment of Hotel Employee Engagement in Anti-Human-Trafficking Initiatives', *International Journal of Hospitality Management*, 102 (2022), 103148 <https://doi.org/10.1016/j.ijhm.2022.103148>

⁷⁴ Rini T Simangunsong and Dina M Situmeang, 'Juridical Review of Human Trafficking as a Transnational Crime', *Journal of Law and Economics*, 4.1 (2025), 1–9 <https://doi.org/10.56347/jle.v4i1.230>

⁷⁵ Donald E. Greydanus and others, 'Trafficking in the Child and Adolescent: Application of SAFETY and CARE for a Global Crisis of Exploitation', *Disease-a-Month*, 71.1 (2025), 101825 <https://doi.org/10.1016/j.disamonth.2024.101825>

presence of rescue-oriented operations, rehabilitation facilities, and legal help and compensation systems in India's protection architecture. The government's policy recognizes that rehabilitation and reintegration are not limited to rescue, but also include counseling, legal aid, vocational training, and efforts to promote return to family and community life.⁷⁶

The economic dimension provides another instance of the need for substantive human-rights protection in addition to victim protection. Trafficking often results in many consequences beyond the immediate period of exploitation, including unpaid pay, debt, broken family relationships, and decreased access to future economic prospects. Therefore, restoration and compensation should not be viewed as mere pecuniary incentives in relation to criminal proceedings. They fulfill a bigger role in providing victims with resources that can be used to mitigate post-trafficking insecurity and dependence. The Indian framework emphasizes the importance of making compensation contingent on rehabilitation rather than treating financial compensation as an isolated remedy.⁷⁷

In contrast, the Indonesian experience demonstrates the difficulty of fulfilling this duty when restitution remains difficult to implement. This is an important issue, as economic distress can reproduce the same limited options that contributed to vulnerability prior to trafficking. A victim who avoids exploitation but does not have sufficient economic means may find themselves still dependent on abusive relationships, insecure work or informal intermediaries. In this respect, material recovery is not divorced from the protection of human rights, but is one of the foundations of the restoration of autonomy, dignity and meaningful reintegration.⁷⁸

The parallel suggests, perhaps most importantly, that vulnerability should not be conceptualised as a fixed feature that predates trafficking and disappears after rescue. It is better understood as a dynamic condition that can be intensified, halted or repeated by institutional processes. While the Indonesian and Indian situations differ in their legal systems, governance arrangements and institutional processes, they both demonstrate that structural vulnerability can endure when protection does not address the material and social consequences of victimization. This results in a better understanding of the link between victimology and

⁷⁶ Campbell Fraser, 'An Analysis of the Emerging Role of Social Media in Human Trafficking', *International Journal of Development Issues*, 15.2 (2016), 98–112 <https://doi.org/10.1108/IJDI-12-2015-0076>

⁷⁷ Rachel Kappler and Arduizur Carli Richie-Zavaleta, 'Legislative Discrepancies: An Analysis of Missouri's Current Human Trafficking Laws and the Need to Improve Its Legal Protection of Victims', *International Journal of Human Rights in Healthcare*, 13.2 (2020), 143–58 <https://doi.org/10.1108/IJHRH-08-2019-0063>

⁷⁸ Selim Bakir, Courtney Furlong, and Baker Ayoun, 'Yes, i See It! Unveiling the Implications of Human Trafficking Awareness on Employees' Quality of Life in the Hotel Industry', *International Journal of Hospitality Management*, 137 (2026), 104705 <https://doi.org/10.1016/j.ijhm.2026.104705>

criminology.⁷⁹ Criminology helps us understand how structural inequality, economic insecurity, migration, gender relations, and institutional weakness create the conditions that both allow for and benefit from trafficking.⁸⁰

In contrast, victimology accounts for the repercussions of exploitation. The loss of resources, shame, constrained agency, problems in accessing justice, and dependence on institutions can create a second layer of vulnerability. The institutional response is thus the meeting point of the two perspectives.⁸¹ It may interfere with the process by restoring resources and agency, or perpetuate vulnerability when protection is fragmented, paternalistic, inaccessible, or isolated from the victim's longer-term circumstances. From this perspective, the real protection of trafficking victims should be measured by the capacity of the state to change the direction of vulnerability, rather than by the legal provision. Comparing Indonesia and India, formal rights only have substantive meaning when victims can effectively access justice, receive material compensation, psychosocial and social support, participate in decisions about their recovery, and rebuild sustainable lives after exploitation.⁸²

The research consequently suggests that trafficking is not an isolated occurrence, but a cumulative process whereby structural inequalities produce conditions of vulnerability that promote exposure to exploitation and allow for victimization. The ensuing institutional response is critical in deciding whether victims may recover or whether their susceptibility is replicated following abuse. This formulation expands the standard offender-centered approaches by including the post-victimization trajectory in the trafficking analysis.⁸³ It also explains the relevance of an integrated criminological-victimological perspective: the aim is not only to explain the reasons for trafficking or the individual experiences of victims, but also to understand the relationship between structural conditions and institutional responses in the entire victimization process. Substantive human-rights protection is provided where, and only where, this process is broken, and vulnerability would otherwise be replicated. The final criteria for an effective anti-trafficking system are therefore not just the identification or rescue of victims, but

⁷⁹ Suci Flambonita, Vera Novianti, and Artha Febriansyah, 'Preventive Protection for Indonesian Migrant Workers as Part of an Effort to Prevent Human Trafficking in Johor Bahru Malaysia', *Journal La Sociale*, 3.3 (2022), 111–16 <https://doi.org/10.37899/journal-la-sociale.v3i3.659>

⁸⁰ Fernández-Sánchez and others.

⁸¹ Aisha Radha Wahyuda, 'Human Cultural Tradition in Human Trafficking: Legal and Cultural Analysis in Indonesia', *Culturalistics: Journal of Cultural, Literary, and Linguistic Studies*, 8.1 (2024), 78–82 <https://doi.org/10.14710/ca.v8i1.23613>

⁸² Renata A. Konrad and others, 'Perspectives on How to Conduct Responsible Anti-Human Trafficking Research in Operations and Analytics', *European Journal of Operational Research*, 309.1 (2023), 319–29 <https://doi.org/10.1016/j.ejor.2022.12.028>

⁸³ Jaya Prakash and others, 'Recognizing Human Trafficking in Radiology', *Journal of Radiology Nursing*, 42.1 (2023), 99–105 <https://doi.org/10.1016/j.jradnu.2022.09.003>

their ability to exit trafficking with agency, material security, social inclusion, and meaningful access to justice restored.⁸⁴

Conclusion

Human trafficking is embedded in structural conditions including poverty, economic insecurity, gender inequality, migration pressures, social marginalization, and institutional weaknesses. These conditions do not automatically cause trafficking but interact with recruitment practices, unequal power relations, and limited access to protection to increase exposure to exploitation. A criminological perspective explains how such structures create opportunities for trafficking, while a victimological perspective highlights their consequences for victims' agency, recovery, and access to justice. The comparison further demonstrates that formal legal and institutional frameworks do not automatically produce substantive victim protection. Indonesia, through Law No. 21 of 2007 and mechanisms such as LPSK, continues to face challenges in restitution, rehabilitation, institutional coordination, and reintegration. India has developed a multilayered framework encompassing constitutional protection, criminal-law reform, compensation, legal assistance, and rehabilitation, yet implementation remains affected by bureaucratic barriers, uneven coordination, stigma, and limitations in survivor participation. These differences demonstrate that the central issue is the capacity to translate formally recognized rights into effective protection rather than the mere existence of legal provisions. Effective protection therefore requires more than rescue and prosecution. It must connect legal remedies, restitution or compensation, psychosocial assistance, economic recovery, victim agency, and sustainable reintegration. Substantive human-rights protection is achieved when institutional responses enable victims to regain resources, autonomy, dignity, and meaningful participation in social and economic life. Accordingly, anti-trafficking policies should address both the structural conditions that generate vulnerability and the institutional processes that determine whether vulnerability is interrupted or reproduced after victimization.

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⁸⁴ Ben Stickle and others, 'Human Trafficking Awareness and Reporting: Insights from Tennessee Police Websites and Twitter', *Policing: An International Journal*, 45.6 (2022), 1051–63 <https://doi.org/10.1108/PIJPSM-04-2022-0064>

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