From vulnerability to protection: Strengthening ASEAN criminal law frameworks against human trafficking

Anshari[1]

[1] Department of Law, Faculty of Law, Universitas Muhammadiyah Pontianak, Pontianak, Indonesia
*Corresponding author email: anshari@unmuhpnk.ac.id

Abstract

Human trafficking persists as one of ASEAN's most pressing and multifaceted transnational crimes, shaped by economic inequalities, porous borders, labor migration, and fragmented enforcement capacities. This paper investigates the uneven prevalence of trafficking across the region by contrasting high-risk frontier areas, such as Temajuk village in Sambas Regency, Indonesia, with developed member states like Singapore and Brunei Darussalam, where cases appear less visible but remain embedded in hidden forms of labor exploitation. The central research question asks: How can ASEAN harmonize its criminal law frameworks to effectively combat human trafficking while addressing diverse socio-economic, political, and legal contexts among its member states? Methodologically, this study employs a qualitative legal approach that integrates doctrinal analysis, comparative legal perspectives, and a contextual case study. The analysis of Decision No. 202/Pid.Sus/2024/PN.Ptk of the Pontianak District Court reveals that, while Indonesia's Immigration Law (Law No. 6/2011) provides legal certainty, its deterrent effect is limited by the social normalization of undocumented migration through jalur tikus (informal border routes). Comparative findings further show that Cambodia and Myanmar face acute trafficking crises fueled by poverty, instability, and weak governance, whereas Singapore and Brunei employ stronger enforcement but still confront concealed forms of exploitation in regulated labor sectors. This study contributes to ASEAN's discourse on criminal law by bridging micro-level judicial practice with macro- level regional policy debates. It argues that trafficking cannot be addressed solely through punitive measures but requires a multidimensional framework that simultaneously strengthens law, governance, and socio-economic resilience. The paper proposes three strategic directions: (1) harmonization of trafficking laws and sentencing guidelines, (2) establishment of a regional task force for intelligence-sharing, coordinated investigation, and joint enforcement, and (3) preventive socio-legal measures, including legal literacy, livelihood programs, and safe migration channels. Ultimately, the paper emphasizes that only through coordinated, victim-centered, and justice- oriented regional strategies can ASEAN meaningfully combat human trafficking and uphold its collective commitment to human rights.

Keywords

Human Trafficking, ASEAN, Comparative Criminal Law, Border Governance, Legal Harmonization

Introduction

Human trafficking remains one of the most pressing and complex transnational crimes confronting Southeast Asia today, cutting across issues of law, economics, politics, and human rights (Ghazali & Shukor, 2023). Defined by the Palermo Protocol as the recruitment, transportation, transfer, harbouring, or receipt of persons through coercion, deception, or abuse of vulnerability for the purpose of exploitation, trafficking in persons has evolved into a highly adaptive and profitable form of organized crime (Enrile, 2024). In ASEAN, its persistence is fueled by entrenched socio-economic disparities, porous borders, large-scale labor migration, and uneven capacities of national legal systems. The problem is further compounded by globalization, rapid technological advances, and digital platforms that provide traffickers with new channels for recruitment and control, making detection and prosecution even more difficult (Salamah, 2018).

 The scale and severity of trafficking vary significantly across the region. Countries such as Cambodia, Myanmar, and Indonesia are heavily burdened by visible trafficking crises, often linked to systemic poverty, political instability, and weak governance structures (Qiao-Franco, 2023). Cambodia, for instance, has drawn global attention due to the proliferation of cyber-scam compounds, where victims are lured under false pretenses and then subjected to forced labor generating billions of dollars annually. Myanmar's ongoing political turmoil has created fertile ground for traffickers to exploit widespread displacement and economic desperation.

Indonesia, with its vast archipelagic geography and high numbers of outbound migrant workers, continues to struggle with trafficking across its borders, particularly in frontier areas like West Kalimantan's Temajuk village in Sambas Regency. In such borderlands, irregular migration is normalized using informal pathways known as jalur tikus, where kinship ties and cross-border economic interdependence perpetuate movement without documentation. These localized practices, while socially ingrained, create legal loopholes that traffickers exploit, undermining the deterrence effect of existing statutory provisions such as those contained in Indonesia's Immigration Law No. 6/2011. Judicial cases, including Decision No. 202/Pid.Sus/2024/PN.Ptk, reveal that while courts provide legal certainty by applying statutory norms, enforcement often lacks substantive deterrent power because community practices and structural vulnerabilities remain unaddressed.

By contrast, wealthier ASEAN members such as Singapore and Brunei Darussalam present a markedly different profile (OECD, 2022). Singapore has consistently maintained a Tier 1 ranking in the U.S. Trafficking in Persons (TIP) Report, reflecting its

comprehensive Prevention of Human Trafficking Act (PHTA) and robust victim protection mechanisms. Its highly regulated migration system and strong law enforcement capacity suppress the visibility of trafficking and provide a façade of resilience. However, even within Singapore, hidden exploitation continues to exist, particularly in domestic work and construction sectors, where migrant laborers are vulnerable to coercion and abuse that often escape official statistics. Brunei, despite having introduced anti- trafficking legislation, has faced international criticism for weak victim identification procedures and a lack of successful prosecutions, leading to its downgrade to Tier 3 in 2024. These contrasting experiences highlight a paradox: stronger economies and legal systems may reduce overt manifestations of trafficking, but exploitation persists in less visible and more insidious forms, underscoring that legislative framework alone are insufficient to eliminate trafficking without deeper socio-economic interventions.

The divergence in visibility and enforcement across ASEAN thus underscores a fundamental regional dilemma: human trafficking is not only unevenly distributed but also unevenly addressed (Mohammad et al., 2023). Less-resourced states face overt trafficking crises, often overwhelming their enforcement capacity, while wealthier states risk masking exploitation within formal labour markets and regulated sectors. Border regions, meanwhile, remain epicentres of vulnerability, where localized practices of informal mobility intersect with organized trafficking networks, creating enforcement blind spots that transcend national jurisdiction (Zumbansen, 2023). This unevenness not only undermines the credibility of ASEAN's collective efforts but also provides traffickers with opportunities to exploit legal fragmentation and jurisdictional loopholes. The persistence of such gaps indicates that national responses, however robust in isolation, are insufficient to address an inherently transnational and adaptive crime. The reality that traffickers exploit the weakest points in the regional enforcement landscape makes harmonization of ASEAN's criminal law frameworks not just desirable, but indispensable (Broussard, 2017).

Against this backdrop, this paper situates its inquiry at the intersection of local realities and regional legal frameworks, using the Temajuk border case in Indonesia as an entry point for understanding the interplay between law, socio-cultural practices, and trafficking risks. By linking micro-level judicial evidence with macro-level ASEAN legal instruments, the study highlights how fragmented enforcement undermines both deterrence and victim protection. It further asks a critical question: how can ASEAN harmonize its criminal law frameworks to effectively combat human trafficking while accounting for the diverse socio-economic and political contexts of its member states? The significance of this inquiry lies not only in advancing theoretical debates on criminal law harmonization but also in contributing to practical policy design, offering pathways for more effective victim- centered, justice-oriented, and regionally coordinated strategies.

In doing so, the paper seeks to demonstrate that combating human trafficking in ASEAN requires more than criminalization it demands a multidimensional approach that combines legal certainty, institutional cooperation, and socio-economic reforms aimed at addressing the structural vulnerabilities that sustain trafficking across the region.

Literature review

Theoretical foundations of criminal law and human trafficking

The study of human trafficking within ASEAN cannot be separated from broader theoretical discourses in criminal law. Radbruch's classical legal philosophy emphasizes that law must strike a balance between certainty, justice, and utility, warning that laws which neglect justice cease to be "true law." This principle resonates strongly in the context of trafficking, where the strict application of immigration law may achieve legal certainty but often fails to provide substantive justice to victims who are coerced into irregular migration (Van Der Leun & Van Schijndel, 2016). Similarly, Hadjon's theory of legal protection argues that the primary function of law is not merely to punish wrongdoers but to safeguard the rights of citizens, especially vulnerable groups such as migrant workers and trafficking victims. These theoretical perspectives underscore the necessity of designing anti- trafficking frameworks in ASEAN that transcend punitive measures and integrate a strong emphasis on victim protection, prevention, and social justice. Without this orientation, criminal law risks reinforcing systemic vulnerabilities rather than addressing them.

Human trafficking as a socio-economic phenomenon

Beyond the legal dimension, a vast body of literature establishes that trafficking is fundamentally rooted in socio-economic vulnerabilities. highlight that trafficker exploit poverty, unemployment, and limited legal migration opportunities, often coercing individuals into exploitative labor or sexual servitude through debt bondage and deception. In Southeast Asia, these dynamics are particularly acute due to large-scale migration flows, porous borders, and weak labor regulation systems. Cambodia's emergence as a hub for cyber scam compounds illustrates the evolving nature of trafficking, where victims are forced into high-profit online schemes that generate billions annually (Reuters, 2025). Indonesia continues to struggle with systemic exploitation of migrant workers both at home and abroad, while Myanmar's political instability has entrenched conditions of forced labor and displacement (USIP, 2024). Such findings confirm that trafficking cannot be resolved through criminal justice mechanisms alone; instead, multi-sectoral strategies addressing poverty, governance, and labor regulation are indispensable.

ASEAN's legal and policy frameworks

At the regional level, ASEAN has taken significant steps toward addressing human trafficking, most notably through the ASEAN Convention Against Trafficking in Persons (ACTIP, 2015). ACTIP is heralded as a landmark commitment, yet scholars consistently

critique its weaknesses, particularly its reliance on state discretion and the absence of robust enforcement mechanisms (Renshaw, 2017). Although ASEAN states have ratified ACTIP, definitions of trafficking, prescribed penalties, and victim protection measures remain fragmented, producing inconsistencies that traffickers can exploit (UNODC, 2024). National case studies further reveal uneven enforcement: Singapore has enacted the Prevention of Human Trafficking Act (2015), which combines strong prosecution mechanisms with victim-centered approaches, helping the country maintain Tier 1 status in the U.S. TIP Report (U.S. Department of State, 2024). By contrast, Brunei, despite having similar legislation, has failed to secure convictions or implement effective victim identification measures, resulting in its downgrade to Tier 3 (U.S. Department of State, 2024). These contrasting trajectories underscore the reality that unequal legal capacities and political will within ASEAN continue to hinder regional synergy, preventing ACTIP from becoming a transformative instrument.

Comparative and global perspectives

Comparative scholarship offers valuable lessons for ASEAN in strengthening its anti-trafficking framework. The European Union's Directive 2011/36/EU, for example, provides a precedent for regional harmonization, standardizing definitions, sentencing, and victim protections across multiple jurisdictions (Carrera & Guild, 2016). Gallagher (2010) argues that ASEAN must emulate such models by developing binding enforcement and monitoring mechanisms, rather than relying solely on voluntary cooperation. Literature on transnational organized crime reinforces this urgency, warning that trafficking networks are adaptive, rapidly shifting routes and exploiting legal asymmetries when states fail to coordinate effectively (Shelley, 2010). In the absence of harmonization, traffickers can exploit jurisdictional loopholes, undermining both national and regional efforts. Thus, global comparisons not only highlight ASEAN's current weaknesses but also illustrate concrete pathways for developing stronger legal and policy coherence.

Knowledge gaps

Despite extensive research on trafficking in ASEAN, gaps remain in connecting localized case studies with broader regional policy debates. Most studies either emphasize national legal enforcement or focus on ASEAN's high-level frameworks, but few integrate micro-level evidence into macro-level analysis. The Temajuk case in West Kalimantan exemplifies this gap: it demonstrates how irregular migration practices normalized in border communities challenge the deterrent power of immigration law while simultaneously reflecting broader regional vulnerabilities. Judicial decisions such as Decision No. 202/Pid.Sus/2024/PN.Ptk show that while courts provide legal certainty, they often fail to address the socio-cultural and economic drivers that sustain trafficking pathways. By bringing together micro-level case analysis and ASEAN-level frameworks, this paper contributes to bridging the gap in the literature, proposing a holistic approach that combines criminal law harmonization, victim protection, and socio-economic reforms as an integrated strategy against trafficking in Southeast Asia.

Method

This study adopts a qualitative legal research methodology that integrates doctrinal legal analysis with comparative assessment and contextual examination of socio-economic conditions in ASEAN border areas. Such a methodology is particularly appropriate given the transnational and multidimensional nature of human trafficking, which cannot be adequately captured through a single legal or socio-economic lens. By combining doctrinal, comparative, and case study approaches, the study situates human trafficking not only as a matter of legal interpretation but also as a phenomenon deeply rooted in regional disparities, governance challenges, and community practices.

Doctrinal legal research

The first component of the methodology is doctrinal legal research, which involves the systematic examination of statutes, international conventions, and judicial decisions that regulate human trafficking and irregular migration. Indonesian Immigration Law No. 6/2011 serves as the primary statutory framework, providing a national legal basis for assessing how trafficking-related cases are prosecuted and adjudicated (Law No. 6 of 2011 on Immigration, 2011). Within this framework, Decision No. 202/Pid.Sus/2024/PN.Ptk from the Pontianak District Court is analyzed as a representative case, illustrating how irregular cross-border movement is addressed judicially. The reasoning of the court is evaluated through the theoretical lenses of Radbruch's concept of legal certainty (1946) and Hadjon's theory of legal protection (1987), which together enable a critical assessment of whether domestic legal provisions both deter trafficking and uphold justice for vulnerable migrants. This doctrinal analysis highlights the strengths and weaknesses of Indonesian law in addressing trafficking at the border, while also setting the foundation for comparative insights.

Comparative legal approach

The second methodological dimension is the comparative legal approach, which provides a broader framework for situating Indonesia's legal response within the wider ASEAN landscape. Human trafficking is inherently transnational; thus, the effectiveness of any single state's legal system must be understood in relation to neighboring jurisdictions. The study therefore compares Indonesia with three other ASEAN member states that reflect different positions in the regional trafficking spectrum: Cambodia and Myanmar, which continue to grapple with high prevalence and weak governance as highlighted in the U.S. Trafficking in Persons (TIP) Report (2024), and Singapore and Brunei Darussalam, which represent wealthier states with stronger enforcement mechanisms but concealed forms of labor exploitation. This comparative framework exposes the fragmentation of anti- trafficking measures within ASEAN, underlining the necessity of harmonization through instruments such as the ASEAN Convention Against Trafficking in Persons (ACTIP, 2015) and the Palermo Protocol.

Contextual and case study analysis

The third component is contextual and case study analysis, which enriches the doctrinal and comparative findings by examining how trafficking manifests in border communities where law interacts with socio-cultural and economic realities. The focus is on Temajuk village in Sambas Regency, West Kalimantan an area known for irregular migration through informal border crossings or jalur tikus. This case study draws on field data, local reports, and secondary sources such as the United Nations Office on Drugs and Crime (UNODC, 2023) and the Global Slavery Index (Walk Free, 2023). It demonstrates how socio-economic disparities, kinship ties, and cultural practices normalize undocumented migration, creating conditions of vulnerability that trafficking networks exploit. By incorporating such localized evidence, the study ensures that legal analysis does not remain abstract but reflects the lived realities of border populations.

Analytical framework

Finally, the analysis is guided by an analytical framework that triangulates findings across three interrelated lenses. The first is the principle of rule of law and legal certainty, assessing whether existing statutory frameworks provide sufficient clarity and predictability to regulate trafficking cases effectively. The second lens is the effectiveness of judicial enforcement, which evaluates whether court rulings have meaningful deterrence capacity in contexts where community practices normalize irregular mobility. The third lens is regional harmonization potential, which examines how fragmented national responses might be aligned under ASEAN-level frameworks to ensure collective resilience against trafficking networks. By weaving together doctrinal, comparative, and contextual approaches under this framework, the study not only identifies shortcomings in existing laws and policies but also generates both theoretical insights and practical recommendations for strengthening ASEAN's collective response to human trafficking.

Results and Discussion

The findings of this study, beginning with the case of Temajuk in West Kalimantan, reveal the deep complexities of addressing human trafficking at the intersection of law, community practices, and border governance. The decision of the Pontianak District Court in Case No. 202/Pid.Sus/2024/PN.Ptk, which involved the prosecution of a Malaysian national apprehended for crossing into Indonesian territory without valid documentation through an informal route, highlights both the strengths and limitations of Indonesia's current immigration framework. On one hand, the court demonstrated commitment to the principle of legal certainty by applying Articles 113 and 119 of Law No. 6/2011, ensuring that statutory norms were upheld, and the offense of irregular border crossing was formally sanctioned.

This judicial reasoning illustrates that, at a doctrinal level, the Indonesian legal system possesses clarity and structure in responding to irregular migration cases. On the other hand, however, the case also underscores systemic weaknesses in enforcement. The

sanction imposed was minimal in its deterrent effect, as irregular border crossings remain normalized practices in frontier communities where kinship ties and economic interdependence across borders overshadow state-imposed legal boundaries. For residents of Temajuk and neighboring Malaysian villages, movement without documentation is not perceived as criminality but as part of everyday life, thereby diluting respect for immigration law and creating fertile ground for trafficking networks to operate under the cover of social legitimacy.

When viewed through a broader comparative lens, the Temajuk case mirrors challenges faced across ASEAN states in addressing trafficking. Countries such as Indonesia, Cambodia, and Myanmar carry the heaviest burdens, with trafficking manifesting as a visible and persistent social crisis (Mohammad et al., 2023). Cambodia's cyber- scam compounds illustrate how trafficking adapts to modern technologies, generating billions in illicit revenue while exploiting systemic weaknesses in governance. Myanmar's ongoing political turmoil has entrenched conditions of forced labor, displacement, and economic desperation, providing traffickers with a steady pool of vulnerable individuals. Indonesia, meanwhile, continues to struggle with its vast geography and porous borders, which facilitate irregular migration and expose structural enforcement limitations (Ahmad & Khairi, 2025). In contrast, wealthier states such as Singapore and Brunei Darussalam present a paradoxical picture. Singapore, with its Prevention of Human Trafficking Act (2015) and robust victim protection measures, has secured Tier 1 status in the U.S. TIP Report. Yet, beneath this strong façade, hidden forms of exploitation persist in regulated sectors such as domestic work and construction, where migrant laborers remain vulnerable to coercion and abuse (Yea, 2020). Brunei, despite enacting anti-trafficking laws, has failed to translate legislation into effective enforcement, struggling with weak victim identification and negligible convictions, which has resulted in its Tier 3 ranking. These contrasts show that while wealth and institutional capacity may suppress the visibility of trafficking, they do not eradicate the underlying exploitation that sustains it.

The comparative patterns across ASEAN reveal two dominant trends that reinforce the urgency of harmonization. First, legal enforcement remains fragmented, with each state maintaining distinct definitions of trafficking, prosecutorial priorities, and sentencing frameworks. This lack of alignment creates gaps in regional enforcement that traffickers are quick to exploit, often shifting operations across borders to jurisdictions with weaker capacities or more lenient penalties. Second, the visibility of exploitation varies significantly between less resourced and wealthier states. In countries like Cambodia, Myanmar, and Indonesia, trafficking manifests as an overt social crisis, overwhelming state capacities and demanding urgent intervention. In contrast, in Singapore and Brunei, exploitation is concealed within regulated labor markets, escaping detection but persisting, nonetheless. This uneven distribution of visibility and enforcement undermines ASEAN's credibility and effectiveness in combating trafficking, as traffickers exploit these asymmetries to their advantage.

The emergence of trafficking in persons often occurs in vulnerable groups of society, especially women and children, because in Indonesian society, women in the family structure are often not the head of the household who have the power to make strategic decisions (Bryant & Landman, 2020). There were an estimated 40.3 million victims of modern slavery in the world, more than were enslaved during the Transatlantic Slave Trade. Since the adoption of the 2000 UN Trafficking Protocol, numerous efforts from inter-governmental agencies, governmental agencies, international nongovernmental organizations (Ariadne et al., 2021).

At a regional level, the Temajuk case, when placed alongside broader ASEAN experiences, demonstrates that isolated national responses cannot adequately address the problem of human trafficking. The persistence of trafficking networks across borders reveals that traffickers adapt quickly to legal disparities and jurisdictional loopholes, moving victims and operations through the weakest enforcement points in the region. Without regional cooperation, harmonization of laws, and joint enforcement mechanisms, national efforts will continue to be undermined. The case also illustrates those legal provisions, while important, are insufficient if they are not complemented by socio-economic measures that address the root causes of vulnerability. In Temajuk, for example, poverty, cultural ties, and economic necessity drive undocumented migration, which in turn creates pathways for traffickers. Unless these structural drivers are addressed through poverty alleviation, livelihood programs, and safe migration channels, trafficking will persist despite legal sanctions.

Taken together, the findings underscore that ASEAN requires a coordinated, multi-level strategy that integrates legal harmonization, institutional cooperation, and socio-economic reforms. Legal harmonization should aim at aligning definitions of trafficking, sentencing standards, and victim protection frameworks across member states to eliminate jurisdictional loopholes. Institutional cooperation must be strengthened through mechanisms for intelligence-sharing, joint investigations, and cross-border task forces that can respond to trafficking networks operating transnationally. At the same time, socio-legal measures such as community education, safe migration pathways, and victim-centered policies must be developed to reduce vulnerabilities at the grassroots level. Only through this multidimensional approach can ASEAN move beyond fragmented national responses toward a collective strategy that protects victims, deters traffickers, and upholds justice across the region.

Policy recommendations

The persistence of human trafficking in ASEAN demonstrates the inherent limitations of a strategy based solely on legal enforcement. As revealed by the Temajuk case, border governance, while important, cannot by itself eradicate trafficking if the underlying socio-economic vulnerabilities that push individuals toward irregular migration remain unaddressed. Traffickers exploit poverty, limited employment opportunities, and inadequate legal migration pathways, which means that law enforcement must be

complemented by preventive and developmental strategies. Therefore, policy responses must be designed to operate at multiple levels local, national, and regional and they must integrate legal certainty with socio-economic interventions. A comprehensive framework requires both the strengthening of domestic governance and the establishment of more robust ASEAN- wide mechanisms that can close enforcement gaps and ensure protection for vulnerable populations (Bal & Gerard, 2018).

At the national level, several strategies are critical to reducing vulnerabilities and improving the effectiveness of existing legal frameworks. First, governments must prioritize community legal literacy and economic awareness programs, particularly in border communities where undocumented migration has become normalized through kinship ties and shared livelihoods (Hutama & Sabijanto, 2023). Educating residents on both the legal consequences of irregular migration and the exploitative practices of trafficking networks can empower communities to resist traffickers while simultaneously reducing the cultural acceptance of undocumented crossings.

Second, states such as Indonesia should expand the deployment of mobile immigration and social service units in underserved border areas (Mustika & Indrady, 2024). These units should not only conduct routine surveillance and documentation checks but also function as service providers by offering on-site visa assistance, information on safe migration procedures, and access to microfinance or livelihood programs. Such an integrated approach strengthens border governance while simultaneously addressing the economic push factors that traffickers routinely exploit.

Third, governments must create cross-sectoral task forces that link security with development, comprising immigration authorities, police, military, customs officials, and local governments (Ferdous & Khan, 2024). These task forces should not only coordinate intelligence-sharing and enforcement but also connect border security operations with initiatives such as poverty alleviation, vocational training, and job creation, thereby addressing both immediate security threats and the long-term socio-economic vulnerabilities that sustain trafficking.

At the regional level, ASEAN must embrace stronger collective measures that go beyond symbolic cooperation and instead institutionalize mechanisms for joint action. One priority is the establishment of joint border governance and cross-border development programs, particularly between states like Indonesia and Malaysia, where informal migration flows remain high. Bilateral and multilateral agreements should move beyond joint patrols to encompass vocational training centers, cooperative trade hubs, and regulated labor mobility corridors, providing safe and legal alternatives to undocumented migration (Hennebry et al., 2022).

In addition, ASEAN should adopt standard operating procedures (SOPs) on trafficking and irregular migration, which would harmonize member states' responses. These SOPs must distinguish clearly between traffickers, irregular migrants, and victims, ensuring

that the latter are protected rather than criminalized, while upholding human rights safeguards such as the principle of non-refoulement. Standardization would not only ensure consistency but also reduce the legal ambiguities that traffickers exploit across different jurisdictions.

ASEAN also needs to strengthen its collective intelligence and enforcement capacity through the creation of a regional immigration and employment intelligence network (Taron, 2020). Such a platform would integrate national databases to compile case records, watchlists of offenders, regional labor demand data, and information on trafficking routes and emerging trends. By sharing intelligence and monitoring labor flows collectively, ASEAN member states can improve both prevention and prosecution while reducing the opportunities for traffickers to exploit enforcement gaps. Equally important is the pursuit of harmonized sentencing guidelines and labor protection frameworks across ASEAN. Standardizing penalties for trafficking-related crimes would eliminate opportunities for "forum shopping" by traffickers who move operations to jurisdictions with weaker sanctions. At the same time, developing a regional labor rights framework with minimum standards for recruitment fees, wage protections, and employment contracts would help safeguard migrant workers, who are among the most vulnerable populations targeted by traffickers.

Taken together, these recommendations form a three-dimensional strategy that integrates legal harmonization and enforcement, cross-border cooperation, and socio-economic reforms. Legal harmonization addresses the fragmentation of trafficking definitions and penalties, cross-border cooperation strengthens joint governance and intelligence-sharing, and socio-economic reforms reduce the structural vulnerabilities that sustain trafficking. By integrating these approaches, ASEAN can move beyond reactive enforcement toward a preventive, human- centered framework that prioritizes justice, solidarity, and protection. Such a strategy not only reinforces regional resilience but also signals ASEAN's commitment to building a safer, more inclusive community where human trafficking is no longer tolerated.

Conclusion

Human trafficking continues to stand as one of the most urgent and complex cross-border challenges facing ASEAN. As the evidence from this study demonstrates, trafficking cannot be understood merely as a problem of weak border controls or insufficient law enforcement. Instead, it is a multidimensional issue that emerges at the intersection of economic vulnerability, porous borders, entrenched community practices, and fragmented regional responses. The Temajuk case in West Kalimantan highlights this intersection vividly: while the Indonesian court provided legal certainty by applying Immigration Law No. 6 of 2011, the social normalization of irregular migration in border communities diluted the deterrent effect of such legal measures. This finding underscores a larger reality across ASEAN that law on paper often proves

insufficient when confronted with deeply rooted socio- economic and cultural practices that traffickers can exploit.

At the national level, the persistence of trafficking reveals that punitive measures alone cannot adequately protect vulnerable populations. Laws and judicial decisions may uphold legal certainty, but unless they are integrated with broader socio-economic strategies, they remain limited in scope and impact. Communities at the frontlines of trafficking, such as those in Temajuk, are often caught in cycles of poverty, limited access to legal migration channels, and economic dependence on cross-border interactions. These structural realities render them vulnerable not only to traffickers but also to the inadequacies of state enforcement. Therefore, national responses must evolve beyond traditional enforcement and embrace multidimensional approaches that combine community legal education, livelihood support, and targeted border governance. In this way, law can be transformed from an abstract instrument into a living mechanism that addresses the conditions enabling trafficking in the first place.

At the regional level, ASEAN faces an even greater challenge: its collective response to trafficking remains undermined by legal fragmentation and uneven enforcement. Although ASEAN has ratified the ASEAN Convention Against Trafficking in Persons (ACTIP), the absence of binding enforcement mechanisms has left member states with wide discretion in defining trafficking, prescribing penalties, and implementing victim protection. As this study has shown, countries such as Singapore and Brunei illustrate how stronger economies, and more sophisticated legal frameworks may suppress overt trafficking but fail to eliminate hidden exploitation within regulated labor sectors. Meanwhile, Cambodia, Myanmar, and Indonesia remain overwhelmed by visible trafficking crises that expose the weaknesses of governance and enforcement. This unevenness provides traffickers with opportunities to exploit jurisdictional loopholes, shifting their operations toward states with weaker or less consistent frameworks. Unless ASEAN moves toward harmonization of laws, standardization of sentencing guidelines, and development of shared enforcement mechanisms, trafficking will persist as a transnational crime that thrives on legal asymmetry.

The findings of this study also reinforce the importance of adopting a socio-legal harmonization framework. Such a framework recognizes that while law is indispensable for creating accountability and deterrence, it cannot function effectively in isolation. Harmonization must not only align criminal laws across member states but also integrate preventive socio-economic strategies, such as safe migration pathways, regional labor protections, and collective intelligence-sharing mechanisms. The proposal of a three-dimensional strategy legal harmonization, cross-border cooperation, and socio-economic reform reflects this recognition. It emphasizes that trafficking cannot be combated solely by protecting borders; it must also involve protecting people by addressing the structural vulnerabilities that traffickers exploit. This human-centered approach offers a more sustainable pathway forward, one that balances the imperatives of justice, protection, and regional solidarity.

The broader significance of this study lies in its contribution to both theory and practice. Theoretically, it bridges the gap between micro-level case studies, such as the Temajuk decision, and macro-level regional frameworks, such as ACTIP. This linkage is critical because it reveals how abstract policies and treaties encounter practical limitations in localized contexts. Practically, the study provides concrete recommendations for both national governments and ASEAN as a regional body, offering policy pathways that can strengthen resilience against trafficking networks while also ensuring justice for victims. By demonstrating that trafficking is both a legal and socio-economic phenomenon, this study invites policymakers, scholars, and practitioners to reconceptualize responses in ways that are preventive, integrated, and regionally coordinated.

In conclusion, human trafficking in ASEAN will persist as long as responses remain fragmented, reactive, and narrowly focused on enforcement. The challenge is not only to punish traffickers but also to dismantle the socio- economic conditions that sustain trafficking networks. A coordinated regional approach that harmonizes laws, strengthens institutional cooperation, and prioritizes socio-economic reforms is indispensable for reducing vulnerabilities and ensuring meaningful protection. Ultimately, combating trafficking is not only about defending territorial borders but also about affirming the dignity and rights of individuals across Southeast Asia. By embracing a preventive, human-centered, and harmonized strategy, ASEAN can move toward building a safer,more inclusive regional community where justice and protection extend to all, and where the exploitation of vulnerable populations is no longer tolerated.

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