



The Urgency of Addressing Human Trafficking Crimes in Cambodia According to an International Legal Review

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Abstract. Based on article (Shelley, 2010) Human Trafficking is the act of recruiting, transporting, transferring, harboring, or receiving individuals through force, fraud, or coercion for the purpose of exploiting them profit. This exploitation may include forced labor, sexual slavery, or other forms of commercial sexual exploitation. It is considered a serious violation of human rights and includes a form of modern slavery, a crime against humanity. Human trafficking is a global threat that requires serious attention and real action. Factors such as poverty, political instability, and lack of public awareness make human trafficking increasingly difficult to eradicate. Therefore, there is a need for international cooperation, government, and community cooperation to prevent, protect, and recover victims of human trafficking. Human trafficking is a serious crime that continues to grow, including in Cambodia, which is vulnerable due to geographical and socioeconomic factors. This study aims to analyze the handling of human trafficking cases in Cambodia from the perspective of international legal policy. Sexual exploitation, forced labor, and organ trafficking are the main forms of this crime. Although Cambodia has adopted various laws, its implementation is still hampered by limited resources, corruption, and weak cooperation between countries. International community support such as the Palermo Protocol has helped, but law enforcement remains inconsistent. This study emphasizes the importance of stricter law enforcement and an adequate rehabilitation system for victims. Collaboration between governments and NGOs is urgently needed to create effective solutions and better protection for victims of human trafficking.

Keywords: Forced Labor; Human Trafficking; International Policy; Sexual Exploitation; Victim Protection

1. INTRODUCTION

Cambodia was one of the first countries to enact an anti-trafficking law in 1996. This was one of the harshes laws in the country and punished trafficking as severely as premeditated murder. Although there was some concern about human trafficking with Cambodia, a global campaign led by the United States (US), was waging a “war on human trafficking” that required action to ensure the continuation of development aid. Human trafficking (modern day slavery), was described by the United States Department of State (DSUS) and the united Nation Office on Drugs and Crime (UNODC), as transnational enterprise controlled by organized crime, which enslaves 12,3 million people, generates \$32 billion in profit for human traffickers, is the third most profitable business for organized crime, and poses a serious threat national and global security. Such estimates reflect the impact of the moral panic about human trafficking and have subsequently been found to be unreliable and estimates of profit significantly inflated.(Office, 2012)

2. LITERATURE REVIEW

This chapter wants to highlight that human trafficking can affect many problems. The root cause of human trafficking is the driving factor and the pulling factor that drives people to enter this case of human trafficking. Policies to prevent trafficking and assist them, such as reintegration programs, play a critical role in reuniting victims by returning to their former lives such as families, communities, and the wider community.

3. METHODOLOGY RESEARCH

This article uses a qualitative research methodology with a case study and literature review approach. This study analyzes international and national legal documents related to human trafficking, as well as reports of international and non-profit organizations on human trafficking in Cambodia. Data collected through document analysis and literature review were then analyzed using content and comparative analysis to identify themes and patterns related to human trafficking in Cambodia. The purpose of this study is to determine the urgency of handling human trafficking crimes in Cambodia from the perspective of international law and identify challenges in law enforcement of human trafficking in Cambodia.

4. DISCUSSION

In the perspective of the theory of human rights protection, as affirmed in the Universal Declaration of Human Rights (1948) and the International Covenant on Civil and Political Rights (1966), every individual has the right to be free from slavery and exploitation. Normatively, Cambodia has enshrined these principles in its Constitution and regulates sanctions against trafficking through the Penal Code of 2009. However, the implementation of this norm has not shown real partiality to the victim. Many victims do not get justice, recovery and even proper rehabilitation. This shows that law enforcement has not met the principles of effectiveness and legal certainty as required in a democratic legal system. (Fitri Sri Rahayu & Mas Putra Zenno Januarsyah, 2025).

In Southeast Asia, the role of international law has become particularly relevant as the region has a high level of vulnerability to human trafficking practices. This is due to several factors such as high poverty rates, socio-economic inequality, low education rates and access to decent jobs, and the strategic geographical position of these countries as transit routes. In conditions like this, international law is present as a guideline and coordinating tool that connects various international legal systems to jointly overcome this case. Thailand is one of the countries in the region that connects various anti-trafficking legal systems. The Thai

government has passed *the Anti-Trafficking in Persons Act B.E.2551* (2008), which clarifies the definition of human trafficking, imposes severe sanctions on perpetrators, and provides a framework for protection for victims. In addition, Thailand effectively cooperates with various international organizations with the *United Nations Office on Drugs and Crime (UNODC)* and *the International Organization for Migration (IOM)* in terms of apparatus training, public awareness campaigns, and the preparation of victim rescue protocols. The country has established *Multi-Disciplinary Teams (MTDs)* to handle trafficking cases in an integrated manner between police, prosecutors, child protection agencies, and social workers.

Vietnam also showed proactive steps in combating human trafficking through the passage of *the Law on Human Trafficking Prevention and Control* in 2011. This law not only regulates the crime of human trafficking in detail, but also establishes procedures for handling victims and community-based prevention strategies. The Vietnamese government is working with neighboring countries through ASEAN forums and bilateral agreements to strengthen the cross-border monitoring system. This effort is also supported by programs from international institutions that focus on raising public awareness in vulnerable areas, as well as expanding access to education and alternative work for at-risk groups. Cambodia has also had a *Law on Suppression of Human Trafficking Exploitation* since 2008, but its implementation still faces serious problems. Problems such as weak legal intuition, widespread corrupt practices, and budget limitations are major obstacles in effective law enforcement efforts. Nevertheless, the Cambodian government continues to strive to build international cooperation and carry out internal reforms to strengthen efforts to eradicate human trafficking. One of the steps taken is a partnership with *UNICEF* and *ECPAT International* to support rescue and social reintegration programs for children victims of commercial sexual exploitation. However, the effectiveness of international law is determined not only by the adoption of regulations at the international level, but also by consistent and measurable implementation on the ground. There are still many cases where victims of human trafficking do not receive proper protection due to a lack of awareness of the apparatus, complicated legal procedures, and the fear of victims to report due to threats or social stigma. This suggests that fair law enforcement must be accompanied by a human rights-based approach and sensitivity to socio-cultural conditions in each country.

This regional cooperation is also a very important component in strengthening the role of international law. In this regard, *the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP)* adopted in 2015 is a major step in creating collective commitment in Southeast Asian countries. The Convention not only covers aspects of criminalization and enforcement, but also provides a framework for victim protection, cross-

border cooperation, and periodic monitoring mechanisms for policy implementation. ACTIP encourages member states to form *Nationa*.

Coordinating Bodies and *Action Plans* that are in line with international standards. In addition to the ASEAN forum, international institutions such as *UNODC*, *IOM*, and *ILO* also play an important role in providing funding, training, technical assistance, and independent monitoring of law enforcement developments in countries vulnerable to human trafficking. The role of these institutions provides a positive impetus so that international law is not only a formal text, but a tangible tool for creating social change and justice. Looking at the above conditions, it can be concluded that international law has and continues to play an important role in the global effort against human trafficking, especially in the Southeast Asian region. However, the effectiveness of such laws is highly dependent on international political commitment, institutional capacity, cross-border cooperation, and approaches that place victims at the center of the policies that have been made.

Within the framework of Lawrence M. Friedman's theory of legal functions, it is seen that the three main elements—structure, substance, and culture of law—have not been harmoniously embraced. Institutional structures, such as the existence of the National Committee for the Eradication of Trafficking in Persons and the Ministry of Justice, still do not show adequate coordination in carrying out the mandate of protection of victims. In terms of substance, the 2008 Law and the provisions in the Penal Code have not contained in detail the mechanism for victim protection, especially in terms of rehabilitation, social reintegration, and witness protection. The aspect of legal culture in society that tends to be permissive to exploitation, especially for women and children, is an inhibiting factor in the enforcement of the law fairly.

Moreover, in the perspective of responsive legal theory developed by Nonet and Selznick, law should ideally be adaptive and able to respond to social change. However, Cambodia still shows a pattern of rigid and formalistic legalistic approaches. Although existing regulations have regulated criminal witnesses and compensation, there are no implementing regulations that regulate procedures for victim assistance, psychological services, and recovery after case handling. On the other hand, the principle of the victim-centered approach adopted by international legal instruments has not been fully implemented. The specific state of derivative regulations makes victims often in a vulnerable position and do not have guaranteed rights in the judicial process.

Human trafficking has also been qualified as a crime against humanity in the context of international criminal law. However, until now, there has been no humanity in the context of

international criminal law. However, until now, there have been no concrete steps from the Cambodian state to classify this crime in national law as a crime against humanity. This has an impact on the state's limited ability to bring human trafficking cases to international forums, as well as narrowing the space for victims to obtain transnational justice. Although severe penalties have been imposed in some cases, crackdowns on cross-border networks are still minimal and tend to be symbolic.

It can thus be concluded that the handling of human trafficking in Cambodia still faces serious challenges in terms of harmonization between international law and national law. Normative legal reform is needed through the formulation of implementing regulations that concretely describe the principles of victim protection, institutional strengthening of law enforcement, and transformation of the community's legal culture to be on the side of victims and not tolerate exploitative practices. This study confirms that without strengthening these three aspects, legal protection for victims of human trafficking in Cambodia will be formalistic and far from the principle of substantive justice.

5. CONCLUSION

This study shows that although Cambodia has adopted various international laws to deal with human trafficking, its implementation at the national level is still very limited due to low structural barriers, limited derivative regulations, and low victim-side culture. The legal approach used so far tends to be legalistic and less responsive to social complexity and the need for comprehensive victim recovery. The innovations offered in this study lie in the emphasis on the importance of harmonization between international norms and national law, as well as the need to strengthen the victim-based approach as a key framework in legal and policy reform. These findings contribute to the development of legal science by offering a more integrative and adaptive framework of thought to the dynamics of transnational law enforcement. The implication is that Cambodia should encourage legal reform that not only regulates sanctions, but also prioritizes concrete mechanisms for protection, rehabilitation, and empowerment of victims, as well as strengthening institutional capacity to meet universally applicable standards of human rights protection.

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