

## Legalities and Ethics in Organ Trade: Evaluating the Effectiveness and Ethical Challenges of Indonesian Law in Preventing Widespread Organ Trade

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### ABSTRACT

Human organ trafficking is a serious crime that not only violates the law but also ethical and humanitarian principles. Despite Indonesia's existing regulations to prevent illegal organ trafficking, this practice continues to thrive due to various loopholes in law enforcement. This article aims to analyze the effectiveness of Indonesia's legal system in combating human organ trafficking and the role of ethics in legitimate organ trade. Through a qualitative approach, including the analysis of five case studies and interviews with ten experts in the fields of law and medical ethics, the article examines the challenges of law enforcement and the social and health impacts of illegal organ trade. The findings suggest that, despite the presence of regulations, law enforcement challenges and a lack of legal awareness in society hinder the eradication of this crime. Strengthening regulations and fostering cooperation among law enforcement agencies are necessary to combat organ trafficking. Furthermore, an ethical approach, emphasizing voluntary and informed consent, must serve as the fundamental principle in organ transplantation practices.



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## INTRODUCTION

Human organ trafficking has become one of the most pressing ethical and legal issues in the world today. It is a form of modern-day slavery, violating basic human rights and compromising the sanctity of human life (Susana et al., 2025). This illicit trade, often driven by the increasing demand for organ transplants and the economic desperation of certain individuals, operates outside the boundaries of established medical and legal frameworks (Yahya et al., 2022). The consequences of organ trafficking are grave, not only for the victims but also for the recipients of these organs, who face significant health risks. The complexity of organ trafficking and its link to criminal syndicates further complicates efforts to eradicate this crime.

In Indonesia, organ trafficking has become a growing concern, despite the existence of legal regulations aimed at curbing such practices (M. Najib et al., 2025). The country's legal system, though robust in its regulatory framework, faces numerous challenges in its application and enforcement. While Indonesian law prohibits the illegal trade of human organs, the effectiveness of these regulations remains in question (Mukhlis, 2025a; Mukhlis & Saidah, 2025). The law, though theoretically sound, is often undermined by poor implementation, lack of awareness, and a shortage of resources to monitor and prosecute offenders (Ningsih et al., 2025). As a result, human organ trafficking continues to thrive in various regions, particularly in urban areas where demand for organs is high.

One of the primary factors contributing to the persistence of this crime is the social and economic inequality that exists in Indonesia. Many individuals, particularly those from lower-income backgrounds, are coerced into selling their organs as a means of survival (Dikuraisyin et al., 2024). The traffickers prey on these individuals, exploiting their vulnerability and offering them large sums of money in exchange for their organs (Tan, 2022). In many cases, these individuals are not fully aware of the long-term health consequences or the risks involved in selling their organs (Mukhlis, Arifin,

Ridwan, & Zulbaidah, 2025; Mukhlis, Arifin, Ridwan, Zulbaidah, et al., 2025). This lack of informed consent underscores the unethical nature of organ trafficking, as it often involves coercion and deception.

Additionally, the victims of organ trafficking are often subjected to severe health complications resulting from illegal procedures (Putra et al., 2023). The lack of proper medical care during organ removal, coupled with the absence of adequate post-operative care, significantly increases the risks of infections, bleeding, and organ rejection (Pelu et al., 2022). These health risks not only endanger the lives of the organ donors but also the recipients of the organs, who may suffer from severe complications due to the illegal nature of the transplant (Kusumaningtyas et al., 2022). These health risks highlight the urgent need for better regulatory oversight and the implementation of ethical practices in the organ donation and transplantation process.

While the Indonesian government has made efforts to combat organ trafficking, the challenge remains immense (A. M. Najib, 2020). One of the primary reasons for this is the difficulty in detecting and proving illegal organ trade activities. Organ trafficking networks are often sophisticated and operate in secrecy, making it difficult for law enforcement to gather sufficient evidence to prosecute those involved (Zahid, 2022). Additionally, many cases of organ trafficking involve international syndicates, further complicating the ability of local authorities to investigate and dismantle these networks (Mukhlis, Maryam, et al., 2023; Mukhlis et al., 2024). The lack of coordination between national and international law enforcement agencies is another obstacle in the fight against this crime.

Furthermore, there is a lack of awareness and education about the ethical and legal implications of organ trafficking (Syam et al., 2024). Many members of the public remain unaware of the dangers and consequences of illegal organ trade, which contributes to the perpetuation of the problem (Narawati et al., 2025). Public education campaigns on the importance of ethical organ donation and the risks of trafficking could play a significant role in reducing the demand for illegal organs. However, efforts in this area have been limited, and more needs to be done to inform the public about the dangers of participating in or supporting the illegal organ trade.

From a legal perspective, the Indonesian legal system has several laws and regulations in place to address organ trafficking, such as the 2009 Health Law and Government Regulation No. 18 of 1980. However, these laws have not been sufficiently enforced, and traffickers continue to operate with relative impunity (Bakry et al., 2022). The penalties for organ trafficking in Indonesia are often not severe enough to act as a deterrent (Mukhlis, Janwari, et al., 2023; Mukhlis & Abdullah, 2025). The lack of resources for law enforcement agencies and the absence of specialized training for police and prosecutors in handling organ trafficking cases contribute to the ineffectiveness of these regulations.

Moreover, the ethical dimension of organ trafficking cannot be overlooked. Medical ethics dictate that organ donation should be voluntary, with the donor fully informed of the risks and consequences of the procedure. In contrast, illegal organ trade often involves coercion, manipulation, and lack of consent, making it a violation of human rights (Reskiani et al., 2022). Medical professionals involved in illegal organ transplants also breach ethical codes, jeopardizing patient safety and undermining the integrity of the healthcare system. This moral breach further compounds the severity of organ trafficking as a social and health issue.

Given the scope of the problem, it is clear that combating organ trafficking requires a multifaceted approach. It is not enough to rely solely on legal regulations; there must also be a concerted effort to address the root causes of organ trafficking, such as poverty and inequality (Setiawan et al., 2024). Strengthening the legal framework and ensuring that existing laws are enforced effectively is essential, but so is raising public awareness and fostering a culture of ethical organ donation (Allo et al., 2025). These efforts must be supported by international cooperation and coordination to dismantle trafficking networks and bring perpetrators to justice.

In conclusion, organ trafficking represents a grave threat to human dignity and health in Indonesia. The country's legal framework, while comprehensive, is insufficient in preventing this crime due to gaps in enforcement and lack of public awareness (Junaidi, 2022). Addressing the issue requires a holistic approach that combines strong legal action, ethical practices, and public education to protect

vulnerable individuals and prevent the exploitation of their organs (Sangaji et al., 2023). Only through a coordinated effort between the government, law enforcement, medical professionals, and the public can the scourge of organ trafficking be eradicated.

## RESEARCH METHODS

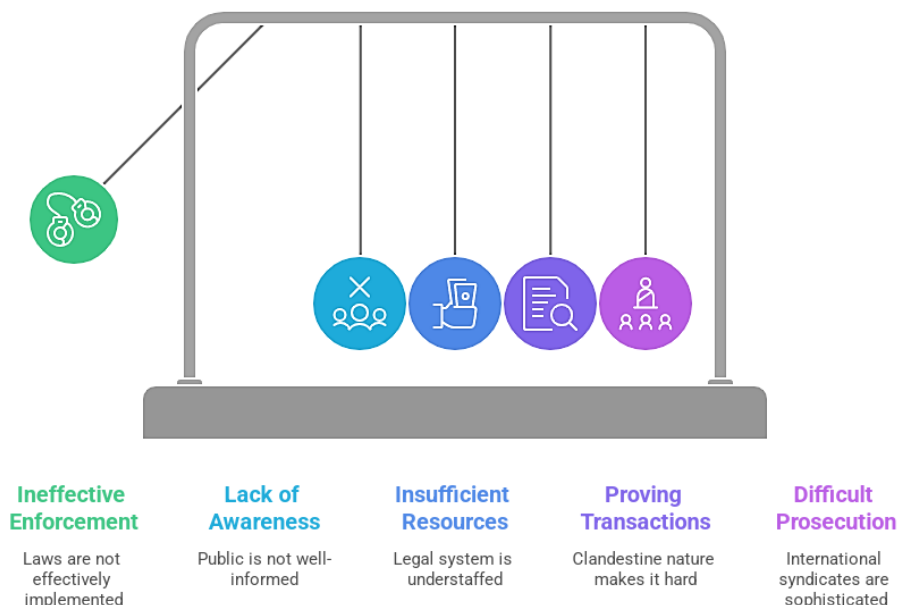
This research employs a qualitative approach with a critical analysis of the current legal framework governing organ trade in Indonesia. The study includes a literature review of relevant legal documents, including the 2009 Health Law and Government Regulation No. 18 of 1980, which addresses the use of human organs for transplantation. The methodology involves examining five case studies of organ trafficking incidents in Indonesia, selected based on criteria including the severity of the case, geographic diversity, and the availability of documented legal proceedings. These case studies provide a detailed overview of the challenges law enforcement faces in combating these illegal practices (Fife, 2020; Kawamura, 2020). Furthermore, interviews were conducted with ten experts, including legal scholars, law enforcement officers, and health professionals, selected through purposive sampling to ensure representation from individuals with direct experience or expertise in the area of organ trafficking and transplantation laws. These interviews provide insights into the ethical considerations surrounding organ transplantation and the enforcement of laws against trafficking.

## RESULTS AND DISCUSSION

### Legal Framework and Enforcement Challenges

Indonesia has established several legal provisions to address organ trafficking, notably the 2009 Health Law and Government Regulation No. 18/1980. These laws prohibit the illegal trafficking of human organs. However, the enforcement of these laws is often ineffective (Royyani et al., 2023). Legal experts, including Prof. Dr. Hikmahanto Juwana, suggest that while the laws are comprehensive in theory, their implementation is hindered by issues such as lack of public awareness, insufficient legal resources, and challenges in proving transactions due to their clandestine nature (Lubis et al., 2025). Law enforcement agencies often face difficulties in detecting and prosecuting these crimes, which are frequently carried out by international syndicates with sophisticated networks.

### Ineffective Enforcement Hinders Organ Trafficking Laws



### The Social and Health Impact of Organ Trafficking

The impact of illegal organ trade is severe, affecting not only the victims but also the wider community (Munir, 2025). Victims of organ trafficking are often impoverished individuals who, in desperate financial situations, agree to sell their organs without fully understanding the long-term consequences (Sholeh et al., 2021). The health risks for individuals involved in illegal organ trade are significant. The organs are often removed without proper medical procedures, leading to infections, bleeding, and even death (Kasim et al., 2023). Moreover, recipients of illegally obtained organs are at a heightened risk of organ rejection, leading to life-threatening complications (Mukhlis, 2025b; Mukhlis, Suradi, et al., 2023). Health experts, such as Prof. Dr. Budi Santoso, highlight the moral and health dangers associated with the illegal trade of organs, which jeopardizes both donors and recipients.

### **The Role of Ethics in Organ Trade**

Ethical concerns play a crucial role in the regulation and practice of organ transplantation. In the context of legal organ donations, ethical principles such as informed consent, transparency, and patient safety are emphasized (Harun et al., 2025). However, these ethical standards are frequently violated in the case of illegal organ trafficking, where individuals are coerced into selling their organs, often due to economic pressures or other external factors (Munawar et al., 2025). According to Dr. Diah Retno, a medical ethics expert, transplantation should be carried out only with full awareness and free consent, emphasizing that exploitation in the name of organ trade undermines the humanity of the practice.

### **Challenges in Law Enforcement**

One of the primary challenges in combating organ trafficking is the weak enforcement of existing laws (Abdullah et al., 2023). Despite the presence of legal measures, trafficking networks often evade law enforcement due to insufficient evidence and lack of collaboration among agencies (Jaya et al., 2021). The complexity of organ trafficking operations, often involving international networks, further complicates the efforts of authorities to dismantle these criminal activities. Dr. Indra Gunawan, a criminal law expert, points out that effective prosecution requires closer cooperation between domestic and international law enforcement bodies, as well as stronger investigative mechanisms.

## **CONCLUSION**

Organ trafficking remains a grave crime in Indonesia, with far-reaching consequences for individuals' health, rights, and dignity. While the legal framework provides a basis for addressing the issue, its effectiveness is undermined by enforcement challenges and the complexities of illegal organ trade operations. Strengthening the implementation of laws, improving coordination among law enforcement agencies, and increasing public awareness are crucial steps in combatting this crime. Furthermore, the ethical implications of organ trafficking cannot be overstated. Transplantation should be grounded in ethical principles that prioritize informed consent and the protection of vulnerable individuals. Without these ethical safeguards, the integrity of organ transplantation systems is compromised. To address these issues, it is recommended that Indonesia's legal framework be revised to close existing loopholes, penalties for illegal organ trade be increased, and a specialized task force within law enforcement agencies be established to focus on organ trafficking. Additionally, a nationwide public education campaign on the ethical aspects of organ donation and transplantation should be launched. The eradication of organ trafficking requires a coordinated effort from the government, law enforcement, and the broader community to ensure that this serious violation of human rights is prevented and punished.

## **CONFLICT OF INTEREST**

The author declares that there is no conflict of interest regarding the publication of this article.

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