



ISSN 2985-0541 (Print) / ISSN 2539-5513 (Online)

JOURNAL OF CONTEMPORARY SOCIAL SCIENCES AND HUMANITIES

Available online at <https://jcs.h.rsu.ac.th>



## Criminal Justice Challenges in Tackling Labour Trafficking in Thailand's Fishing Industry

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Received 22 July 2025/ Revised 14 November 2025/ Accepted 1 December 2025/ Publish Online 5 August 2026

### Abstract

Despite Thailand's internationally lauded legal reforms to combat labour trafficking, enforcement in the fishing industry remains weak and inconsistent. This study explores the disjuncture between Thailand's formal anti-trafficking commitments and frontline implementation, focusing on the experiences and discretion of police officers, labour inspectors, prosecutors, and NGO workers. Drawing on procedural justice theory and street-level bureaucracy, the research analyses 38 semi-structured interviews conducted across four trafficking-affected provinces. Findings reveal systemic challenges in identifying trafficking cases, including misclassification as administrative or immigration offences, rigid operational procedures, and narrow perceptions of victimhood. Prosecution is further hindered by prohibitive evidentiary thresholds, victim attrition, and risk-averse institutional cultures. Fragmented inter-agency coordination and misaligned performance incentives exacerbate these issues, while reactive enforcement driven by international scrutiny undermines sustainable progress. The study argues that meaningful anti-trafficking enforcement requires more than legal frameworks—it demands structural reform of frontline practices, institutional incentives, and victim-centred engagement. Recommendations include redesigning inspection protocols, empowering prosecutors, realigning performance metrics, institutionalising coordination, and establishing independent oversight. This research contributes to global discussions on trafficking governance, particularly the importance of aligning legal commitments with operational realities.

**Keywords:** *labour trafficking, fishing industry, criminal justice, human trafficking, criminology*

### 1. Introduction

Thailand's fishing industry is among the largest globally, contributing significantly to national economic growth and food exports. Its products reach major international markets, including the United States, Europe, and Asia. However, the sector has long been associated with exploitative labour practices, particularly aboard deep-sea and long-haul vessels. These vessels rely predominantly on male migrant workers from neighbouring Myanmar and Cambodia, many of whom are undocumented or recruited via informal brokers. Conditions on board often meet international definitions of forced labour and trafficking, involving long working hours, withheld wages, physical and verbal abuse, and severe restrictions on personal freedom (Chantavanich et al., 2016; Human Rights Watch, 2018; Marschke & Vandergeest, 2016).

Over the past decade, Thailand has faced sustained international scrutiny due to persistent reports of labour trafficking in its fishing industry. Investigative journalism and civil society organisations have revealed extensive evidence of exploitation and coercion at sea, prompting international responses. In 2015, the European Union issued a "yellow card" to Thailand over illegal fishing and labour rights concerns, while the United States downgraded Thailand in its Trafficking in Persons (TIP) report. In response, the Thai government introduced several legal and administrative reforms. These included the implementation of port-in/port-out (PIPO) controls, crew registration requirements, ratification of relevant International Labour Organization (ILO) conventions, amendments to the Anti-Trafficking in Persons Act, and the establishment of multidisciplinary inspection teams and specialised anti-trafficking police and prosecutorial units (Derks, 2010).

Despite these measures, effective enforcement remains elusive. Prosecutions for labour trafficking in the fishing sector are rare, and successful convictions even more so. Instead, many cases are reframed as

administrative labour violations or immigration offences. Migrant victims are often detained or deported, while those responsible for trafficking typically avoid criminal accountability (United Nations Office on Drugs and Crime (UNODC), 2022; LeBaron, 2021). This persistent implementation gap raises pressing questions about how anti-trafficking legislation is applied in practice and why justice for trafficked fishers remains so limited. Furthermore, structural and institutional challenges contribute to this disconnect. Offshore fishing operations are geographically remote and difficult to monitor, complicating real-time detection and evidence collection. Migrant fishers - many of whom lack formal legal status - are often hesitant to report abuses due to fear of arrest or deportation, which traffickers exploit. Moreover, enforcement is fragmented across multiple agencies, including the Royal Thai Police, Department of Labour Protection and Welfare, Department of Fisheries, and Ministry of Social Development and Human Security. This diffusion of responsibility, combined with inconsistent coordination, often leads to confusion, inefficiency, and a lack of sustained legal follow-through (ILO, 2020; Gallagher & Ezeilo, 2015)

Although prior studies have documented the structural drivers of exploitation, such as global supply chain pressures and informality in migrant labour markets (LeBaron, 2021; Stringer et al., 2016), there remains a critical gap in understanding how Thailand's justice system responds to these abuses on the ground. This paper aims to address that gap by focusing on the practices and decision-making processes of frontline actors responsible for enforcing anti-trafficking laws in the fishing sector. It applies two interrelated theoretical lenses: procedural justice (Tyler, 2006) and street-level bureaucracy (Lipsky, 1980). Procedural justice emphasises the importance of fair and respectful treatment in fostering legitimacy and cooperation, especially among vulnerable populations. Street-level bureaucracy theory sheds light on how officials working under resource constraints and ambiguous mandates use discretion in ways that shape policy outcomes (Hupe & Hill, 2007; Maynard-Moody & Musheno, 2022). Together, these frameworks illuminate the interplay between institutional norms, victim experiences, and frontline discretion in shaping enforcement trajectories. Therefore, this article seeks to explore how Thailand's anti-trafficking response is operationalised in the fishing industry, and why well-intentioned policies often fail to translate into meaningful accountability or protection. By shifting attention to the micro-level dynamics of enforcement, the study contributes to broader discussions on implementation challenges in human trafficking governance and criminal justice reform in Southeast Asia. The study is guided by the following research questions:

- 1) What challenges do law enforcement officers face in identifying and pursuing labour trafficking cases in the fishing industry?
- 2) Why do trafficking cases in this sector often fail to progress beyond initial investigation or collapse during prosecution?
- 3) How do institutional structures, discretion, and procedural practices influence victim engagement and case outcomes?

The remainder of this article is structured as follows. It begins with three objectives of this research followed by a background on labour trafficking in the Thai fishing industry and the theoretical frameworks underpinning the analysis. The next section outlines the study's methodology, including site selection, participant recruitment, and analytical approach. This is followed by the findings, which are organised around the three research questions. The article concludes with a discussion of key implications and policy recommendations to strengthen Thailand's criminal justice response to trafficking at sea.

### **1.1 Labour Trafficking in Thailand's Fishing Industry**

Thailand's commercial fishing sector has a well-documented history of labour exploitation, particularly in its offshore and long-haul operations in the Gulf of Thailand and the Andaman Sea. This sector is vital to the national economy and global seafood supply chains, but economic gains have often come at the cost of worker welfare. Over the past decade, numerous reports and studies have exposed entrenched abuses against migrant fishers (ILO, 2016; Human Rights Watch, 2018). Men from neighbouring countries such as Myanmar and Cambodia are commonly recruited - sometimes through deceptive brokers or debt schemes - to work on Thai fishing boats. Once at sea, they can face conditions that amount to forced labour: recruitment fraud, debt bondage, retention of passports or work permits, non-payment of wages, grueling work hours, physical violence, and even confinement on the vessel for extended periods. These conditions meet international and domestic legal criteria for human trafficking and forced labour.

International pressure on Thailand to address these issues mounted in the mid-2010s. In 2014 and 2015, damning revelations about “seafood slaves” prompted the European Union and the United States to threaten trade sanctions and diplomatic consequences. The EU’s issuance of a “yellow card” warning in 2015 (signalling the risk of a seafood import ban) pushed Thailand to overhaul its fisheries management and labour oversight systems (Bacon & Usayapant, 2022). The Thai government responded with a flurry of reforms: it enacted new regulations for vessel monitoring and labour conditions, established Port-In/Port-Out (PIPO) checkpoints to inspect boats when they depart and return to port, increased registration requirements for boats and migrant crew, and formed multidisciplinary teams (MDTs) to conduct inspections and identify trafficking victims (Migrant Working Group, 2023). Thailand also ratified key international treaties, such as the Work in Fishing Convention (ILO C188), signalling its commitment to tackle forced labour in fisheries.

On paper, these measures have significantly strengthened Thailand’s legal and regulatory framework. In practice, however, prosecutions of trafficking in the fishing industry remain strikingly limited. Data from the Ministry of Justice and NGOs indicate that only a small number of cases involving abuse on fishing boats have ever been formally investigated under the Anti-Trafficking in Persons Act, and even fewer have resulted in trials or convictions (UNODC, 2022). Instead of being treated as trafficking, many reported incidents are downgraded to administrative or immigration issues. For example, a crew complaint about withheld wages might be handled as a labour law violation (unpaid wages) without probing indicators of coercion. Or if undocumented migrants are found on a vessel, authorities may address it by deporting the workers for immigration violations, rather than investigating why those migrants were there and whether they were victims of trafficking. Studies have noted that vessel owners and brokers often manage to avoid serious legal consequences, whereas the migrant workers - who may actually be victims of trafficking - are the ones penalized or quickly sent home (LeBaron, 2020; Gallagher & Ezeilo, 2015). Even in cases of clear abuse, accountability is rare. This pattern of impunity stems from a combination of logistical challenges, victim vulnerabilities, and systemic weaknesses in enforcement, as discussed below.

Several structural and operational factors contribute to the persistence of trafficking and the shortfall in justice in Thailand’s fishing sector. First, the logistics of policing the open sea are inherently difficult. Fishing vessels operate far from shore for long periods, making it challenging for law enforcement to conduct surprise inspections or rescue operations in real time. Authorities largely rely on port inspections (which can be anticipated and sometimes evaded) or tip-offs to discover abuses, meaning much exploitation remains hidden offshore. Second, migrant fishers’ precarious legal and social status undermines their ability and willingness to seek help. Many of these workers lack proper work permits or have been moved illegally across borders, so they fear that contacting authorities will result in their own arrest or deportation (Huguet, 2014; Environmental Justice Foundation, 2021, Mangkhalasiri et al., 2025). Traffickers exploit these fears, often threatening workers that if they escape or complain, they will be handed over to police as illegal immigrants. This causes victims to remain silent or even deny abuse when first questioned by officials (ILO, 2016). Third, enforcement responsibilities are spread across multiple agencies with overlapping duties and sometimes conflicting priorities. The Marine Police may board boats to check for contraband or illegal fishing, the inspectors check workplace conditions and employment contracts, the Department of Fisheries monitors catch regulations and boat registration, and the MSDHS handles victim support and rehabilitation. In theory, these agencies should work together (hence the creation of MDTs). In practice, coordination is often weak and communication poor, especially in day-to-day operations. One agency might not promptly inform another about potential trafficking signs, or officials might assume a different department will follow up, leading to gaps where cases simply fall through the cracks (Migrant Working Group, 2023). The effectiveness of MDTs has been uneven – in some provinces they function well, while in others they exist mostly on paper with little real integration of effort.

Thailand has strong anti-trafficking laws and has made policy advances on paper, but a combination of logistical difficulty, victim vulnerability, and fragmented enforcement undermines the fight against labour trafficking in the fishing industry. Understanding this implementation gap requires examining not just the formal policies, but how frontline officials interpret and act on them. This is where the concepts of procedural justice and street-level bureaucracy become relevant, as they provide a lens to analyse decision-making on the ground and the treatment of victims within the justice process.

## 1.2 Theoretical Framework

This study draws on two primary theoretical lenses - procedural justice theory and street-level bureaucracy - to analyse how labour trafficking cases are handled by frontline officials and institutions in Thailand's criminal justice system. Procedural justice theory posits that individuals are more likely to perceive legal authorities as legitimate and comply with the law when they believe that processes are fair, unbiased, and respectful (Tyler, 2006; Jackson et al., 2012). In the context of trafficking, the way victims are treated—particularly whether they are believed, protected, and supported - shapes their willingness to engage with legal proceedings and trust enforcement systems (Jones, 2023; Farrell & Pfeffer, 2014; Vandenberg, 2015). Fair procedures are especially important in marginalised contexts such as the Thai fishing industry, where victims often experience intersecting vulnerabilities related to migration, informal labour, and social exclusion (Lewis et al., 2015). Procedural justice offers a valuable framework to assess not just the legal adequacy of anti-trafficking responses, but also the relational dynamics that influence enforcement outcomes. This is further complemented by insights from victimology, which emphasise the role of trauma, power asymmetries, and institutional treatment in shaping victim behaviour and access to justice.

Complementing this, street-level bureaucracy theory (Lipsky, 1980) focuses on how frontline officials—such as police officers, labour inspectors, and social workers - exercise discretion under conditions of limited time, resources, and organisational clarity. These “street-level bureaucrats” play a crucial role in determining how laws and policies are implemented in practice. Their decisions are shaped not only by formal rules but also by routines, institutional incentives, and cultural norms (Maynard-Moody & Musheno, 2022; Hupe & Hill, 2007). In the Thai context, discretionary decisions by frontline officials often determine whether a potential trafficking case is pursued as a criminal offence, downgraded to a labour violation, or dismissed altogether (Mangkhalasiri, 2024). The theory helps unpack how frontline discretion can either facilitate or obstruct access to justice for victims, particularly when professional judgments are influenced by systemic inertia or fear of institutional reprisal.

Additionally, the crime control model (Packer, 1968) is relevant to understanding how efficiency-driven imperatives shape institutional behaviours. In systems where swift case resolution and quantifiable outcomes are prioritised, complex trafficking cases are often reframed as administrative or immigration matters. This model explains how deterrence and output-focused cultures may encourage the avoidance of legally complex or evidentially burdensome cases. Likewise, concepts from the triangle of crime (Cohen & Felson, 1979) provide insight into the structural vulnerabilities of trafficking at sea, particularly where the absence of capable guardianship enables prolonged exploitation.

Taken together, these frameworks provide an integrated lens to analyse how trafficking laws are enacted on the ground. While procedural justice theory highlights the importance of fair treatment and victim engagement, street-level bureaucracy uncovers the institutional and individual factors that shape enforcement behaviour. Supplementing these perspectives with insights from victimology (Walklate, 2012) broadens the explanatory scope and deepens the understanding of how justice is interpreted and practiced by key actors in Thailand's response to labour trafficking at sea

## 2. Objectives

- 1) To identify challenges faced by law enforcement officers in detecting and investigating labour trafficking in the fishing industry.
- 2) To examine why trafficking cases in the fishing sector often fail during investigation or prosecution.
- 3) To explore how institutional structures and frontline discretion affect victim engagement and case outcomes.

## 3. Materials and Methods

This study employs a qualitative, exploratory design to examine how Thailand's criminal justice system responds to labour trafficking in the fishing sector. Recognising the hidden, complex, and politically sensitive nature of trafficking, qualitative methods were selected to allow in-depth exploration of the experiences, discretionary practices, and institutional logics that influence case outcomes. The study is grounded in procedural justice theory (Tyler, 2006) and the street-level bureaucracy framework (Lipsky, 1980; Buffat et al., 2016), both of which emphasise the centrality of frontline decision-making in shaping institutional performance. Furthermore,

data collection was conducted in four strategically selected coastal provinces representing diverse enforcement and trafficking contexts:

- Samut Sakhon (n = 12): a central industrial hub with a high density of migrant workers, where interviews included six police officers, two labour inspectors, two NGO caseworkers, one prosecutor, and one social worker.
- Songkhla (n = 9): a southern province with significant maritime activity and international port operations, involving four police officers, two prosecutors, two labour inspectors, and one NGO advocate.
- Ranong (n = 8): a border province with extensive cross-border labour movement, including three labour inspectors, two police officers, two NGO workers, and one prosecutor.
- Chonburi (n = 9): an eastern industrial and port area with resource-intensive industries, where participants included four police officers, two prosecutors, two NGO staff, and one social worker.

In total, 38 semi-structured interviews were conducted during May 2025, using purposive and snowball sampling. Participants were selected to represent key nodes across the anti-trafficking response chain: 16 police officers, 8 labour inspectors, 6 prosecutors, 6 NGO caseworkers and advocates, and 2 social workers. Interviews lasted between 45 and 90 minutes and were conducted in Thai, either in person or via secure video conferencing, based on participant preference and availability. Interview questions explored practical experiences with case identification, evidentiary thresholds, victim engagement, institutional collaboration, and barriers to justice. This was complemented by documentary analysis of NGO reports, court case summaries, and official statistics to enhance contextualisation and triangulate findings.

Thematic analysis was employed to interpret the data (Braun & Clarke, 2006). Transcripts were inductively coded using NVivo software, and codes were iteratively refined to identify recurrent patterns and meaning. Three overarching themes were developed: (1) challenges in identifying and pursuing trafficking cases, including misclassification and rigid procedural norms; (2) systemic factors contributing to case attrition, including burdensome evidentiary requirements, re-traumatisation, and prosecutorial risk aversion; and (3) institutional structures shaping enforcement outcomes, including fragmented mandates, quota-driven incentives, and international visibility pressures. Ethical standards were upheld throughout the research process. This study received ethical approval from the Royal Police Cadet Academy Ethics Committee under protocol number FSRPCA-IRB-68023. All participants gave informed consent and were assured of confidentiality and anonymity. Given the sensitivity of the topic and the professional status of the participants, no personally identifying information is disclosed.

## 4. Results

### 4.1 Theme 1: Challenges in Identifying and Pursuing Cases (RQ1)

Across all four strategically selected provinces, from the industrial hub of Samut Sakhon to the border transit point of Ranong, participants described a formidable set of barriers at the very outset of any potential trafficking case. These challenges effectively ensure that most trafficking situations are never formally recognised as such.

#### *Misclassification Practices Driving Case Downgrades*

The most consistently reported obstacle, raised with a sense of routine inevitability by a striking majority of the 16 police officers and 8 labour inspectors interviewed, was the “downgrading” of trafficking indicators to lesser offenses. This is not an occasional oversight but a systemic practice. An experienced police officer in Samut Sakhon, a province under intense scrutiny for its seafood industry, provided a starkly honest account of the frontline thought process. He described how, upon boarding a vessel, the discovery of an expired visa or missing work permit immediately re-frames the entire encounter:

“We often see cases that are clearly abusive. But if the documents are missing or expired, it becomes an immigration issue first. There’s no time to investigate further when they have no visa.”

This quote reveals a critical triage logic: the clear-cut, easily processed administrative violation eclipses the complex, ambiguous signs of human exploitation. The case is thus “born” as an immigration file, not a trafficking investigation. This initial categorisation has profound, often irreversible consequences. One of the 6

NGO caseworkers, recounting a harrowing case in the southern port of Songkhla involving six Cambodian fishermen who were unpaid, physically abused, and without contracts, noted that:

“Their initial status in the eyes of the authorities was that of ‘illegals’. Because they didn’t complain immediately.”

This single observation highlights a core systemic failure: the onus is placed on traumatized individuals to instantly perform their victimhood in a language and manner legible to authorities, and when they fail to do so, the system defaults to punishing them for their irregular status.

Officers acknowledged that the incentive structure further reinforced this practice. One officer in Chonburi commented:

“If we charge them with immigration violations, it’s fast and easy. No need to gather evidence or go to court many times like with trafficking.”

This administrative logic is often encouraged by internal quotas or performance metrics that reward high case throughput, especially in regions under pressure to demonstrate ‘results’ to national authorities or international watchdogs.

#### *Operational Rigidity Shaped by Perceptual Biases*

The initial identification of trafficking is further undermined by a combination of rigid operational procedures and deep-seated perceptual biases among frontline officers. All 8 labour inspectors interviewed, whether working in Chonburi’s industrial ports or Ranong’s border crossings, described their work as dominated by a compliance-driven culture. An inspector explained that during a typical, time-pressed inspection of a fishing vessel, his focus is on a standardised checklist:

“We check forms, licenses, crew lists, wages – the paperwork. We don’t always ask about how they were hired or whether they’re scared. That’s not in the form.”

This procedural rigidity, designed for efficiency, actively prevents deeper inquiry. This operational barrier is magnified by a significant perceptual one. At least half of the 16 officers interviewed acknowledged that many of their peers hold a ‘Hollywood’ image of trafficking, expecting to see people in chains or overt captivity. This narrow stereotype ill-prepares them to recognise the more common realities of debt bondage and psychological coercion prevalent in the fishing industry. This was echoed by a social welfare official working closely with victims, who explained:

“They [police] think trafficking means girls locked in a room or chained. If there are no marks or screams, they assume it’s not serious.”

This cognitive shortcut directly influences how they interpret victim behaviour. The frustration was palpable in the voice of a provincial police investigator in Chonburi, who said of uncommunicative workers:

“If they don’t act like victims, it’s hard to do anything.”

This statement reveals the profound disconnect: officials are searching for a specific script of victimhood, and when workers, often paralyzed by fear or coached into silence by their exploiters, do not deliver this performance, their silence is read as an absence of abuse, providing officers with a justification to close the inquiry.

#### *Procedural Rigidity Shaped by Perceptual Biases*

Further compounding the issue is the entrenched culture of bureaucratic standardisation. Labour inspectors across all provinces described how their roles have become dominated by rigid checklists. As one inspector from Ranong put it:

“Our job is to confirm documents, not investigate stories.”

This rigidity reduces space for discretion and critical engagement with workers’ narratives. Additionally, perceptual biases hinder identification. An officer in Chonburi admitted,

“When the workers are calm and quiet, we assume everything is fine.”

Such assumptions ignore the reality that trauma and fear often manifest as silence. The expectation that trafficking victims must be visibly distressed or injured distorts the interpretation of indicators and systematically disadvantages those whose abuse is more covert. Another officer noted that when workers show fear, it is often misinterpreted:

“Sometimes they are shaking or don’t answer questions, and officers think they’re hiding something illegal, not that they’re scared.”

This further perpetuates a culture of suspicion rather than protection, especially for undocumented migrants. It seems that a dual process of misclassification and rigid operational practice – deepened by entrenched misconceptions – creates a frontline environment where the vast majority of trafficking indicators are neutralised or overlooked. These findings underscore the need for deeper training, cultural change, and re-examination of how ‘victimhood’ is operationally understood and acted upon.

#### 4.2 Theme 2: Reasons for Case Failure and Systemic Collapse (RQ2)

In the small fraction of cases that surmount the initial identification hurdles, a second wave of systemic obstacles emerges, leading to investigative stagnation and the frequent collapse of cases before they ever reach a conviction.

##### *Prohibitive Evidentiary Thresholds Driving Prosecutorial Caution*

A unanimous finding from all six public prosecutors interviewed was the chilling effect of what they perceive as impossibly high evidentiary standards for trafficking convictions. A prosecutor based in Songkhla, with over a decade of experience prosecuting labour trafficking cases, described the courtroom expectations in stark terms:

“Judges want documents, photos, and clear signs of force. But in these cases, the crime scene is the middle of the ocean, and what we often have is just the word of a scared man with nothing against a business owner with resources and lawyers. That’s not enough. It’s simply too risky for us to prosecute on that basis.”

This reluctance stems not from disinterest, but from deep institutional pressures. Another prosecutor from Chonburi elaborated on the strategic calculation involved:

“If the victim hesitates or their story isn’t completely consistent, we pull back. A high-profile trafficking acquittal looks bad on us – it can be seen as poor judgment or even recklessness in pursuing a weak case.”

These remarks reflect the systemic caution permeating prosecutorial offices, where the fear of reputational damage or failure in high-stakes cases leads to a strong preference for only the most “perfect,” evidence-laden cases. As one senior prosecutor framed it, this creates a **systemic filter**:

“We only move forward if the case is solid - solid meaning airtight. We don’t want cases that are messy or hard to explain to judges. And unfortunately, most trafficking cases are exactly that: messy.”

This anticipatory abandonment of complex but legitimate cases has far-reaching consequences. Prosecutors, operating in a risk-averse institutional culture, are disincentivised from pursuing cases that rely heavily on victim testimony or psychological evidence - despite such factors being intrinsic to many trafficking situations.

##### *System-Induced Victim Attrition and Withdrawal*

The collapse of cases is often not due to false claims or unreliable evidence, but rather to the system itself – particularly the way it interacts with victims. Both of the two social workers and all six NGO caseworkers interviewed pointed to a justice process that, rather than empowering survivors, often discourages them from staying engaged. One social worker based in Samut Sakhon described this phenomenon as an informal, unspoken rule:

“If the victim is passive and grateful, they’re supported. But if they ask questions, if they hesitate, or seem confused, they’re labelled uncooperative. I’ve seen it happen – once that label sticks, the system gives up on them.”

This punitive interpretation of trauma responses as defiance or deceit was echoed by NGO caseworkers. One staff member from a Chonburi-based NGO recounted how survivors were dropped from witness protection programmes not due to dishonesty, but for simply being difficult:

“They weren’t angry, just overwhelmed. But if they didn’t fit into this polite, thankful victim role, the officers lost interest. And if a victim breaks down in their fifth interview and says something slightly different, that’s enough to get their whole story dismissed.”

Such accounts were consistent across regions. In Samut Sakhon, caseworkers described fishermen who had endured months in shelters with little progress or communication. One caseworker recalled:

“After sitting around for weeks without updates, they gave up. They just wanted to leave. They didn’t care about the case anymore-they thought no one else did either.”

In Ranong, victims suffered emotional exhaustion from repeated interviews and reliving traumatic events. One caseworker said:

“Even small differences in their stories because they’re traumatised were used to say they were lying. It wasn’t fair. The system made it too hard to keep going.”

Collectively, these insights suggest that the prosecution process, rather than facilitating justice, often becomes a source of secondary victimisation. Without sustained support and trauma-informed practices, many victims disengage long before the legal process can proceed.

#### *Institutional Silos Disrupting Case Continuity*

Failures in case continuity were also widely attributed to institutional fragmentation. Interviewees from police, social services, labour inspection, and NGOs consistently reported poor inter-agency coordination, unclear referral processes, and duplicated or delayed actions. A labour inspector in Samut Sakhon openly admitted:

“We don’t always know when or how to hand over a case to the police. Sometimes we wait for their visit, sometimes we just report it and move on. There’s no consistent way.”

This procedural ambiguity often leads to missed follow-up or delayed intervention. A police officer in Ranong confirmed that trafficking cases are frequently referred to them only after victims have already been moved or deported:

“By the time we hear about it, it’s too late. The person is gone. No one tells us early enough to investigate properly.”

NGO caseworkers also reported that victims were routinely placed in shelters before even the most basic legal steps had been initiated. A caseworker from Chonburi described one incident where a victim was housed for ten days before an official statement was taken:

“By that point, he didn’t want to talk anymore. He felt like nothing was happening, like nobody cared. He just wanted to go home.”

An official from the Ministry of Social Development and Human Security (MSDHS) echoed these concerns, pointing to a lack of prosecutorial engagement at early stages:

“Even when a case is serious, if the prosecutor hasn’t been looped in early, it’s difficult to build momentum. Everyone works in their own lane, and the victim ends up stuck in between.”

Underlying these systemic breakdowns is the absence of shared digital infrastructure or real-time case management tools. None of the agencies had access to integrated systems for tracking victim location,

coordinating investigative steps, or sharing case status. As one senior prosecutor from the eastern region concluded:

“If we’re not all on the same page from the start – if everyone is doing their own thing – the case falls apart before it even begins. That’s the truth.”

These institutional silos not only weaken the chain of custody and delay critical procedures but also fracture trust with victims and undermine their willingness to participate. In the absence of a cohesive strategy, potentially winnable cases disintegrate due to fragmentation and neglect.

#### **4.3 Theme 3: The Influence of Overarching Institutional Structures and Practices (RQ3)**

The findings from all 38 interviews suggest that the frontline challenges identified in the previous themes are not isolated or incidental. Rather, they are symptoms of deeper, structural flaws in how anti-trafficking policy is organised, incentivised, and operationalised across institutions. The lack of systemic alignment - between goals, processes, and the lived realities of officers and victims - has resulted in a hollow architecture where anti-trafficking work is frequently undermined by its own institutional design.

##### *The Power of Misaligned Institutional Incentives and Discretion*

A central structural flaw identified by respondents across police, prosecutorial, and NGO sectors was the absence of meaningful institutional incentives to encourage thorough and sustained engagement with trafficking cases. A police officer in Samut Sakhon, reflecting on his daily workload, offered a candid assessment of the performance culture:

“We’re not evaluated on how many victims we help, or how well we investigate trafficking. That’s not what gets noticed. What gets counted is how many cases you close, how fast, and whether they’re neat.”

This was echoed by an experienced prosecutor working in the eastern provinces, who lamented the lack of structured performance benchmarks related to victim protection or trafficking convictions:

“There is no KPI for victim identification or convicting traffickers. If anything, a trafficking case just creates more work and more chances for things to go wrong. There’s no reward system for getting it right.”

In this context, discretionary avoidance of trafficking cases becomes not only understandable but institutionally rational. A police officer in Songkhla explained how officers make strategic choices about which cases to pursue:

“If it looks like trafficking, we often downgrade it. An immigration charge is done quickly, involves less risk, and we can process it with a simple report. Trafficking means a long investigation, multiple agencies, and a high chance the case falls apart or reflects badly on you.”

This logic reveals a deep institutional misalignment. Rather than promoting the long-term, collaborative, and often complex work needed to dismantle trafficking networks, the system rewards simplicity, speed, and volume. Officers are thus subtly penalised for attempting to tackle trafficking cases properly - particularly when failure can result in personal scrutiny or lost promotions. As one regional police supervisor put it:

“It’s easier to stay in your lane and avoid problems. That’s what the system teaches us.”

##### *The Crippling Effects of Systemic Fragmentation and Reactive Enforcement*

Institutional fragmentation was another persistent theme. Respondents across sectors described an anti-trafficking landscape riddled with overlaps, gaps, and unclear lines of responsibility. A caseworker from an NGO in Chonburi shared an illustrative case that collapsed due to what she termed “jurisdictional confusion”:

“Two police units thought the other was handling it. By the time they sorted it out, the victim had left the shelter and couldn’t be found. The opportunity was gone – and no one was held accountable.”

This kind of administrative disconnection, occurring at critical junctures of victim handling or investigation, results in cases literally falling through the cracks. There is no binding protocol to ensure continuity, nor a culture of shared ownership. A labour official in Samut Sakhon explained the consequence succinctly:

“Everyone has a job, but no one owns the case.”

Compounding this fragmentation is a reactive posture to enforcement. Rather than being driven by consistent internal mandates or a victim-centred mission, major anti-trafficking operations often appear to respond to external diplomatic or reputational pressures. A police officer from Bangkok reflected on the periodic bursts of activity in the sector:

“The big raids usually happen before the TIP report comes out. I remember one year everyone suddenly got mobilised, budgets approved overnight. Then once the rating improved, nothing like that happened again.”

This statement reflects a widely shared perception that anti-trafficking enforcement is more about managing international perceptions than delivering sustained justice. It is what one NGO worker in Ranong referred to as “seasonal morality” - a short-term commitment to trafficking enforcement that fades once the global spotlight moves on.

#### *A Culture of Compliance over Commitment*

Taken together, these insights point to a system that prioritises procedural compliance over genuine commitment. Officers, prosecutors, and support workers alike operate within structures that reward box-ticking rather than problem-solving. Victims, meanwhile, are left navigating a system where outcomes are driven less by the merits of their case than by the timing of international evaluations or the internal risk tolerance of law enforcement personnel. As one senior NGO director summarised:

“It’s not that we don’t have laws or policies. It’s that the people tasked with applying them are not structurally supported to do so. They’re not protected when cases fail, they’re not promoted when they succeed, and they’re often left alone to carry the weight.”

This overarching structural weakness acts as both a cause and a reinforcer of the failures seen at the frontline level. Without meaningful reforms to performance metrics, institutional incentives, and operational coordination, frontline actors will remain trapped in a system that subtly - but powerfully - discourages meaningful anti-trafficking work.

## **5. Discussion**

### *Gaps Between Legal Commitments and Victim-Centred Practice*

The findings from this research illustrate a substantial gap between Thailand’s robust legislative frameworks against trafficking and their practical implementation. Drawing on the conceptual lenses of procedural justice (Tyler, 2006) and street-level bureaucracy (Lipsky, 1980), the analysis reveals systemic dysfunctions in both victim engagement and frontline enforcement practices. First, the study’s findings highlight pervasive procedural injustice experienced by trafficking victims, as underscored by NGO workers and social service officials across all four provinces. For instance, NGO caseworkers in Samut Sakhon and Chonburi reported that victims often experience dismissive or punitive interactions with authorities, particularly when their immigration status is in question. This aligns with the broader literature indicating that procedural injustice significantly reduces victim cooperation and trust in legal processes (Murphy & Cherney, 2012; Tyler, 2006; OHCHR, 2017; Mangkhalasiri et al., 2026). The theory of procedural justice helps explain why even legally correct procedures fail to result in positive outcomes if victims perceive unfairness in their treatment. When officials focus on control, suspicion, or punitive gestures instead of respectful dialogue, victims may become disengaged or hostile, thus weakening the investigative process. This insight is especially critical in trafficking contexts, where trust and victim testimony are essential to successful case progression. Victimological perspectives further highlight how trauma, fear, and power imbalance shape non-linear victim responses that are often misinterpreted as non-cooperation (Walklate, 2012).

### *Frontline Rigidity and Discretion in Case Handling*

Additionally, findings reveal significant operational rigidity among frontline enforcement actors, such as labour inspectors and marine police, which prevents effective victim identification. Interviews with labour inspectors across Ranong and Chonburi clearly demonstrated how checklist-driven inspections prioritise documentation over the nuanced realities of trafficking. This pattern mirrors broader research showing how inspection protocols in Southeast Asia often overlook lived realities in favour of administrative compliance (Buffat et al., 2016; Marschke & Vandergeest, 2016; LeBaron, 2021). From the perspective of street-level bureaucracy, these practices are not random but rational responses to structural constraints faced by frontline officials (Lipsky, 1980; Maynard-Moody & Musheno, 2022). Within the framework, discretion is understood as a tool of adaptation officers must navigate limited resources, conflicting directives, and organisational pressures. Their decision to downgrade cases or focus on tangible infractions like documentation violations reflects an underlying logic of institutional survival rather than legal fidelity. This suggests that any attempt to reform anti-trafficking enforcement must address the structural pressures and performance environments in which discretion is exercised. Also, officers from Samut Sakhon and Songkhla clearly articulated a preference for handling cases as administrative immigration violations rather than complex trafficking investigations. This coping strategy is also noted in comparative research across human rights enforcement contexts (Gallagher & Ezeilo, 2015). Again, street-level bureaucracy theory explains this pattern: when legal mandates are ambiguous or demand high effort with uncertain rewards, frontline actors retreat to the most defensible and least risky course of action. This explains why trafficking is frequently downplayed despite strong legal commitments individual discretion, shaped by workload, evaluation systems, and institutional culture, governs real-world enforcement. This is also consistent with the Crime Triangle (Cohen & Felson, 1979), where the absence of a capable guardian in this case, an adequately trained and institutionally supported enforcement actor - enables the continued exploitation of vulnerable victims by motivated offenders, particularly in remote, unmonitored maritime spaces.

### *Prosecutorial Hesitancy and Fragmented Enforcement Pathways*

Furthermore, the evidentiary challenges articulated by prosecutors in Songkhla and Chonburi further compound these enforcement issues. Prosecutors described prohibitive evidentiary thresholds, whereby judges expect tangible evidence such as documents or clear signs of coercion often unattainable in maritime contexts. This high evidentiary bar reinforces prosecutorial caution, creating a system where only the strongest cases are pursued, while many genuine cases are prematurely abandoned. This phenomenon of “anticipatory abandonment” is well documented in literature on prosecutorial discretion and trafficking law implementation (Gallagher & Ezeilo, 2015; UNODC, 2022). Procedural justice theory adds that victims sensing procedural bias or neglect are unlikely to cooperate, thereby reinforcing evidentiary gaps and further discouraging prosecution. The two theories thus interact: lack of victim engagement (due to procedural injustice) increases frontline and prosecutorial discretion to abandon cases (as predicted by street-level bureaucracy). Moreover, systemic fragmentation and poor inter-agency coordination were repeatedly highlighted by interviewees as significant barriers to successful case outcomes. Labour inspectors in Samut Sakhon and police officers in Ranong described ambiguous referral procedures and disjointed workflows, confirming previous findings about institutional fragmentation within Southeast Asian enforcement contexts (Buffat et al., 2016; Marschke & Vandergeest, 2016; Stringer et al., 2016). From a theoretical perspective, fragmented systems make it harder for street-level actors to interpret their responsibilities clearly, increasing their reliance on discretion and ad hoc decision-making. At the same time, procedural justice is undermined when victims are bounced between institutions or face conflicting responses from different agencies, further eroding trust in the system.

### *Structural Disincentives and Performance Culture*

At a structural level, the findings underscore how misaligned institutional incentives further perpetuate ineffective enforcement. Officers in Songkhla and prosecutors in Chonburi explicitly noted that performance metrics rarely reflect victim identification or successful trafficking convictions. Instead, quantitative indicators, such as the number of cases processed or immigration violations handled, dominate evaluations. This finding supports broader critiques of superficial anti-trafficking performance metrics (LeBaron, 2020; Stringer et al., 2016; Chuang, 2014). Within Lipsky’s framework, these skewed incentives push officials to pursue easier outcomes, such as document infractions, which can be resolved quickly and count towards performance

benchmarks, even if they miss deeper exploitation. Theories of street-level bureaucracy suggest that unless evaluation systems reward meaningful engagement with complex cases, discretion will continue to be used to minimise rather than confront trafficking. These conditions are consistent with the crime control model's emphasis on speed, efficiency, and conviction rates - reinforcing institutional tendencies to avoid complex or risky cases (Packer, 1968).

#### *International Pressures and Performative Compliance*

Finally, findings also highlight enforcement practices influenced by external scrutiny, notably the U.S. TIP Report. Police officers from Songkhla described periodic enforcement surges corresponding to international evaluations, implying that policy responses are reactive rather than consistently proactive. This reflects research on "policy symbolism," where enforcement is driven more by international pressure than a genuine commitment to comprehensive reform (Gallagher, 2017; Chuang, 2014). Such externally-driven surges often result in hurried or performative action, undermining both procedural fairness and frontline discretion. Victims caught in these reactive cycles may experience heightened suspicion or hurried processing, further eroding their sense of justice.

#### *Intersecting Theoretical Insights and the Path Forward*

Taken together, the application of procedural justice and street-level bureaucracy theories provides a coherent explanation for the findings. Procedural justice helps us understand how the treatment of victims whether respectful and inclusive or dismissive and adversarial shapes not only individual cooperation but also systemic legitimacy. Street-level bureaucracy theory, in turn, explains how organisational environments, institutional fragmentation, and mismatched incentives distort frontline enforcement. These two perspectives complement each other: while one highlights the relational dynamics of justice, the other exposes the structural and practical conditions that shape them. Their combined use illustrates that improving trafficking responses in Thailand requires not only better laws but also institutional reform grounded in accountability, coherence, and respect for victims. Victimological frameworks further reveal how structural risk factors, institutional neglect, and trauma-excluding practices perpetuate the invisibility of trafficking cases (Walklate, 2012). Their combined use illustrates that improving trafficking responses in Thailand requires not only better laws but also institutional reform grounded in accountability, coherence, and respect for victims.

## **6. Recommendations**

### *Redesign Frontline Practices*

Shift inspections from compliance-focused checks to victim-centred identification processes. The Ministry of Labour and the Royal Thai Police should mandate trauma-informed training for all inspectors and officers involved in port inspections. Interpreter availability should be ensured by the Ministry of Social Development and Human Security, and private, safe interviews should be standardised in accordance with ILO (2020) guidelines. Victims must be treated in line with the non-punishment principle from the first point of contact. Furthermore, frontline officers must also be made clearly aware of their legal duties in handling trafficking cases, including correct case classification and their responsibility to avoid mischaracterising trafficking as immigration or labour fraud offences. Clear accountability mechanisms should be introduced to ensure supervisory responsibility in cases of official misconduct. Local political and organised crime influences should be acknowledged in future risk assessments.

### *Empower Prosecution*

The Office of the Attorney General should issue formal prosecutorial guidelines affirming that corroborated victim testimony can be sufficient for labour trafficking convictions, as endorsed by OHCHR (2017). Prosecutors in key coastal provinces should be designated and trained as trafficking specialists. Legal directives should require prosecutors to actively uphold the non-punishment principle and prevent charges from being brought against identified victims.

### *Realign Institutional Incentives*

Institutional performance indicators should shift from quantitative outputs (e.g. number of inspections or arrests) to qualitative justice outcomes. Agencies should develop KPIs that include the number of trafficking victims identified, the level of victim support provided, and the proportion of cases that lead to prosecution. To

promote shared accountability, agencies should jointly develop and monitor these indicators across institutional boundaries. Joint KPIs will help align efforts and foster effective coordination in complex trafficking responses. This realignment should be guided by evidence-based practices from governance research (LeBaron, 2020; Mangkhalasiri, 2024; Khruakham & Mangkhalasiri, 2019).

#### *Institutionalise Multi-Agency Coordination*

The Ministry of Justice should lead the development of binding Standard Operating Procedures (SOPs) for trafficking cases, outlining the roles of police, labour inspectors, prosecutors, and social workers. Shared digital case management systems should be introduced and piloted in hotspot provinces to track cases from identification through to aftercare. Regular multi-agency review meetings should be held to ensure sustained coordination.

#### *Establish Independent Oversight*

A permanent independent monitoring mechanism should be established under the National Human Rights Commission, tasked with auditing anti-trafficking enforcement efforts in the fishing sector. This body should include representatives from government agencies, NGOs, and academic experts, and should publish annual evaluations based on data audits, victim interviews, and stakeholder feedback to promote systemic learning and accountability.

### **7. Conclusion**

This study set out to explore the disjuncture between Thailand's formal anti-trafficking commitments and the reality of labour trafficking in the fishing industry. Drawing on procedural justice and street-level bureaucracy theories, it examined how frontline discretion, institutional incentives, and inter-agency dynamics influence the identification, investigation, and prosecution of trafficking cases. The analysis responded to three research questions: (1) the challenges law enforcement officers face in identifying and pursuing cases, (2) the reasons for frequent investigative and prosecutorial failures, and (3) the institutional structures shaping victim engagement and justice outcomes.

Findings indicate that systemic implementation failures, rather than legislative gaps, underpin Thailand's weak criminal justice response to trafficking at sea. Frontline officers frequently downplay potential trafficking as administrative violations due to pressures for efficiency, mirroring Lipsky's (1980) theory of street-level discretion and echoing prior research (LeBaron, 2020, 2021). Where cases are recognised, procedural justice is often compromised by mistrust of victims, evidentiary burdens, and risk-averse prosecution strategies (Tyler, 2006; Gallagher & Ezeilo, 2015). Institutional fragmentation and performative enforcement driven by international scrutiny further erode the system's ability to deliver justice (Stringer et al., 2016; Gallagher, 2017). This entrenched dysfunction manifests across the three research questions. RQ1 highlighted how routine practices and incentives dissuade officials from identifying trafficking. RQ2 exposed the evidentiary, procedural, and cultural barriers to case progression. RQ3 revealed that systemic misalignments such as fractured inter-agency coordination and misaligned performance metrics undermine victim engagement and sustained enforcement. To build a more effective anti-trafficking response, reforms should go beyond policy declarations. They should address the operational realities of frontline discretion, institutional incentives, and inter-agency accountability. A coordinated, trauma-informed, and victim-centred approach is needed to align Thailand's legal commitments with meaningful action at sea and onshore.

However, this study has limitations. First, while interviews were conducted across four provinces, they may not fully capture the diversity of experiences in more remote or underrepresented regions. Second, the perspectives of trafficking victims themselves were not directly included due to ethical and safety constraints, which limits insights into victim experiences of justice. Future research should seek to incorporate survivor narratives and examine longitudinal case trajectories to assess how justice outcomes evolve over time. Comparative studies across sectors and countries would also enrich understanding of how context-specific factors shape the effectiveness of anti-trafficking systems.

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