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# **The Objective Element of The Offence of Human Trafficking: Issues Concerning Acts of Transportation, Transfer and Harboursing**

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## **Abstract**

The offence of human trafficking and in particular trafficking in minors, raises complex issues of legal qualification that stem from the interplay between aggravating circumstances and the objective structure of the offence. This article undertakes a doctrinal analysis of the aggravating circumstances specific to child trafficking and of their impact on the legal classification of acts involving transportation, transfer and harbouring. While international and European legal instruments impose enhanced standards of protection for minors, national criminal law practice continues to encounter interpretative difficulties in delineating the scope and relevance of these constitutive acts within the objective element of the offence. The study is guided by the following research question: how should aggravating circumstances and the acts constituting the objective element of trafficking in minors be interpreted in order to ensure coherent legal qualification and respect for the principle of legality in criminal law? The analysis proceeds from the premise that trafficking in minors constitutes a qualified form of the offence, in which the presence of aggravating circumstances intensifies criminal liability independently of the victim's consent. Particular attention is paid to the legal characterisation of transportation, transfer and harbouring, examining whether these acts require physical movement, temporal continuity, or a specific degree of control over the victim.

Through a systematic and dogmatic approach grounded in criminal law theory and supported by relevant jurisprudence, the article argues that an overly restrictive interpretation of the objective element risks fragmenting the offence and undermining its preventive function. The paper concludes that a coherent interpretation of aggravating circumstances and objective acts is essential for legal certainty, uniform judicial practice and effective protection of minors within the framework of anti-trafficking criminal legislation.

**Keywords:** Trafficking In Minors; Aggravating Circumstances; Objective Element of The Offence; Legal Qualification of Acts; Acts of Transportation, Transfer and Harboursing