



# The offender's intent and the victim's apparent consent in the crime of human trafficking: an analysis from the perspective of legal psychology

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## Abstract

Human trafficking is a complex criminal phenomenon that cannot be fully understood through legal analysis alone, as it involves profound psychological dynamics affecting both offenders and victims. This article explores the subjective dimension of the offence of human trafficking by examining the offender's intent and the victim's apparent consent from the perspective of legal psychology. While criminal law frameworks, including international and European instruments, formally establish the irrelevance of victim consent when coercive or abusive means are employed, judicial practice continues to reveal uncertainty in interpreting situations in which victims appear to cooperate or initially consent to recruitment or exploitation.

The central research question guiding this analysis concerns how the offender's intent and the victim's apparent consent should be understood through psychological mechanisms in order to support accurate legal qualification and effective victim protection. From a legal psychology standpoint, the offender's intent is conceptualized as a deliberate cognitive-volitional process that involves anticipating, exploiting, and maintaining control over the victim by leveraging vulnerability, dependency, and psychological manipulation. Apparent consent, in turn, is examined as a behavioral outcome shaped by constrained choice rather than genuine autonomy, often resulting from processes such as trauma bonding, learned helplessness, emotional dependence, or survival-oriented compliance.

By integrating psychological theories of coercion, decision-making under constraint, and victim behavior with legal reasoning, the article highlights the risk of misinterpretation when apparent consent is assessed without considering the underlying psychological context. The analysis emphasizes the importance of recognizing psychological coercion as a key factor in evaluating criminal intent and victim behavior. The article concludes that a legal psychology approach is essential for preventing secondary victimization, improving evidentiary assessment, and ensuring that the application of anti-trafficking laws aligns with both psychological reality and human-rights-based standards.

**Keywords:** legal psychology; criminal intent; apparent victim consent; psychological coercion; victim vulnerability