

LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

The Urgency of Drafting an Omnibus Law for the Protection of Vulnerable Groups Women and Children

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Abstract. *The protection of women and children as vulnerable groups constitutes a constitutional obligation of the state that must be realized through an effective, coherent, and victim-oriented legal system. However, the existence of various sectoral regulations, such as the Child Protection Law, the Law on the Elimination of Domestic Violence, the Law on the Eradication of Human Trafficking, and the Law on Sexual Violence Crimes, has created overlapping legal provisions, fragmented institutional authority, and procedural complexities in case handling. These conditions have resulted in delays in law enforcement processes, the emergence of sectoral ego among institutions, and obstacles to the fulfillment of victims' rights. This study aims to analyze the overlapping regulatory framework governing the protection of vulnerable groups, examine its impact on victims' access to justice, and formulate the concept of an Omnibus Law as a solution for integrating the protection system in Indonesia. The research employs a normative legal research method using statutory and conceptual approaches. Data were collected through library research consisting of primary and secondary legal materials and were analyzed qualitatively. The findings reveal that regulatory fragmentation has generated legal uncertainty, prolonged bureaucratic procedures in case management, and increased the risk of revictimization of victims. Therefore, the enactment of an Omnibus Law on the Protection of Vulnerable Groups is urgently needed to integrate various sectoral regulations into a single, harmonized, and comprehensive legal framework centered on victim recovery. Through this approach, a more effective protection system can be established, ensuring legal certainty, strengthening inter-agency coordination, and guaranteeing prompt, accessible, and dignified access to justice for women and children who are victims of violence and exploitation.*

Keywords: *Fragmentation; Justice; Law; Legal; Protection.*

LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

1. Introduction

As a state governed by the rule of law and founded upon Pancasila and the 1945 Constitution, Indonesia bears a constitutional obligation to protect all its citizens without exception. This obligation becomes increasingly critical when addressing members of vulnerable groups, particularly women and children. From both sociological and structural perspectives, these groups often possess limited bargaining power due to physical vulnerability, economic dependency, and social inequalities. Such conditions place them in highly susceptible positions, making them frequent targets of serious human rights violations, including domestic violence, human trafficking, and various forms of sexual violence.

In response to the increasing prevalence of violence and exploitation against vulnerable groups, the Government and the House of Representatives have enacted numerous special laws (*lex specialis*) over the past two decades. Important legal instruments have emerged, including the Child Protection Law, the Law on the Elimination of Domestic Violence, the Law on the Eradication of Human Trafficking, and most recently, the Law on Sexual Violence Crimes. At first glance, the proliferation of these legislative products demonstrates the state's commitment to protecting vulnerable individuals.

However, the reality of law enforcement reveals a paradox. Rather than providing swift and integrated protection, the abundance of sectoral regulations has created what legal scholars often describe as “regulatory obesity” or hyper-regulation. The existence of numerous legal instruments with differing criminal provisions, institutional mandates, and procedural mechanisms frequently results in normative conflicts and administrative inefficiencies. This situation is further aggravated by strong sectoral interests among law enforcement agencies and government institutions, each of which tends to prioritize the procedures established within its own legal framework. Consequently, the state's intention to protect victims often transforms into a bureaucratic labyrinth that is confusing and exhausting for those seeking justice.

Jurisdictional confusion and overlapping regulations become particularly evident in cases involving multiple dimensions of criminal conduct. For example, a case involving a minor girl who suffers physical abuse by her parents and is subsequently sold to a prostitution network for commercial sexual exploitation may simultaneously fall under the Child Protection Law, the Domestic Violence Law, the Human Trafficking Law, and the Sexual Violence Crimes Law. The overlapping application of these laws frequently creates uncertainty regarding prosecution strategies, victim recovery mechanisms, and institutional responsibilities, thereby delaying the delivery of justice.

The Urgency of Drafting an Omnibus ...
(Marvelous)

LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

To address these legal and bureaucratic complexities, Indonesia requires a substantial legal reform. Although the concept of an Omnibus Law has primarily been associated with investment, labor, and economic reforms, as reflected in the Job Creation Law, its fundamental purpose is to simplify and harmonize fragmented legal frameworks. Therefore, the Omnibus Law approach is not only applicable but also urgently needed in the field of human rights protection to streamline legal procedures and ensure more effective protection for victims of violence and exploitation.

Based on these concerns, this article examines the urgency of establishing an Omnibus Law on the Protection of Vulnerable Groups in Indonesia. Through the integration, harmonization, and simplification of various sectoral laws into a unified legal framework, the protection system for women and children can become more coherent and effective. Such reform would not only eliminate overlapping institutional authorities but also ensure that the legal system prioritizes justice, victim recovery, and human dignity.

2. Research Methods

This study employs a normative legal research method, focusing on the examination of statutory regulations, legal doctrines, and relevant legal theories. The research adopts a statutory approach to analyze overlapping legal provisions within existing legislation and a conceptual approach to formulate the idea of an Omnibus Law for the protection of vulnerable groups. The data utilized in this research consist entirely of library materials, including primary legal sources such as the 1945 Constitution and laws related to the protection of women and children, as well as secondary legal materials including legal textbooks, scholarly journals, and expert opinions. All collected materials were analyzed qualitatively and presented descriptively to facilitate a comprehensive understanding of the issues discussed.

3. Results and Discussion

3.1. The Current Condition of Overlapping Legal Protection Regulations

The legal framework governing the protection of vulnerable groups, particularly women and children, remains highly fragmented. As new forms of crime emerge, legislators have continuously enacted sector-specific laws, including the Child Protection Law, the Domestic Violence Law, the Human Trafficking Law, and the Sexual Violence Crimes Law. While these laws reflect the state's commitment to addressing specific forms of victimization, their coexistence has also generated considerable legal complexity.

The Urgency of Drafting an Omnibus ...
(Marvelous)

LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

A fundamental issue lies in the fact that each law was enacted during different periods and was designed independently, resulting in varying definitions of victims, evidentiary requirements, and institutional responsibilities. For instance, one law may emphasize the role of the Ministry of Social Affairs, while another assigns primary responsibility to the Ministry of Women's Empowerment and Child Protection. The absence of a coherent framework linking these regulations has created a fragmented protection system.

As a consequence, law enforcement officials frequently encounter jurisdictional uncertainty when handling complex cases. While the principle of *lex specialis derogat legi generali* generally resolves conflicts between general and specific laws, Indonesia increasingly faces conflicts among multiple special laws. Determining which law should take precedence often requires extensive administrative deliberation.

Consider a case involving an underage wife who is subjected to domestic abuse and forced into commercial sexual exploitation by her husband. Such conduct may simultaneously violate the Domestic Violence Law, the Child Protection Law, the Human Trafficking Law, and the Sexual Violence Crimes Law. Determining the most appropriate legal basis becomes a significant challenge, affecting victim assistance mechanisms and procedural outcomes.

Ultimately, these regulatory overlaps undermine the efficiency of law enforcement. Resources that should be dedicated to victim protection, asset recovery, and criminal investigation are often diverted toward resolving bureaucratic and legal conflicts, resulting in delayed responses and reduced effectiveness.

3.2. The Impact of Legal Fragmentation on Victims' Access to Justice

The fragmented legal framework has severe consequences for victims seeking justice. Women and children who escape violence and exploitation should receive immediate support through an integrated protection system. Instead, they are frequently confronted with a complicated bureaucratic process involving multiple institutions and procedures.

One of the most significant consequences is revictimization. Due to the absence of a coordinated mechanism, victims are often required to repeatedly recount their traumatic experiences to police investigators, social workers, medical professionals, prosecutors, and victim protection agencies. This repetitive process exacerbates psychological trauma and hinders recovery.

Furthermore, legal fragmentation delays the fulfillment of victims' urgent rights, including emergency medical treatment, psychological counseling, and restitution. Institutional barriers

The Urgency of Drafting an Omnibus ...
(Marvelous)

LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

and overlapping mandates frequently prevent the prompt delivery of services, leaving victims in prolonged uncertainty.

For economically disadvantaged victims with limited legal knowledge, bureaucratic complexity often becomes an insurmountable obstacle. Many victims ultimately withdraw complaints or accept inadequate settlements because they lack the resources necessary to navigate the legal system.

Consequently, rather than facilitating justice, the existing legal framework often creates barriers that prevent vulnerable individuals from obtaining meaningful protection and redress. This demonstrates the urgent need for a more integrated and victim-centered legal system.

3.3. The Omnibus Law as a Solution for Integrated Protection

Given the bureaucratic inefficiencies and victim hardships caused by overlapping regulations, the establishment of an Omnibus Law on the Protection of Vulnerable Groups represents a rational and progressive solution. Although Omnibus Laws in Indonesia have primarily been associated with economic reforms, the legislative method itself is designed to simplify and harmonize complex legal frameworks.

Conceptually, an Omnibus Law would revoke, amend, and consolidate overlapping provisions from existing legislation, including the Domestic Violence Law, the Child Protection Law, the Human Trafficking Law, and the Sexual Violence Crimes Law, into a single, coherent legal instrument. Such integration would eliminate contradictory provisions and establish a unified framework applicable to all relevant institutions.

This legislative reform would also standardize key legal concepts, including definitions of violence, exploitation, and victims' rights. A unified procedural framework would eliminate uncertainty regarding the application of multiple special laws and significantly accelerate criminal investigations and prosecutions.

Perhaps the most significant advantage of an Omnibus Law is the integration of institutional responsibilities. The law could mandate the establishment of legally binding one-stop service centers that combine law enforcement, social services, victim protection, and psychological support within a single coordinated mechanism.

Ultimately, the implementation of an Omnibus Law would transform the handling of violence and exploitation cases involving women and children into a system that is more efficient, accessible, and victim-friendly. Rather than trapping victims within a rigid bureaucracy, the legal

The Urgency of Drafting an Omnibus ...
(Marvelous)

LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

system would return to its fundamental purpose: delivering justice, restoring dignity, and protecting human rights.

4. Conclusion

Law exists to protect people, not to burden them with excessive and complicated regulations. Given the persistent prevalence of violence and exploitation against women and children, Indonesia can no longer maintain a fragmented protection system characterized by overlapping legislation. The establishment of an Omnibus Law on the Protection of Vulnerable Groups is therefore an urgent necessity. A legislative approach that has been widely utilized to facilitate investment and economic development should also be prioritized for humanitarian purposes and the protection of fundamental rights. Through an Omnibus Law, the state can eliminate sectoral barriers, streamline victim recovery mechanisms, and provide effective, prompt, and dignified justice for Indonesian women and children.

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The Urgency of Drafting an Omnibus ...
(Marvelous)



LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

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The Urgency of Drafting an Omnibus ...
(Marvelous)