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

Reconstructing the State's Constitutional Responsibility in Protecting Women and Child Victims of Human Trafficking in Indonesia

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Abstract. *Human trafficking constitutes one of the most serious and complex forms of human rights violations in the era of globalization. This crime not only deprives individuals of their freedom but also violates fundamental human rights, particularly those of women and children who are among the most vulnerable groups to become victims. Although Indonesia has adopted various national and international legal instruments aimed at combating the crime of human trafficking, trafficking practices continue to persist through increasingly sophisticated and evolving methods. This condition indicates the existence of a gap between legal norms and the implementation of state protection mechanisms. This study aims to analyze the constitutional basis of the state's responsibility in protecting women and child victims of human trafficking and to formulate a more effective reconstruction model of protection from the perspective of constitutional law. This research employs a normative juridical method using statutory, conceptual, and human rights approaches. The findings reveal that the state's responsibility is not limited merely to establishing legal regulations but also encompasses constitutional obligations to prevent trafficking, protect victims, provide recovery mechanisms, and ensure the sustainable fulfillment of victims' rights. Therefore, a reconstruction of a more integrated constitutional protection system is required through regulatory harmonization, institutional strengthening, and the optimization of victim recovery mechanisms.*

Keywords: *Constitutional; Human; Law; Responsibility; Trafficking.*

1. Introduction

Indonesia, as a country based on the rule of law, places the protection of human rights as one of the primary objectives of governance. The principle of the rule of law, as stipulated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, implies that the state is

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obliged to guarantee the protection of the basic rights of every citizen without discrimination.¹ In this context, women and children are groups that require special protection because they have a higher level of vulnerability to various forms of exploitation, including the crime of human trafficking.²

Human trafficking has become one of the most threatening forms of transnational crime in the 21st century. This crime involves not only sexual exploitation but also forced labor, modern slavery, forced marriage, economic exploitation, and even the trade in human organs.³ Various studies show that women and children remain the most frequently victimized groups due to poverty, low levels of education, gender inequality, and weak access to legal protection.⁴

From a human rights perspective, human trafficking is a serious violation of the right to life, liberty, security, and freedom from degrading treatment.⁵ Therefore, the international community has established various legal instruments to combat this crime, including the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the Convention on the Rights of the Child (CRC).⁶

Indonesia has demonstrated its commitment through the ratification of various international instruments and the establishment of several national regulations, including Law No. 21 of 2007 concerning the Eradication of the Crime of Human Trafficking, Law No. 35 of 2014 concerning Child Protection, and Law No. 12 of 2017 concerning the Ratification of the ASEAN Convention Against Trafficking in Persons, Especially Women and Children.⁷ However, the existence of these various legal instruments has not been fully able to provide optimal protection to victims.⁸

Various studies show that the implementation of protection for victims of human trafficking still

¹ Jimly Asshiddiqie, 2018, *The Indonesian Constitution and Constitutionalism*, Jakarta: Sinar Grafika, p.145.

² lin Ratna Sumirat, "Legal Protection for Women and Children Victims of Human Trafficking", *Al Ahkam*, Vol. 13 No. 2 (2017), p.131.

³ Ernita Harefa, "Protection of Victims of Human Trafficking in Indonesia from the Perspective of International Human Rights Law", *Jurnal Hukum Justice*, Vol. 3 No. 2 (2026), p.42.

⁴ Kurniati Siregar, "Legal Protection of Women as Victims of Trafficking under the Provisions of Law No. 12 of 2017", *De Lega Lata*, Vol. 7 No. 1 (2022), p.78.

⁵ Bambang Waluyo, 2022, *Victimology: Protection of Victims and Witnesses*, Jakarta: Sinar Grafika, p. 67.

⁶ Yordan Gunawan et al., "UN Palermo Protocol's Implementation on the Legal Protection of Street Children Trafficked in Indonesia", *Novelty Law Journal*, Vol. 13 No. 2 (2022), p. 118.

⁷ Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking.

⁸ Ahmad Syaafi, "Legal Protection for Women and Children Victims of Human Trafficking", *Muwazah*, Vol. 3 No. 2 (2011), p. 49.

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faces various obstacles, such as weak coordination between institutions, limited access for victims to rehabilitation and restitution, and a less than optimal post-trial recovery system.⁹In many cases, victims are still positioned as evidence in criminal proceedings, while their psychological, social, and economic needs have not received adequate attention.¹⁰From a constitutional law perspective, these problems indicate a gap between the state's constitutional obligations and the implementation of protection provided to citizens. Article 28B paragraph (2), Article 28D paragraph (1), Article 28G paragraph (1), and Article 28I paragraph (4) of the 1945 Constitution of the Republic of Indonesia firmly positions the state as the party responsible for protecting human rights, including the rights of women and children.¹¹Thus, protection for victims of human trafficking is not only an administrative obligation of the government, but also a constitutional obligation that must be realized through concrete state policies and actions.¹²

Previous research has generally focused on criminal law, victim protection, and the implementation of laws and regulations. Yordan Gunawan's research focuses on the implementation of the Palermo Protocol to protect child victims of human trafficking.¹³Kurniati Siregar's research examines the protection of female victims of human trafficking based on the ASEAN Convention Against Trafficking in Persons.¹⁴Meanwhile, several other studies have focused more on criminal penalties and legal protection for victims after a crime has occurred.¹⁵Studies specifically analyzing state responsibility from a constitutional law perspective are still relatively limited, requiring further research.

Based on the above description, this study aims to analyze the constitutional basis of the state's responsibility in protecting women and children victims of human trafficking in Indonesia and to formulate a more effective model for reconstructing constitutional protection to ensure the fulfillment of victims' rights in a just and sustainable manner.

⁹ Raphael Andriano & Ade Adhari, "Reform of the Implementation of Legal Protection for Child Victims of Human Trafficking", *Syntax Literate*, Vol. 10 No. 7 (2025), p. 12.

¹⁰ Nelsa Fadilla, "Legal Protection Efforts for Children as Victims of Human Trafficking Crimes", *Journal of Law and Justice*, Vol. 5 No. 2 (2016), p. 188.

¹¹ 1945 Constitution of the Republic of Indonesia.

¹² Jimly Asshiddiqie, 2021, *Introduction to Constitutional Law*, Jakarta: Rajawali Pers, p. 232.

¹³ Yordan Gunawan et al., *Op.Cit.*, p. 121.

¹⁴ Kurniati Siregar, *Op.Cit.*, p. 82.

¹⁵ Andi Jefri Ardin & Beniharmoni Harefa, "Fulfillment of the Rights of Child Victims of Human Trafficking", *Suara Hukum Journal*, Vol. 3 No. 1 (2021), p. 180.

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2. Research Method

This research uses a normative legal research method that focuses on examining the legal norms governing the state's responsibility to protect women and children who are victims of human trafficking. The approaches used include a statutory approach, a conceptual approach, and a human rights approach.¹⁶ A legislative approach is used to examine various legal instruments related to the protection of women and children, both from national and international law. The regulations analyzed include the 1945 Constitution of the Republic of Indonesia, Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking, Law Number 35 of 2014 concerning Child Protection, and various international instruments ratified by Indonesia.¹⁷ A conceptual approach is used to analyze the concepts of the rule of law, the welfare state, constitutional responsibility, and constitutional protection as a theoretical basis for assessing the implementation of state responsibilities.¹⁸ Meanwhile, a human rights approach is used to examine the state's obligation to respect, protect, and fulfill the rights of women and children as vulnerable groups.¹⁹ The legal materials used consist of primary, secondary, and tertiary legal materials. Primary legal materials consist of laws and regulations and international legal instruments. Secondary legal materials consist of books, reputable national and international scientific journals, research results, and academic documents relevant to the research object. Tertiary legal materials consist of legal dictionaries, legal encyclopedias, and other supporting sources.²⁰ The legal materials were collected through library research. Furthermore, all legal materials were analyzed qualitatively using descriptive-analytical methods to gain a comprehensive understanding of the state's constitutional responsibility to protect women and children victims of human trafficking in Indonesia.²¹

3. Results and Discussion

3.1. Constitutional Basis for State Responsibility in Protecting Women and Children

The Constitution is the supreme source of law, serving as the basis for all state administration. In a democratic state governed by the rule of law, the Constitution serves not only as an instrument for limiting power but also as an instrument for protecting human rights.

¹⁶ Soerjono Soekanto & Sri Mamudji, *Normative Legal Research: A Brief Review*, Jakarta: Rajawali Pers, 2019, p. 13.

¹⁷ Peter Mahmud Marzuki, 2021, *Legal Research*, Jakarta: Kencana, p. 133.

¹⁸ Satjipto Rahardjo, 2014, *Legal Studies*, Bandung: Citra Aditya Bakti, p. 58.

¹⁹ Rhona KM Smith et al., 2018, *Human Rights Law*, Yogyakarta: PUSHAM UII, p. 41.

²⁰ Johnny Ibrahim, 2017, *Theory and Methodology of Normative Legal Research*, Malang: Bayumedia, p. 296.

²¹ Zainuddin Ali, 2022, *Legal Research Methods*, Jakarta: Sinar Grafika, p. 107.

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²²Therefore, the protection of women and children victims of human trafficking must be understood as part of the state's constitutional obligations, stemming directly from the 1945 Constitution of the Republic of Indonesia.

Article 28B paragraph (2) of the 1945 Constitution of the Republic of Indonesia affirms that every child has the right to survive, grow and develop and has the right to protection from violence and discrimination. ²³This provision shows that the state has an active obligation to guarantee the protection of children from various forms of exploitation, including human trafficking. This protection cannot be interpreted narrowly as protection only after a crime has occurred, but also includes systematic and ongoing preventive measures.

In addition, Article 28G paragraph (1) of the 1945 Constitution of the Republic of Indonesia guarantees that every person has the right to protection of themselves, their families, their honor, their dignity, and their property under their control, and has the right to a sense of security and protection from the threat of fear to do or not do something that is a basic human right. ²⁴This norm is the constitutional basis for the state to guarantee the security of women and children from the threat of human trafficking which can rob them of their freedom and human dignity.

Furthermore, Article 28I paragraph (4) of the 1945 Constitution of the Republic of Indonesia expressly states that the protection, advancement, enforcement, and fulfillment of human rights are the responsibility of the state, especially the government. ²⁵This provision shows that the state cannot remain passive in the face of various forms of human rights violations. The state is obliged to take concrete action through the formation of regulations, law enforcement, provision of victim recovery services, and development of public policies capable of preventing human trafficking.²⁶

From the perspective of welfare state theory, the state plays a role not only as a guardian of legal order (*nachwachterstaat*), but also as a protector of public welfare. ²⁷The welfare state concept positions the government as the primary actor responsible for ensuring the fulfillment of citizens' basic rights, including the right of women and children to live safely and free from

²² Jimly Asshiddiqie, 2018, *The Indonesian Constitution and Constitutionalism*, Jakarta: Sinar Grafika, p. 58.

²³ Article 28B paragraph (2) of the 1945 Constitution of the Republic of Indonesia.

²⁴ Article 28G paragraph (1) of the 1945 Constitution of the Republic of Indonesia.

²⁵ Article 28I paragraph (4) of the 1945 Constitution of the Republic of Indonesia.

²⁶ Moh. Mahfud MD, 2020, *Building Legal Politics to Uphold the Constitution*, Jakarta: Rajawali Pers, p. 91.

²⁷ Bagir Manan, 2019, *Development of Thought and Regulation of Human Rights in Indonesia*, Bandung: Alumni, p. 44.

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exploitation. Therefore, the state's failure to provide effective protection for victims of human trafficking can be seen as a failure to fulfill its constitutional mandate.

The Constitutional Court, in various decisions, has also emphasized that protecting human rights is one of the primary objectives of Indonesia's rule of law.²⁸ This constitutional interpretation strengthens the argument that the policy of protecting women and children victims of human trafficking is not merely a sectoral policy, but rather a direct implementation of the state's constitutional obligations as mandated by the 1945 Constitution of the Republic of Indonesia.

Based on the above description, it can be understood that the constitutional basis for the protection of women and children who are victims of human trafficking is not only based on provisions regarding human rights, but also comes from the principles of the rule of law, the principles of the welfare state, and the state's constitutional obligation to guarantee the protection and fulfillment of the basic rights of every citizen.

3.2. State Responsibility from the Perspective of Welfare State and Human Rights-Based Approach

The concept of a welfare state positions the state as not only responsible for maintaining security and order, but also for ensuring the welfare and protection of citizens' basic rights.²⁹ In a modern welfare state, protection of vulnerable groups is a key indicator of the state's success in fulfilling its constitutional functions. Therefore, women and children victims of human trafficking must be viewed as subjects entitled to comprehensive protection from the state, not simply objects of public policy.

From a human rights perspective, the state's responsibility towards victims of human trafficking can be analyzed through three primary obligations: the obligation to respect, the obligation to protect, and the obligation to fulfill.³⁰ The obligation to respect requires the state to refrain from actions that result in human rights violations. The obligation to protect requires the state to prevent third parties from violating the rights of citizens. The obligation to fulfill requires the state to take legislative, administrative, judicial, and policy measures to ensure the rights of victims are fulfilled.³¹

In the context of human trafficking, the state's obligations extend beyond establishing

²⁸ Constitutional Court Decision Republic of Indonesia Number 006/PUU-IV/2006.

²⁹ Jimly Asshiddiqie, 2010, *The Indonesian Constitution and Constitutionalism*, Sinar Grafika, Jakarta, p.125.

³⁰ Rhona KM Smith, 2013, *Human Rights Law*, Pusham UII, Yogyakarta, p.57.

³¹ Manfred Nowak, 2003, *Introduction to the International Human Rights Regime*, Martinus Nijhoff Publishers, Leiden, p.68.

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regulations and punishing perpetrators. The state is also obligated to provide medical rehabilitation, psychological rehabilitation, legal aid, restitution, compensation, social reintegration, and economic empowerment for victims.³² This approach, known as the victim-centered approach, places the victim at the center of the legal protection system.

The ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP) even emphasizes that states have a responsibility to comprehensively prevent, protect, and rehabilitate victims of human trafficking.³³ However, the implementation of this obligation still faces various challenges in Indonesia, resulting in protections not fully meeting international human rights standards.

Thus, the concept of the welfare state and the human rights-based approach emphasizes that protection for women and children who are victims of human trafficking is not a form of state mercy, but rather a constitutional obligation and legal obligation that binds all state organs.

3.3. Gaps in the Implementation of Protection for Women and Children Victims of Human Trafficking in Indonesia

Although Indonesia has a relatively comprehensive regulatory framework, various studies show that the implementation of protection for victims of human trafficking still faces numerous obstacles.³⁴ One major issue is the persistently high rate of human trafficking, with women and children being the primary victims. This situation indicates that a repressive approach through criminal prosecution of perpetrators has not been fully effective in reducing human trafficking rates.

Another gap is evident in inter-institutional coordination. Handling human trafficking victims involves various institutions, including the police, prosecutors, courts, the Ministry of Social Affairs, the Ministry of Women's Empowerment and Child Protection, local governments, and witness and victim protection agencies. However, in practice, coordination between these institutions is often suboptimal, resulting in slow victim protection and recovery processes.³⁵

Furthermore, victims' access to restitution and compensation remains relatively low. Many

³² Rika Saraswati, Legal Protection for Women and Children Victims of Human Trafficking, *Jurnal Media Hukum*, Vol. 23, No. 2 (2016), p. 145.

³³ ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP), 2015, Article 14, p.12.

³⁴ Farhana, Legal Protection for Victims of Human Trafficking in Indonesia, *Jurnal RechtsVinding*, Vol. 6, No. 2 (2017), p.203.

³⁵ Muhammad Joni and Zulchaina Z. Tanamas, *Legal Aspects of Child Protection from the Perspective of the Convention on the Rights of the Child*, Citra Aditya Bakti, Bandung, 1999, p.89.

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court decisions impose criminal penalties on perpetrators without effective restitution for victims. As a result, victims do not receive adequate economic recovery despite having suffered significant physical, psychological, and social losses.³⁶

Another problem is the limited availability of rehabilitation and social reintegration services for victims. Most policies still focus on legal proceedings against perpetrators, while victim recovery often receives inadequate attention. In many cases, victims find themselves in a vulnerable situation, potentially leading to re-victimization or re-victimization.³⁷

The development of digital technology also presents new challenges in human trafficking prevention efforts. Perpetrators are increasingly utilizing social media, instant messaging apps, and digital platforms to covertly recruit victims. This situation demonstrates that existing protection frameworks need to adapt to the increasingly complex modus operandi of these crimes.³⁸

Based on these various issues, it can be concluded that there is a significant gap between established legal norms and the effectiveness of their implementation. This gap indicates that the protection approach currently implemented has not fully realized the state's constitutional responsibility to women and children victims of human trafficking.

3.4. Reconstruction of the Constitutional Protection System Model as an Effort to Strengthen State Responsibility

To strengthen protection for women and children victims of human trafficking, a constitutional protection system is needed. This concept places the constitution as the primary foundation for designing all victim protection policies, ensuring that every state action is clearly oriented toward fulfilling human rights.

The first step in reconstruction is strengthening constitutionally based prevention policies. The state needs to establish an early detection system for vulnerable groups, particularly women

³⁶ Rika Saraswati, Protection of Victims of Human Trafficking in the Indonesian Legal System, Jurnal Media Hukum, Vol. 24, No. 1 (2017), p. 94.

³⁷ Henny Nuraeny, The Crime of Human Trafficking: Criminal Law Policy and Prevention, Sinar Grafika, Jakarta, 2013, p.157.

³⁸ Yustina Trihoni Nalesti Dewi, "Human Trafficking in the Digital Era and the Challenges of Victim Protection," Indonesian Legislation Journal, Vol. 19, No. 2 (2022), p. 176.

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and children from poor families, underdeveloped regions, and areas with high migration rates.³⁹

The second reconstruction is carried out through strengthening victim protection institutions. This requires the establishment of an integrated national coordination system between the central government, regional governments, law enforcement agencies, and victim protection institutions. This coordination model must have clear operational standards to prevent overlapping authority or gaps in protection.

The third reconstruction is carried out by strengthening access to justice for victims. The state must guarantee the availability of free legal aid, effective restitution mechanisms, and judicial procedures oriented toward victim protection. This approach is crucial to ensure that victims do not experience repeated victimization during the legal process.⁴⁰

The fourth reconstruction is carried out through harmonization of national regulations with international human rights standards. This harmonization is necessary to ensure that all national legal instruments accommodate the principles of victim protection developed in international law, including non-discrimination, the best interests of the child, and victim-centered justice.⁴¹

The fifth reconstruction is carried out through the use of digital technology in prevention and victim protection efforts. The state needs to establish a digital surveillance system, strengthen cyber patrols, and collaborate across borders to identify human trafficking networks operating through digital platforms.⁴²

Through the implementation of the constitutional protection system, the state's responsibility is no longer understood as merely a normative obligation, but is instead realized in concrete, integrated policies that are oriented towards fulfilling the rights of women and children who are victims of human trafficking in a sustainable manner.

3.5. Comparative Constitutional Approach in ASEAN Countries: Lessons for Indonesia

The comparative constitutional law approach is an important method for assessing the effectiveness of a legal protection system by comparing it to the legal systems of other countries

³⁹ Satjipto Rahardjo, 2009, *Law and Social Change: A Theoretical Review and Experiences in Indonesia*, Genta Publishing, Yogyakarta, p.94.

⁴⁰ Didik Endro Purwoleksono, 2014, *Victim Protection Law*, Airlangga University Press, Surabaya, p.76.

⁴¹ Philip Alston and Franz Magnis-Suseno, 2008, *Human Rights Law*, Center for Human Rights Studies, Islamic University of Indonesia (PUSHAM UII), Yogyakarta, p.133.

⁴² Susan W. Brenner, *Cybercrime and Digital Law Enforcement Challenges*, *Journal of Technology Law and Policy*, Vol. 16, no. 2 (2011), p. 89.

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with similar characteristics. ⁴³In the context of protecting women and children victims of human trafficking, ASEAN countries face relatively similar challenges, namely high population mobility, economic inequality, labor migration, and the increasingly complex development of transnational crime. Therefore, the experiences of ASEAN countries can serve as an evaluation tool for Indonesia in strengthening its constitutional protection system for victims of human trafficking.

Indonesia has constitutionally guaranteed human rights protection through Chapter XA of the 1945 Constitution of the Republic of Indonesia. Furthermore, Indonesia has also enacted Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking as the main instrument in combating human trafficking. However, various reports indicate that the implementation of victim protection still faces obstacles in the form of weak coordination between institutions, limited victim rehabilitation, and low effectiveness of restitution.

Unlike Indonesia, Malaysia adopts a more integrated approach through the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007 (ATIPSOM), which specifically regulates victim identification mechanisms, temporary protection, rehabilitation, and cross-agency coordination. ⁴⁴The Malaysian government also established the Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrants (MAPO), which serves as a national coordination center for eradicating human trafficking. The existence of this specialized institution allows for more effective policy coordination compared to the sectoral coordination model currently implemented in Indonesia.

Meanwhile, the Philippines is often viewed as one of the ASEAN countries with a relatively progressive system for protecting victims of human trafficking. Through Republic Act No. 9208, the Anti-Trafficking in Persons Act, which was later strengthened by Republic Act No. 10364, the Philippines developed a victim-centered approach. ⁴⁵The state provides rehabilitation services, legal aid, witness protection, job skills training, and structured social reintegration programs. This approach demonstrates that the success of combating human trafficking depends not only on punishing perpetrators but also on the state's success in restoring victims' well-being.

Constitutionally, all three countries share a common recognition of the importance of human rights protection. However, there are differences in the implementation of victim protection

⁴³ Vicki C. Jackson, 2018, *Comparative Constitutional Law*, New York: Foundation Press, p. 23.

⁴⁴ Norfadhilah Mohamad Ali & Azizah Mohd, "Malaysia's Response to Human Trafficking under ATIPSOM", *Malayan Law Journal*, Vol. 4 (2021), p. 78.

⁴⁵ Marlon Manuel, "The Philippines Anti-Trafficking Framework and Victim Protection Mechanism", *Asian Journal of International Law*, Vol. 11 No. 2, 2022, p. 211.

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policies. Indonesia tends to focus on repressive aspects through law enforcement, while Malaysia and the Philippines have begun developing a more comprehensive approach by integrating prevention, protection, and victim recovery policies.⁴⁶

Table Comparison of Protection Systems for Victims of Human Trafficking in Indonesia, Malaysia and the Philippines

Aspect	Indonesia	Malaysia	Philippines
Base Law	Law No. 21 of 2007	ATIPSOM 2007	RA No. 9208 and RA No. 10364
Policy Focus	Enforcement Law	Prevention Coordination	And Victim Protection
Institution Special	Not yet Integrated	MAPO	Inter-Agency Council Against Trafficking
Victim Restitution	Limited	Available	More Effective
Rehabilitation of victims	Not yet optimal	Structured	Very Structured
Approach Main	Criminal Justice Approach	Integrated Approach	Protection Victim-Centered Approach

Based on this comparison, it can be concluded that Indonesia still needs to strengthen its integrated victim protection system. The experiences of Malaysia and the Philippines demonstrate that the success of protecting women and children victims of human trafficking is determined not only by the existence of regulations, but also by effective institutional coordination and victim-centered policies.

3.6. Future Policy Direction and Constitutional Reform

The increasingly complex nature of human trafficking requires the state to implement policy reforms that are more adaptive to the challenges of the times. From a constitutional law perspective, these reforms must be directed at strengthening the state's constitutional responsibility to guarantee the protection of human rights, particularly for women and children as vulnerable groups.⁴⁷

The first policy direction that needs to be implemented is regulatory reform to eradicate human trafficking by harmonizing the various laws and regulations that are still scattered across various legal sectors. This harmonization is necessary to create legal certainty and strengthen the

⁴⁶ Anne Gallagher, **The International Law of Human Trafficking**, Cambridge University Press, 2021, p. 315.

⁴⁷ Mahfud MD, 2020, *Building Legal Politics to Uphold the Constitution*, Jakarta: Rajawali Pers,, p. 154.

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effectiveness of victim protection.⁴⁸

Second, the role and authority of the Witness and Victim Protection Agency (WPPA) in providing protection to victims of human trafficking is needed to be strengthened. Victim protection often only lasts during the judicial process, while long-term recovery needs are not fully addressed. Therefore, the authority of the WPPA needs to be expanded to include post-court-decision support.

Third, Indonesia needs to consider developing a constitutional complaint mechanism as an instrument for protecting citizens' constitutional rights. Through this mechanism, victims whose constitutional rights are not effectively protected can file constitutional complaints as a form of check on the state's actions or omissions in fulfilling its human rights protection obligations.⁴⁹

Fourth, strengthening digital monitoring systems is an urgent need given the increasing number of human trafficking cases that utilize social media and digital platforms as a means of recruiting victims. The government needs to develop a Digital Trafficking Monitoring System (DTMS) integrated with law enforcement, child protection agencies, and local governments to detect human trafficking activities early.

Fifth, strengthening the role of local governments needs to be a priority in policies to protect women and children. As the party closest to the community, local governments have a strategic position in implementing prevention through education, outreach, community economic empowerment, and monitoring vulnerable groups that could potentially become victims of human trafficking.⁵⁰

Sixth, the government needs to establish an integrated national database system for human trafficking victims. Currently, victim data is scattered across various institutions, complicating monitoring, evaluation, and evidence-based policy development. The establishment of a national data system will assist the government in formulating more targeted and sustainable policies.

With these various reforms, the state's responsibility to protect women and children no longer stops at the normative level, but is realized in a constitutional protection system that is effective, adaptive, and oriented towards fulfilling human rights comprehensively.

⁴⁸ Bagir Manan, 2019, *Development of Thought and Regulation of Human Rights in Indonesia*, Bandung: Alumni, p. 91.

⁴⁹ Jimly Asshiddiqie, 2021, *Introduction to Constitutional Law*, Jakarta: Rajawali Pers, p. 287.

⁵⁰ Rhona KM Smith, 2022, *Textbook on International Human Rights*, Oxford University Press, p. 402

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4. Conclusion

Human trafficking is form violation right basic threatening human dignity, freedom, and rights base Woman as well as child as the most vulnerable groups. Based on perspective law order state, protection to Woman And child victims of human trafficking are obligation constitutional source country from Article 28B paragraph (2), Article 28D paragraph (1), Article 28G paragraph (1), and Article 28I paragraph (4) of the Law The 1945 Constitution of the Republic of Indonesia. Responsibility answer country No only limited on formation regulations and enforcement law to the perpetrator, but also covers obligation for prevent, protect, restore, and fulfil victims' rights in general sustainable. However however, still there is gap between norm law and implementation protection shown by weakness coordination between institutions, low victim's access to restitution and rehabilitation, as well as emergence various modes of human trafficking based on digital technology. By Because that, is necessary reconstruction of the constitutional protection system model that places victim protection as orientation main policy country through strengthening system prevention, harmonization regulations national with standard right basic man international, strengthening institutional victim protection, expansion access justice, and utilization digital technology in effort prevention and countermeasures human trafficking. With thus, responsibility answer constitutional country can realized in a way more effective in ensure protection Woman And child victims of human trafficking in Indonesia.

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