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Asset Recovery and Victim Restitution in Combating Human Trafficking in Indonesia

Muhammad Tawil
Faculty of Law, Universitas Islam Sultan Agung (UNISSULA), Semarang, Indonesia, muhammadtawil@gmail.com

Abstract. *This study aims to analyse the integration of the anti-money-laundering regime and asset recovery into the effort to combat human trafficking and to fund the restitution of women and children who become its victims in Indonesia. A normative legal method was employed, combining statutory, conceptual, and comparative approaches based on primary legal sources and peer-reviewed journals. The findings show that human trafficking is a predicate offence of money laundering, so that a follow-the-money approach—financial investigation, asset tracing, and asset recovery—can both dismantle trafficking networks and generate funds for victim restitution. However, the framework remains fragmented: restitution under the Anti-Trafficking Law is rarely realised, the asset-recovery regime is oriented toward punishing offenders rather than restoring victims, and a non-conviction-based forfeiture mechanism is not yet available. Examined through the value of justice and the objective of protecting property (ḥifẓ al-māl), the study concludes that strengthening asset recovery and channelling recovered assets to victims—supported by transnational cooperation—would produce a more just and victim-centred framework for protecting women and children.*

Keywords: *Asset; Justice: Recovery; Restitution; Trafficking.*

1. Introduction

Human trafficking is a complex transnational organised crime that crosses jurisdictional boundaries and reflects a systemic failure to protect human rights, with women and children consistently forming the demographic most frequently

Victimized (Hidayatullah and Melisa, 2022). Beyond its human cost, trafficking is also an immensely profitable enterprise, generating illicit proceeds that are laundered into the legitimate economy, which means that combating it effectively requires attention not only to

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the perpetrators but also to the money that motivates them.

Indonesia has built a legal framework against trafficking through Law Number 21 of 2007 on the Eradication of the Crime of Trafficking in Persons, which guarantees victims the right to restitution; yet the realisation of that right remains far from optimal (Nining Indah Tri Safitri, Mahrus Ali, and Wafda Aafiya Hidaya, 2024). The gap between the normative promise of restitution and its delivery is one of the clearest weaknesses of the current system, particularly for women and children who rarely recover what they have lost (Article 48 of Law Number 21 of 2007 on the Eradication of the Crime of Trafficking in Persons, State Gazette of the Republic of Indonesia of 2007 Number 58)

A promising response lies in the *follow-the-money* approach. Because the proceeds of trafficking are typically laundered, trafficking constitutes a predicate offence under Law Number 8 of 2010 on the Prevention and Eradication of the Crime of Money Laundering, which allows law enforcement to trace, freeze, and seize criminal assets (Article 2 paragraph (1) of Law Number 8 of 2010 on the Prevention and Eradication of the Crime of Money Laundering, State Gazette of the Republic of Indonesia of 2010 Number 122). The asset-based approach is regarded as strategic precisely because organised crime is sustained by its financial flows, so that cutting those flows weakens the network at its root (Lonna Yohanes Lengkong, 2023).

Asset recovery, however, is not only an instrument of deterrence; it can also be a source of redress. If assets recovered from traffickers are channelled to victims, the financial dimension of enforcement becomes a direct vehicle for restitution and rehabilitation. Yet the prevailing orientation of the asset-recovery regime remains focused on punishing offenders and recovering state losses rather than on restoring victims, which raises a question of justice. (Gumilang Fuadi, et all., 2023).

This tension is especially acute for trafficking of migrant workers, women, and children, where victims bear lasting harm while the financial gains of the crime are dispersed and concealed. Studies of restitution for trafficking victims show that, despite a clear statutory basis, the actual delivery of restitution is hampered by weak coordination and the difficulty of tracing offenders' assets (Wahyu Trihartanto and Nur Fatmawati Octarina, et all., 2025). This is precisely where a robust asset-recovery mechanism, linked to victim restitution, could make a decisive difference.

The originality of this study lies in approaching trafficking through its financial anatomy rather than solely through its bodily harm. Because every trafficking network is ultimately a profit-seeking enterprise, depriving offenders of their illicit proceeds and redirecting those proceeds to victims addresses the crime at the point where it is most vulnerable and where redress is most

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tangible. Framing this through the value of justice connects the technical machinery of asset recovery to the constitutional and ethical obligation to restore the dignity of women and children.

Based on the foregoing, this study aims to analyse how the anti-money-laundering regime and asset recovery can be integrated into the effort to combat human trafficking and to fund the restitution of women and children, and to formulate, through the value of justice, a reform that places victims at the centre of the financial dimension of enforcement.

2. Research Methods

This research applies a normative legal method (*yuridis normatif*), examining legal norms, principles, and doctrines relevant to asset recovery and victim restitution in trafficking cases. It combines the statutory approach, the conceptual approach, and a comparative approach between national positive law and the value of justice in Islamic law (Peter Mahmud Marzuki, 2017). Primary legal materials consist of the relevant statutes, while secondary legal materials comprise peer-reviewed journal articles and authoritative legal literature; the materials are gathered through documentary study and analysed qualitatively and descriptively.

3. Results and Discussion

3.1. Human Trafficking, Money Laundering, and the Follow-the-Money Approach

The first premise of an asset-based response is that trafficking and money laundering are intimately linked. Traffickers seek to conceal the origin of their proceeds by layering them through bank accounts, high-value assets, and cross-border transfers, so that the illicit gains can be enjoyed without revealing the underlying crime. Recognising this, Indonesian law designates trafficking in persons as one of the predicate offences of money laundering, which opens the door to financial investigation alongside the ordinary criminal process.

Under Law Number 8 of 2010, suspicious financial transactions must be reported to and analysed by the Financial Transaction Reports and Analysis Centre, which functions as the hub of the anti-money-laundering regime and as the starting point for tracing criminal assets.[11] The reporting of suspicious transactions by financial service providers thus becomes the first line of detection, enabling investigators to map the financial footprint of trafficking networks even where the predicate crime is difficult to prove directly.

The anti-money-laundering regime in Indonesia developed as a response to the growing complexity of laundering and to the need for an enforcement approach that does not merely punish offenders but also severs illegal financial flows through asset recovery (Yenti Garnasih, 2020). Because trafficking is organised, cross-sectoral, and exploitative of gaps in the financial system, an asset-based approach is particularly well suited to dismantling it.

In practice, however, the financial dimension of trafficking cases is frequently neglected. Investigations tend to focus on the physical acts of exploitation and on prosecuting individual offenders, while the tracing of proceeds and the parallel financial investigation are not pursued systematically, allowing the wealth generated by trafficking to remain hidden. The result is that traffickers may be convicted while their assets—and thus the means to compensate victims—remain beyond reach.

To appreciate this link, the offence of trafficking must be read carefully. Trafficking is constructed from three cumulative elements—the act, the means, and the purpose of exploitation—and the law expressly recognises a broad range of exploitation, from sexual exploitation and forced labour to the removal of organs (Article 1 and Article 2 of Law Number 21 of 2007 on the Eradication of the Crime of Trafficking in Persons). Each of these forms generates revenue, and it is this revenue that traffickers must launder, which is precisely why a financial lens is so powerful: the money trail often survives even when victims are too frightened or too far away to testify.

Money laundering itself proceeds through recognisable stages—placement, layering, and integration—by which illicit proceeds are introduced into the financial system, distanced from their criminal origin through successive transactions, and finally absorbed into the legitimate economy. Understanding these stages allows investigators to intervene at multiple points, freezing funds at placement or unravelling complex layers to reconstruct the flow of trafficking proceeds.

The financial intelligence function is central to this task. Reporting parties such as banks and other financial service providers are obliged to submit reports on suspicious and cash transactions, which the financial intelligence unit analyses and forwards to investigators, transforming scattered data into actionable leads. In trafficking cases, where conventional evidence is often fragile, this financial intelligence can corroborate the existence of an exploitation enterprise and identify the assets available for eventual restitution. The neglect of this dimension therefore represents a missed opportunity both for conviction and for victim recovery.

Understanding how trafficking proceeds are laundered also assists detection. Such proceeds are commonly moved through cash-intensive businesses, layered across multiple accounts,

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remitted through informal channels, or converted into real estate and other high-value assets, each technique aimed at distancing the money from its criminal source. Mapping these typologies enables investigators to anticipate where assets are likely to be hidden and to direct tracing efforts efficiently, which is decisive when the goal is not only conviction but the recovery of value for victims.

Certain financial indicators serve as red flags of trafficking. Accounts controlled by a third party on behalf of several supposed workers, payments that do not match a declared business, the rapid movement of funds across borders, and structuring designed to avoid reporting thresholds can all signal an exploitation enterprise. When financial service providers and the intelligence unit treat these indicators seriously, the financial system itself becomes an early-warning mechanism that can expose networks preying on women and children before the harm deepens.

The laundering of trafficking proceeds typically follows three stages: placement, in which illicit cash enters the financial system; layering, in which the funds are moved through successive transactions to obscure their origin; and integration, in which the proceeds re-enter the economy with an appearance of legitimacy. Each stage offers a point at which financial intelligence and asset tracing can interrupt the flow of money and expose the network behind the crime.

Because trafficking generates proceeds that are routinely laundered, it functions as a predicate offence under the anti-money-laundering regime, which empowers the Financial Transaction Reports and Analysis Centre and law-enforcement agencies to detect suspicious transactions, trace assets, and pursue forfeiture. From the perspective of justice, this asset-based response is significant because it shifts the focus of enforcement from the body of the victim to the wealth of the offender, addressing the economic engine that drives exploitation.

This approach is also consistent with international standards. The recommendations of the Financial Action Task Force and the obligations arising from the United Nations Convention against Transnational Organized Crime encourage states to criminalise money laundering, to enable the confiscation of criminal proceeds, and to cooperate across borders in recovering assets (Yenti Garnasih, 2016). Aligning the national framework with these standards strengthens both the deterrence of trafficking and the capacity to fund victim restitution from recovered wealth.

3.2. Asset Recovery as a Vehicle for Victim Restitution

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Restitution is a statutory right of trafficking victims. The Anti-Trafficking Law entitles victims to restitution for losses suffered, and this right is reinforced for child victims by a dedicated implementing regulation governing the procedure for restitution to children who become victims of crime (Government Regulation Number 43 of 2017 on the Implementation of Restitution for Children Who Become Victims of Crime). The Witness and Victim Protection Agency plays a central role in facilitating claims for restitution and compensation, situating victims as rights-bearing subjects within the criminal process.

The difficulty is that restitution is only meaningful if there are assets from which it can be paid. In trafficking cases, offenders frequently dissipate or conceal their proceeds, so that even a court order for restitution cannot be executed, and victims are left without remedy. This is why linking restitution to asset recovery is essential: the assets traced and seized through the anti-money-laundering regime can become the fund from which victims are actually compensated.

Asset recovery proceeds through identifiable stages—tracing, freezing, seizure, confiscation, and finally the return or distribution of assets—and it is at the final stage that the interests of victims can be served. A crucial limitation, however, is that Indonesian law still relies largely on conviction-based forfeiture, which fails when the offender absconds, dies, or cannot be convicted, leaving the assets untouched.

For this reason, the introduction of a non-conviction-based forfeiture mechanism—allowing the state to recover criminal assets through a civil-style proceeding directed at the assets themselves—has been advocated as a means of closing the gap, in line with international standards. From the standpoint of justice, an asset-recovery regime that recovers wealth for the state while leaving victims uncompensated is incomplete, since true justice requires that those who suffered the harm be made whole.

It is useful to distinguish the forms of redress available to victims. Restitution is paid by the offender for losses directly suffered, compensation may be provided by the state in certain cases, and rehabilitation addresses medical and psychosocial recovery; together they constitute a layered scheme of victim protection. For children, the implementing regulation on restitution sets out a specific procedure through which the claim is calculated, ordered, and enforced, reflecting the heightened protection that minors are owed.

Yet a restitution order that cannot be executed is of little value to a victim. Where the offender's assets have been concealed, transferred to third parties, or moved abroad, the court's order becomes symbolic, and the victim—often a woman or child with limited resources—cannot pursue enforcement alone. This enforcement gap is the practical reason why restitution must

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be tied to the machinery of asset recovery, which possesses the tools to locate and seize hidden wealth.

Comparative practice offers instructive models. In several jurisdictions, recovered criminal assets are paid into a dedicated victim-compensation or asset-recovery fund, from which restitution is disbursed even before the lengthy process of individual enforcement is complete. Such a fund decouples the victim's recovery from the solvency and cooperation of the individual offender, and it embodies the principle that the proceeds of crime should serve those whom the crime has harmed.

If the assets recovered from traffickers were systematically channelled toward victims, restitution would cease to be a hollow promise and become a funded entitlement. The statutory right to restitution under the Anti-Trafficking Law could then be financed from the very proceeds of the crime, transforming asset recovery into a restorative rather than a purely punitive instrument. This linkage is particularly vital for migrant workers, women, and children, whose losses are severe and whose access to compensation is otherwise limited.

A further reform that would reinforce this linkage is the recognition of non-conviction-based asset forfeiture, by which assets may be seized on proof of their illicit origin even where a criminal conviction cannot be secured. The long-pending Asset Forfeiture Bill is intended to provide this mechanism, and its enactment would close a significant gap in the recovery of trafficking proceeds. As a matter of *ius constituendum*, such a framework would align Indonesia with international best practice and expand the pool of resources available for victim restitution.

3.3. Protecting Women and Children Through Financial Remedies and Transnational Cooperation

Women and children are not victims by coincidence but by structure, as gender inequality, poverty, and dependency place them in positions of vulnerability that trafficking networks deliberately exploit. Their protection is reinforced by specific legislation: Law Number 35 of 2014 on Child Protection obliges the state to protect children from every form of exploitation (Article 59 and Article 76I of Law Number 35 of 2014 on the Amendment to Law Number 23 of 2002 on Child Protection), while Law Number 12 of 2022 on the Crime of Sexual Violence strengthens victim-oriented procedure and the right to restitution and recovery for women and children (Law Number 12 of 2022 on the Crime of Sexual Violence, State Gazette of the Republic of Indonesia of 2022 Number 120).

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For these groups, financial remedies are not abstract. Recovered assets can fund medical and psychosocial rehabilitation, education, and reintegration, transforming asset recovery from a purely punitive instrument into a tool of care. A victim-centred orientation therefore measures success not by the severity of punishment but by the degree to which victims regain their dignity and rights.

Because trafficking and its laundered proceeds are transnational, no single state can address them alone. Indonesia has ratified the United Nations Convention against Transnational Organized Crime and its Palermo Protocol (Law Number 5 of 2009 on the Ratification of the United Nations Convention against Transnational Organized Crime, and Law Number 14 of 2009 on the Ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children), and these instruments, together with the recommendations of the Financial Action Task Force, oblige states to cooperate in tracing, freezing, and returning criminal assets across borders through mutual legal assistance

Effective protection of women and children thus depends on aligning domestic asset-recovery mechanisms with international cooperation, so that assets hidden abroad can be repatriated and applied to victim restitution. Without such alignment, traffickers can defeat domestic remedies simply by moving their proceeds offshore.

The vulnerability of these groups is compounded when trafficking is disguised as legitimate labour migration. Women and children recruited through deceptive job offers may be moved across borders before exploitation becomes apparent, and by then both the victims and the proceeds may lie in another jurisdiction. Financial remedies are therefore inseparable from the international dimension: the money that could compensate a trafficked woman is frequently held abroad, beyond the reach of purely domestic enforcement.

International standards address precisely this problem. The Financial Action Task Force recommendations require states to enable the tracing, freezing, confiscation, and return of criminal assets, and to cooperate through mutual legal assistance, while the relevant conventions oblige parties to assist one another in asset recovery. Aligning Indonesian practice with these standards—including asset-sharing arrangements and expedited mutual legal assistance—would allow assets concealed offshore to be repatriated and applied to the restitution of women and children, closing a loophole that traffickers currently exploit with ease.

3.4. Toward a Just and Victim-Centred Reform

The analysis points to the need for reform grounded in the value of justice. An asset-recovery

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regime that is formally robust but practically oriented away from victims does not yet satisfy the demands of justice, which require certainty, benefit, and fairness to operate together. Reform should therefore prioritise the systematic conduct of parallel financial investigations in every trafficking case, the introduction of non-conviction-based forfeiture, and the establishment of a clear legal channel directing recovered assets to victim restitution.

This orientation resonates with the objectives of Islamic law. Among the five essential values of the *maqāṣid al-sharīʿah* is the protection of property (*ḥifẓ al-māl*), which condemns the unlawful acquisition of wealth and supports its restoration to those entitled, while the protection of life and lineage underscores the gravity of trafficking in human beings (Yulies Tiena Masriani, 2025). The recovery of illicit assets and their return to victims can thus be understood as an expression of justice (*ʿadālah*) and of the public welfare (*maṣlaḥah*) that the law is meant to secure.

Concretely, the reform agenda has three pillars. First, the financial dimension of trafficking must be treated as integral rather than incidental, with mandatory parallel financial investigation and close cooperation between law enforcement and the financial intelligence unit. Second, the legal framework should provide a dedicated mechanism—including non-conviction-based forfeiture and a victim-compensation fund—so that recovered assets reach the victims rather than remaining with the state alone. Third, domestic reform must be matched by strengthened transnational cooperation to recover assets concealed abroad.

Taken together, these pillars would shift the Indonesian framework from an offender-centred and state-loss-oriented model toward one that is victim-centred and just, in which the pursuit of criminal wealth directly advances the protection and recovery of women and children. In this way, the financial expertise of following the money is placed at the service of human dignity rather than merely of punishment.

The demand for justice can be articulated more precisely. Legal theory locates justice alongside legal certainty and benefit as the goals that law must reconcile, and an asset-recovery regime satisfies none of them fully if it secures certainty for the state while denying benefit and fairness to victims. A regime that recovers wealth yet leaves the trafficked woman or child uncompensated privileges form over substance; genuine justice requires that recovery translate into the restoration of those who were harmed.

Islamic legal theory reinforces this conclusion from another direction. The protection of property within the objectives of Islamic law is not a licence for accumulation but a safeguard of lawful ownership that simultaneously condemns wealth obtained through oppression (*ẓulm*), so that proceeds wrung from the exploitation of human beings can claim no legitimate protection. Returning such proceeds to their victims therefore realises both justice (*ʿadālah*) and the public welfare (*maṣlaḥah*) that the law exists to protect, uniting national and religious-ethical reasoning behind a single reform.

3.5. Comparative Reflection and Institutional Strengthening

A comparative reflection reinforces the direction of reform. Many jurisdictions have adopted non-conviction-based forfeiture, which proceeds against the assets themselves rather than against a convicted person, enabling recovery where the offender has fled, died, or cannot be tried. This model, recommended by international bodies and reflected in the long-debated asset-forfeiture bill, would close the most damaging gap in the Indonesian regime, in which acquittal or absence of the offender currently shields criminal wealth from recovery.

Institutional strengthening is equally essential, because a sound legal framework fails without the capacity to apply it. Effective asset recovery in trafficking cases requires close coordination among the police, the prosecution, the financial intelligence unit, and the victim-protection agency, as well as investigators trained to read financial records and to follow complex transactional trails. The presence of professionals who combine financial and legal expertise is therefore a concrete protective asset, since they can translate the language of accounts and transactions into admissible proof and into the identification of recoverable wealth.

This is the point at which expertise in financial and economic analysis directly serves the protection of women and children. The same analytical skills used to detect tax and financial crime can be deployed to uncover the laundering of trafficking proceeds, to value the harm suffered by victims, and to ensure that recovered assets are distributed fairly. Bridging financial expertise and criminal justice thus offers Indonesia a realistic path to making restitution effective rather than merely promised.

Finally, the comparative and the religious-ethical perspectives converge. Whether approached through the value of justice, through international standards, or through the objectives of Islamic law that protect both life and property, the conclusion is the same: the proceeds of trafficking must be taken from those who exploit and returned to those who suffer. An asset-recovery regime designed around this principle would transform a technical financial mechanism into a meaningful instrument of human protection.

At the institutional level, Indonesia already possesses building blocks that can be strengthened. The financial intelligence unit anchors the detection of suspicious flows, while the prosecution service has issued internal guidance on asset recovery that establishes procedures for tracing

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and restoring the proceeds of crime (Regulation of the Attorney General Number 7 of 2020 on Guidelines for Asset Recovery). Embedding trafficking cases explicitly within these asset-recovery procedures, and obliging investigators to open a parallel financial inquiry whenever exploitation is suspected, would convert existing capacity into concrete protection for victims.

The most significant structural reform remains the enactment of a dedicated asset-forfeiture law incorporating a non-conviction-based mechanism, which is presently advocated as legislation to be enacted (*ius constituendum*). Such a law would allow recovery to proceed against assets that are demonstrably the proceeds of trafficking even where a conviction cannot be secured, and it would provide an explicit basis for directing recovered value to victims rather than solely to the state treasury. Coupled with international cooperation on asset recovery, this reform would close the principal escape routes currently available to traffickers.

Prevention, finally, has a financial dimension of its own. A risk-based approach that requires financial institutions to exercise due diligence and to identify the financial fingerprints of trafficking can interrupt the laundering of proceeds before they are concealed, complementing repression with early detection. In this respect, the financial sector becomes a partner in protecting women and children, since vigilance over suspicious transactions can expose exploitation networks that physical surveillance alone might never reach.

3.6. The Value of Justice and the *Maqāṣid* Foundation of Asset Recovery

The value of justice provides the philosophical anchor for an asset-recovery regime oriented toward victims. Following the classical trilogy of legal certainty, justice, and utility, asset recovery should not be measured solely by the volume of wealth returned to the state, but by the extent to which it restores those who have suffered. A recovery that enriches the treasury while leaving trafficked women and children uncompensated satisfies certainty and utility but fails the demand of substantive justice.

This orientation is reinforced by the objectives of Islamic law. Within the *maqāṣid al-sharīʿah*, the preservation of property (*ḥifẓ al-māl*) and the preservation of life (*ḥifẓ al-nafs*) are both essential values, and human trafficking violates them simultaneously by commodifying the human person and by generating and circulating unlawful wealth (*al-māl al-ḥarām*). Islamic legal thought condemns the acquisition of property through forbidden means and obliges restitution to those wronged, which converges with the modern principle that criminals must not profit from their crimes.

Restitution funded from recovered assets therefore embodies corrective justice in both traditions. When the proceeds of trafficking are seized and redirected to victims, the law simultaneously punishes the offender, deprives the network of its lifeblood, and repairs the harm suffered by women and children, realising both the value of justice and the welfare (*maṣlaḥah*) that the objectives of Islamic law seek to protect.

Realising this vision requires coherent institutional design. The financial intelligence unit, the prosecution service, the witness and victim protection agency, and a dedicated asset-management body must operate within a coordinated framework that traces, secures, manages, and distributes recovered assets to victims in a transparent manner. Without such coordination, recovered assets risk being absorbed into general revenue, and the restorative potential of the regime is lost.

Taken together, the value of justice, the objectives of Islamic law, and international anti-money-laundering standards converge on a single conclusion: combating human trafficking effectively requires following, seizing, and redistributing the money. By placing victim restitution at the heart of asset recovery, Indonesia can build a framework that is at once financially rigorous, normatively just, and faithful to the dignity of every woman and child.

4. Conclusion

Human trafficking is both a grave human-rights violation and a profitable crime whose proceeds are laundered, so that combating it requires a follow-the-money approach. Indonesian law already designates trafficking as a predicate offence of money laundering and guarantees victim restitution, but the asset-recovery regime is fragmented, oriented toward punishing offenders, and lacks a non-conviction-based mechanism, so that restitution for women and children is rarely realised. Strengthening asset recovery and channelling recovered assets to victims—supported by transnational cooperation and evaluated through the value of justice and the objective of protecting property (*ḥifẓ al-māl*)—would transform the financial dimension of enforcement into a direct instrument for protecting and restoring women and children, and would bring the Indonesian framework closer to substantive justice.

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