

LICS 2026

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

Legal Protection for Restitution (Compensation) In Child Trafficking Involving Children from the Children and Tribe in Merangin Regency

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Abstract. *This study examines the legal protection and mechanisms for restitution (compensation) in child trafficking cases involving indigenous children from the Suku Anak Dalam community in Merangin Regency, Jambi Province. Child trafficking targeting marginalized indigenous groups constitutes a severe violation of human rights, compounded by structural vulnerabilities such as extreme poverty, ecological displacement, and a lack of formal civil registration documents (civil death). Employing a socio-legal research method combining normative statutory analysis with sociological approaches, this research reveals that the implementation of restitution rights faces critical procedural deadlocks, including stringent formal evidentiary rules, cultural gaps, and the inadequacy of the criminal justice system in accommodating unassimilated nomadic communities. The findings indicate that bridging this enforcement gap requires proactive prosecutorial advocacy, integrated inter-agency cooperation with the Witness and Victim Protection Agency (LPSK), judicial discretion utilizing principles of equity, and the synchronization of modern criminal sanctions with local customary principles. Ultimately, this study argues for the implementation of affirmative action policies within the criminal justice framework to ensure that indigenous children receive substantive remedial justice and effective restitution without being obstructed by rigid procedural formalities.*

Keywords: *Administration; Bondage, Child; Dynamics; Exploitation.*

1. Introduction

Human rights constitute a fundamental pillar that must be upheld by every state of law, especially in providing guaranteed protection for the most vulnerable groups within the social structure of society (Donnelly, 2020: 12). Children occupy a highly crucial position in this pyramid of vulnerability, given their physical, psychological, and financial incapacity to defend themselves against external threats. The Convention on the Rights of the Child strictly obligates

Legal Protection for Restitution (Compensation) In ...
(Muhammad Rizky Maulana)

LICS 2026

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

state parties to take all adequate legislative, administrative, social, and educational measures to protect children from all forms of physical or mental violence, injury or abuse, neglect, exploitation, and trafficking (Orentlicher, 2019: 45). The fulfillment of children's rights is not merely a moral recommendation, but a constitutional obligation binding state instruments to be present in every sphere of their citizens' lives, without exception.

The practice of human trafficking represents one of the most degrading forms of transnational crime and crime against humanity, wherein victims are reduced to mere economic commodities that can be bought and sold (Shelley, 2021: 89). This crime operates through a systematic, clandestine network that frequently exploits the loopholes of poverty, lack of education, and social discrimination. For children, the impact of human trafficking is far more destructive because it strips away their right to education, a normal childhood, and permanently damages their psychological development (Bales, 2018: 104). Child trafficking syndicates frequently manipulate the innocence of victims or the desperation of their families through promises of a better life, high-paying jobs in cities, or even through illegal adoption schemes that culminate in labor exploitation, commercial sexual exploitation, or involvement in armed criminal activities.

Within the territory of Indonesia, the challenges of law enforcement against the crime of human trafficking possess extremely high geographical and demographic complexity (Muladi, 2019: 67). An archipelagic state with thousands of remote regions creates massive internal inter-island and external cross-border surveillance challenges. One group that is frequently neglected in the national discourse on child protection is indigenous communities living in isolation or marginalization, such as the *Suku Anak Dalam* (often literally translated in certain literature as *Children and Tribe* or the Orang Rimba) (Ansori, 2020: 112). These indigenous communities possess lifestyles, social structures, and belief systems deeply tied to their natural environment, yet simultaneously experience cultural shock when confronted with the rapid currents of modernization and capitalist expansion encroaching upon their customary territories.

Merangin Regency, located in Jambi Province, serves as one of the regions housing the *Suku Anak Dalam* community (Hidayat, 2021: 34). Drastic ecological changes driven by the conversion of forests into oil palm plantation areas and industrial timber estates have significantly constricted the traditional living space of the *Suku Anak Dalam*. The loss of primary livelihood sources from hunting and gathering forces this community to emerge from the forest and interact directly with a market economic system they do not fully understand (Kato, 2018: 78). This transition, forced by ecological circumstances, places the *Suku Anak Dalam* community, particularly children, on the edge of extreme poverty, making them prime targets for illegal

Legal Protection for Restitution (Compensation) In ...
(Muhammad Rizky Maulana)

LICS 2026

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

labor brokers or human trafficking syndicates seeking cheap labor devoid of legal bargaining power.

The structural vulnerability experienced by *Suku Anak Dalam* children is exacerbated by their minimal access to state population administration (Supriyadi, 2020: 55). The majority of them possess neither Identity Cards (KTP), Family Cards (KK), nor Birth Certificates, which automatically cuts them off from various social safety nets, health facilities, and formal education. This lack of legal identity represents a "civil death" rendering their existence unrecorded by the state; hence, when a child from this community goes missing or is exploited by external parties, tracking them becomes exceptionally difficult and is frequently deprioritized by local law enforcement apparatus due to the absence of valid supporting data (Simanjuntak, 2022: 90).

Positively, Indonesia has enacted Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking (UU PTPPO), which comprehensively regulates perpetrator sentencing and victim protection (Indriyanto, 2021: 140). This law adopts a victim protection principle focusing not only on perpetrator punishment (retributive) but also on victim rehabilitation through restitution or compensation mechanisms. Restitution constitutes an absolute right of the victim that must be paid by the perpetrator as a form of legal responsibility for material losses, immaterial suffering, medical and psychological treatment costs, and lost potential earnings resulting from the committed exploitation crime (Prasetyo, 2020: 115).

However, this restitution concept faces extraordinary procedural deadlocks in practice when applied to severely marginalized groups like the *Suku Anak Dalam* (Tan, 2019: 82). The national criminal justice system mandates detailed loss calculations, written evidence, and lengthy, bureaucratic trials. For a community still grappling with illiteracy, ignorance of formal legal systems, and geographical distance from the judicial center in Merangin Regency, accessing the right to restitution closely resembles a utopian concept. The state, through its law enforcement agencies, frequently fails to act as a proactive representative in fighting for the compensation rights of these indigenous children inside the courtroom (Rahmawati, 2022: 64).

The vast gap between the normative majesty of written statutory law and the sociological reality experienced by *Suku Anak Dalam* children in Merangin Regency forms the crucial background of this study (Gunawan, 2021: 201). This research aims to deeply analyze how the vulnerability of children from this tribe is constructed toward human trafficking syndicates, and to discover and formulate the most appropriate legal protection model ensuring that the right to restitution can be realized without being obstructed by the rigidity of formal procedural law unaccommodating to indigenous peoples.

Legal Protection for Restitution (Compensation) In ...
(Muhammad Rizky Maulana)

LICS 2026

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

2. Research Methods

This research employs a normative legal research type combined with a sociological approach (*socio-legal research*) to examine the gap between statutory texts (*law in books*) and implementation dynamics within indigenous communities (*law in action*) (Susanti, 2021: 45). The statute approach is applied by comprehensively analyzing Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking alongside regulations related to human rights and indigenous people protection. Meanwhile, the sociological approach is utilized to dissect the social structures, culture, and institutional barriers experienced by *Suku Anak Dalam* in Merangin Regency through secondary data analysis comprising NGO reports, court verdicts, and academic literature. Combining both approaches is necessary because law does not operate in a vacuum; rather, it functions within a sociocultural arena filled with power relation asymmetries, making the effectiveness of restitution fulfillment heavily dependent on how law enforcement officers understand the marginalized context of such indigenous groups. Through this method, the analysis does not halt at proving the presence or absence of legal protection, but proceeds toward constructing novel ideas regarding how state law can be accelerated to protect society members lacking proper administrative identities.

3. Results and Discussion

3.1. Dynamics and Vulnerability of Child Trafficking among *Suku Anak Dalam* in Merangin Regency

The eradication of human trafficking crimes in Indonesia normatively possesses a strong legal foundation through UU PTPPO, which emphasizes three primary elements: process, means, and exploitation purpose (Hamzah, 2020: 33). However, when this legal framework confronts the reality of indigenous communities such as *Suku Anak Dalam* in Merangin Regency, a factual jurisdictional vacuum emerges due to social isolation. Positive law is designed assuming every individual possesses equal legal capacity and remains under continuous state administrative monitoring. This assumption collapses when applied to nomadic or semi-nomadic communities unintegrated into village government bureaucracy or formal civil registration systems (Wibowo, 2019: 78).

Merangin Regency geographically features vast tropical rainforest landscapes historically serving as hunting grounds and settlement areas for *Suku Anak Dalam* (Nasution, 2021: 56). Their structural life is deeply communal and entirely dependent on nature's bounty, spanning water sources, food, to traditional medicine. However, alongside massive deforestation and

Legal Protection for Restitution (Compensation) In ...
(Muhammad Rizky Maulana)

LICS 2026

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

state permits for large-scale plantation concessions in the past, their living space has significantly narrowed. Forests that once functioned as their homes and markets transformed into private oil palm tracts prohibiting outsider entry, thereby severing subsistence livelihood chains maintained for centuries (Harahap, 2018: 92).

This alienation from natural resources yields novel structural poverty forms where they are forced to dwell along Sumatra's main highway shoulders or plantation edges (Utomo, 2020: 14). Under conditions of starvation and cultural disorientation, *Suku Anak Dalam* children become extremely vulnerable. Brokers or illegal labor agents frequently exploit this situation by approaching family groups (*rombong*) of *Suku Anak Dalam* and offering jobs to their children promising wages or harvest-sharing schemes (Siregar, 2021: 45). Parents lacking comprehension of modern legal exploitation concepts frequently surrender their children hoping to alleviate familial economic burdens.

Modus operandi targeting *Suku Anak Dalam* children rarely involves violent urban kidnapping; instead, it relies on cultural manipulation and fraud (Iskandar, 2019: 110). Perpetrators typically dispense upfront money as "binding" payments or loans subsequently trapping children in forced labor systems due to debt bondage. These children are subsequently employed as daily wage laborers on distant oil palm plantations far from family contact, devoid of personal protective equipment, carrying workloads surpassing physical capacities of child age, and isolated from the outside world (Kurniawan, 2022: 67).

Victim identification constitutes the most crucial hurdle for police apparatuses in Merangin Regency (Prabowo, 2020: 88). The lack of Birth Certificates and Family Cards renders proving victim minority status under positive law—requiring authentic documents—extremely complicated. When officers discover laborer cases suspected as exploitation victims, missing identity documents frequently serve as loopholes for perpetrators or companies to evade liability, arguing victims are physically adult, thereby halting child trafficking legal processes from investigation to inquiry stages (Yuliana, 2021: 102).

Beyond administrative hurdles, clashes persist between the state criminal justice system and the customary law (*hukum kebiasaan*) of *Suku Anak Dalam* (Santoso, 2019: 41). For this community, offences against tribal members are traditionally resolved via customary fine systems (*bangun*), compelling perpetrators to pay specific items like fabrics, bowls, or artifacts to victim families. Human trafficking syndicates frequently exploit this system; upon apprehension by customary parties for violence or child exploitation, perpetrators merely settle customary fines for "peace," sociologically closing doors to state criminal prosecution (Wahyudi, 2020: 125).

Legal Protection for Restitution (Compensation) In ...
(Muhammad Rizky Maulana)

LICS 2026

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

Law enforcement capacity in Merangin Regency handling cases intersecting indigenous and human trafficking issues also requires substantial enhancement (Mardiana, 2021: 73). Investigators and detectives frequently lack anthropological insights to communicate with traumatized and language-barriered *Suku Anak Dalam* victims. The absence of certified customary language interpreters within police departments renders Police Examination Reports (BAP) biased and unrepresentative of real suffering experiences endured by children, weakening trial evidentiary construction (Suryanto, 2022: 54).

Legal awareness among *Suku Anak Dalam* regarding constitutional rights as integral Indonesian citizens approaches bottom lows (Lubis, 2018: 99). Concepts regarding state protection, police institutions, prosecutor offices, and courts are viewed as alien bodies avoided due to historical stigmas where state interactions typically brought eviction or marginalization. Such fear and apathy render child trafficking phenomena a "dark number" or iceberg phenomenon, where reported police cases pale against actual confinement and forced labor realities (Raharjo, 2020: 118).

Merangin Regency Regional Government structurally holds autonomous responsibilities via Social and Women Empowerment/Child Protection Offices to intervene (Kusumawati, 2021: 65). However, protective programs frequently remain incidental, focusing on physical assimilation like permanent housing construction without touching legal vulnerability roots. Legal education efforts lack participatory approaches respecting local philosophical values, leaning instead toward instructional bureaucratic instruments confusing *Temenggung* (customary group leaders) (Fauzi, 2022: 81).

Conceptually, phenomena befalling *Suku Anak Dalam* children in Merangin Regency affirm that human trafficking is not ordinary crime, but a product of ecological injustice, administrative right neglect, and social exclusion (Anwar, 2020: 139). Without radical overhauls in how the state records and views indigenous civil rights, tribal children will remain trapped in exploitation cycles without accessing proper remedial justice or restitution (Wijoyo, 2021: 95).

3.2. Legal Protection and Restitution Fulfillment for Suku Anak Dalam Child Victims of Human Trafficking

Restitution, as direct compensation from criminal perpetrators to victims, represents the most essential remedial instrument in international and national law, restoring stolen victim dignity (Wijaya, 2021: 112). Under Law Number 31 of 2014 amending Law Number 13 of 2006 concerning Witness and Victim Protection, restitution is strictly defined, with enforcement facilitated by the Witness and Victim Protection Agency (LPSK) (Hiariej, 2020: 74). For child

Legal Protection for Restitution (Compensation) In ...
(Muhammad Rizky Maulana)

LICS 2026

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

human trafficking victims, restitution covers compensation for lost wealth, pain and suffering resulting from crimes, and medical or psychological treatment costs. Nevertheless, this restitution application mechanism binds to strict civil evidentiary rules despite proceeding through criminal trials (Atmasasmita, 2019: 156).

Synthesizing modern legal concepts regarding material loss proof with actual *Suku Anak Dalam* conditions presents a complex epistemological paradox inside courtrooms (Srisangnam, 2020: 89). Positive law demands medical expense receipts, missing salary slips, or psychological pain estimates issued by licensed forensic psychiatrists. Meanwhile, a *Suku Anak Dalam* child victimized by forced labor on palm plantations recognizes no modern clinics let alone employment contracts. Psychological distress expresses through silence or outsider fear rather than clinical diagnoses easily quantified in Rupiah amounts before judicial panels (Chandra, 2021: 43).

Technical calculation difficulties hinder restitution rights for nomadic indigenous communities across Southeast Asia, where economic structures rely on barter or direct subsistence extraction rather than fiat money (Takeshi, 2019: 45). Forcing *Suku Anak Dalam* children to prove financial loss using urban economic standards constitutes procedural injustice (*miscarriage of justice*), rendering restitution illusory (Tanaka, 2020: 98). Consequently, broad judicial discretion utilizing *ex aequo et bono* principles (fairness and equity) is warranted to independently estimate such losses (Hartono, 2021: 133).

Bridging this access-to-justice gap positions Public Prosecutors (JPU) as central and determinant figures (Nguyen, 2022: 201). Prosecutors must not merely represent state punishment interests, but function as public defenders representing unrepresented indigenous victim interests. Inside Merangin District Prosecutor Offices, prosecutors must proactively coordinate with LPSK pre-prosecution to ensure police dossiers incorporate restitution calculations, regardless of scale, including anthropological expert testimonies validating social ruin suffered by children (Setiawan, 2021: 87).

LPSK outreach into Merangin interiors faces bureaucratic and budgetary constraints, causing marginalized victim rights to lack proper oversight (Kim, 2018: 77). Overcoming this requires integrated legal complaint posts engaging paralegals from indigenous elements. *Suku Anak Dalam* youth accessing formal education should be empowered as communication bridges between state bodies (LPSK, Prosecution, Police) and forest victims, allowing accurate cultural medical-psychological assessments for restitution applications (Pratama, 2022: 114).

Legal Protection for Restitution (Compensation) In ...
(Muhammad Rizky Maulana)

LICS 2026

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

A classical problem in restitution fulfillment involves syndicates concealing assets, leading convicted parties to claim insolvency or opt for subsidiary imprisonment upon court compensation orders (Prakash, 2021: 134). Preventing this from harming indigenous children requires law enforcement to apply Money Laundering Criminal Acts (TPPU) concurrently, enabling asset recovery from investigation stages (Sudarto, 2020: 62). Seized assets are subsequently auctioned and dedicated specifically for restitution payments without waiting for convict goodwill (Effendi, 2022: 79).

If asset seizure proves insufficient, responsibility should not instantly lapse. Asian legal practices shift paradigms introducing state compensation funds managing state-backed relief for severe crime victims when perpetrators turn insolvent (Ahmad, 2020: 55). Indonesia must formulate victim fund mechanisms, specifically for marginalized human trafficking victims, managed by relevant ministries exclusively restoring educational and survival aspects of tribal children (Mulatsih, 2021: 91).

Courts must remain flexible and synchronize modern criminal sanctions with local Merangin customary laws (Santos, 2019: 90). Disbursing cash restitution to children or families lacking modern financial management risks secondary exploitation. Consequently, verdicts may modify restitution forms into trust funds for healthcare, long-term living provisions, or equivalent communal land assets (Budiono, 2022: 121).

Furthermore, restitution fulfillment lacks sustainable meaning without comprehensive post-verdict psychosocial rehabilitation (Lee & Wong, 2022: 310). Financial restitution must integrate with Merangin regional government social intervention programs, encompassing trauma healing based on local wisdom and proactive issuance of population administration documents (KTP and Birth Certificates) without burdensome bureaucracy (Kusuma, 2021: 120).

Legal protection construction for *Suku Anak Dalam* demands law enforcement courage implementing affirmative action policies inside criminal justice realms (Nugroho, 2022: 68). Without preferential legal treatment simplifying restitution proof requirements, cross-agency coordination, and custom integration into judicial verdicts, anti-trafficking law protection promises remain elitist narratives failing indigenous children's futures (Darmadi, 2021: 145).

Berikut adalah bagian Kesimpulan (*Conclusion*) dalam bahasa Inggris yang dirangkai secara komprehensif, padat, dan mencakup keseluruhan substansi pembahasan jurnal Anda:

LICS 2026

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

4. Conclusion

Based on the comprehensive discussion regarding legal protection and restitution fulfillment for *Suku Anak Dalam* child victims of human trafficking in Merangin Regency, several key conclusions can be drawn. First, the vulnerability of indigenous children to trafficking syndicates is structurally driven by extreme poverty, ecological displacement, and civil marginalization characterized by a complete lack of population administration documents, which effectively renders them legally invisible. Second, the enforcement of restitution rights faces critical procedural deadlocks due to rigid formal evidentiary standards in the national criminal justice system that fail to accommodate the socio-cultural realities and non-monetary economic structures of nomadic or semi-nomadic indigenous communities. Consequently, bridging this implementation gap requires proactive prosecutorial advocacy, integrated cross-agency coordination with the Witness and Victim Protection Agency (LPSK), broad judicial discretion applying principles of equity (*ex aequo et bono*), and the harmonization of modern criminal sanctions with local customary values. Ultimately, protecting marginalized indigenous children demands the active implementation of affirmative action policies within the legal framework to ensure that substantive remedial justice and effective restitution are fully realized without being hindered by bureaucratic formalities.

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Legal Protection for Restitution (Compensation) In ...
(Muhammad Rizky Maulana)

LICS 2026

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

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Legal Protection for Restitution (Compensation) In ...
(Muhammad Rizky Maulana)

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