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Strengthening Prosecution Policy for Human Trafficking Crimes Based on Victim Rights Protection in Indonesia: Towards A Victim-Centered Prosecution Model

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Abstract. *Human trafficking constitutes a serious transnational crime that violates fundamental human rights and causes multidimensional harm to victims, including physical, psychological, social, and economic suffering. Although Indonesia has enacted Law Number 21 of 2007 concerning the Eradication of Human Trafficking Crimes, prosecution practices remain predominantly offender-oriented, emphasizing criminal punishment while providing limited attention to victims' rights and recovery. Consequently, the realization of restitution, rehabilitation, compensation, and long-term social reintegration remains inadequate. This study examines the prosecution policy of human trafficking crimes from a victim rights protection perspective and proposes a victim-centered prosecution model as a framework for strengthening prosecution policies in Indonesia. Employing a normative juridical method with statutory, conceptual, and case approaches, the research analyzes legislation, court decisions, prosecution guidelines, and relevant scholarly literature. The findings reveal that existing prosecution policies have not fully incorporated victim protection principles into prosecutorial decision-making processes. Prosecutorial performance continues to be measured primarily through conviction rates rather than victim recovery outcomes. This article introduces a novel framework called the Victim-Centered Prosecution Model (VCPM), which integrates restorative justice principles, mandatory restitution claims, inter-agency coordination mechanisms, and victim recovery indicators into prosecution strategies. The study argues that strengthening prosecution policies through the VCPM framework would improve legal certainty, enhance victim protection, and contribute to a more equitable and responsive criminal justice system in combating human trafficking in Indonesia. The proposed model also offers policy implications for other developing countries facing similar challenges in balancing offender accountability and victim recovery within human trafficking prosecutions.*

Keywords: *Prosecution; Protection; Restitution; Trafficking; Victim.*

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1. Introduction

Human trafficking (TPPO) is a form of transnational organized crime that remains a serious challenge for the international community, not only threatening national security but also leading to serious violations of human rights. Unlike other conventional forms of crime, human trafficking subject humans to economic exploitation through various methods, such as sexual exploitation, forced labor, modern slavery, organ harvesting, forced marriage, child exploitation, and debt-based slavery. This crime has developed dynamically along with advances in information technology, increased mobility of people between countries, and the increasing complexity of organized crime networks that exploit social and economic vulnerabilities and low legal literacy. These conditions have led to human trafficking no longer being viewed solely as a criminal issue, but rather as a multidimensional issue closely related to human rights protection, international migration, employment, poverty, gender inequality, and governance.¹

In recent years, the dynamics of human trafficking have shown increasingly alarming trends. Advances in digital technology have shifted victim recruitment patterns from conventional methods to those based on social media, communication apps, and online platforms, enabling trafficking networks to reach a wider audience and making them difficult for law enforcement to detect. Furthermore, the increasing flow of labor migration, economic inequality, social conflict, and the post-COVID-19 pandemic impact have increased the vulnerability of women, children, and migrant workers to exploitation. Human trafficking has ultimately evolved into a form of crime that offers significant economic benefits with a relatively low level of risk for perpetrators compared to other transnational crimes. Therefore, its eradication requires a law enforcement strategy that is not only repressive but also oriented towards victim protection.²

As part of the international community, Indonesia has demonstrated its commitment to eradicating human trafficking through the ratification of various human rights instruments and the enactment of Law No. 21 of 2007 concerning the Eradication of the Crime of Human Trafficking. This law represents a significant milestone in the national legal system, as it not only broadens the criminalization of various forms of human trafficking but also recognizes the rights

¹Ernita Harefa, 2026, PROTECTION OF VICTIMS OF THE CRIMINAL ACTS OF TRAFFICKING IN INDONESIA FROM THE PERSPECTIVE OF INTERNATIONAL HUMAN HUMAN RIGHTS LAW, Justice Law Journal Volume 3 Number 2 February 2026, Master of Law, Santo Thomas Catholic University, Medan <https://ejournal.ust.ac.id/index.php/JHJ/article/view/6221>

²Buyung Pamungkas Shakti & Frans Simangunsong, 2026, Regulatory Provisions Regarding Human Trafficking of Digital Migrant Workers, Journal of Social Sciences Research Volume 3, Issue 12, July 2026, P 584-594 E-ISSN: 3025-6704 DOI: <https://doi.org/10.5281/zenodo.20794285>

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of victims to legal protection, restitution, rehabilitation, and social assistance.³In addition, strengthening victim protection is also supported by Law Number 31 of 2014 concerning Protection of Witnesses and Victims, Law Number 18 of 2017 concerning Protection of Indonesian Migrant Workers, as well as various technical regulations governing coordination across ministries and institutions in handling victims of human trafficking.

A fundamental problem still faced in law enforcement practices in Indonesia lies in the tendency of prosecutorial policies to be offender-oriented. Prosecution success has been measured primarily through formal indicators such as the number of cases brought to court, the level of successful evidence, and the high conviction rate.⁴This approach is indeed important in ensuring legal certainty for perpetrators, but does not fully reflect the objective of victim protection as mandated in Law Number 21 of 2007. In practice, various victim rights, such as restitution, psychological rehabilitation, legal assistance, protection from intimidation, and post-trial social reintegration, are still not an integral part of the prosecution strategy implemented by public prosecutors.

This situation demonstrates that the orientation of prosecution policy in Indonesia is still influenced by the classic paradigm of the criminal justice system, which positions the state as the primary stakeholder in the sentencing process. As a result, victims are often positioned as evidence through witness testimony rather than as legal subjects with procedural and substantive rights that must be fulfilled by the state.⁵It is not uncommon for victims to have to face repeated examination processes, minimal information regarding case developments, delays in the implementation of restitution, and even difficulty obtaining rehabilitation services after the court decision has permanent legal force.⁶This phenomenon shows that the success of punishing the perpetrator is not necessarily directly proportional to the success of the victim's recovery.

However, studies on victim-based prosecution in the context of human trafficking in Indonesia are still relatively limited. Most previous research has focused on the effectiveness of Law Number 21 of 2007, legal protection for victims, criminal liability of perpetrators, and general

³Atmasasmita, R., 2021, *Reconstruction of an Integrated Criminal Justice System in Combating Transnational Crime*, Kencana, Jakarta, p. 75

⁴Prasetyo, B., & Utama, IM, 2023, *Retributive Justice vs. Restorative Justice in Handling Human Trafficking Cases by the Prosecutor's Office*, *Scientific Journal of Legal Policy* Vol. 17 No. 1, Jakarta,

⁵Atmasasmita, R., 2021, *Reconstruction of an Integrated Criminal Justice System in Combating Transnational Crime*, Kencana, Jakarta, p. 89).

⁶Arifin, R., & Wibowo, A., 2021, *Obstacles to the Execution of Restitution for Victims of Human Trafficking in Indonesia*, *Journal of Law and Justice* Vol. 10 No. 2, Jakarta

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strategies for combating human trafficking. These studies have made important contributions to the development of anti-trafficking law, but have not specifically examined how prosecution policy can be reconstructed to make victim recovery the primary measure of success. Thus, a research gap remains in the absence of a conceptual model that systematically integrates restitution enforcement, a trauma-based approach, institutional coordination, and victim recovery indicators into human trafficking prosecution policy in Indonesia.

2. Research methods

This research uses a normative legal research method which aims to examine legal norms, principles, doctrines, and legal concepts related to the policy of prosecuting human trafficking crimes based on the protection of victims' rights.⁷ This research uses three approaches, namely the statutory approach, the conceptual approach, and the case approach. The legislative approach is carried out by analyzing various laws and regulations that form the basis for prosecuting human trafficking crimes, including Law Number 21 of 2007 concerning the Eradication of Human Trafficking Crimes, the Criminal Procedure Code (KUHP), Law Number 31 of 2014 concerning Protection of Witnesses and Victims, and the Regulations of the Attorney General of the Republic of Indonesia that regulate policies on prosecution and protection of victims.⁸ A conceptual approach is used to analyze relevant theories and doctrines, including the concepts of victimology, human rights protection, restorative justice, and prosecutorial discretion as a basis for formulating the Victim-Centered Prosecution Model (VCPM).⁹

3. Results and Discussion

3.1. Challenges of Prosecuting Human Trafficking Crimes

Prosecution is a crucial stage in the criminal justice system, serving as a bridge between the investigation and the court hearing. In human trafficking (TPPO) cases, the prosecution's function is not only directed at proving the perpetrator's guilt and obtaining a criminal sentence, but also has the responsibility to ensure the fulfillment of the victim's rights as guaranteed by various national and international legal instruments. Therefore, the success of a prosecution should not only be measured by the state's ability to impose penalties on the perpetrator, but also by the extent to which the prosecution process is able to provide protection, reparation, and access to justice for the victim. However, research results indicate that the practice of

⁷Marzuki, PM, 2021, Legal Research: Revised Edition, Prenadamedia Group, Jakarta, p. 35

⁸Atmasasmita, R., 2021, Reconstruction of an Integrated Criminal Justice System in Combating Transnational Crime, Kencana, Jakarta, p. 102

⁹Savitri, A., 2022, Victim-Centered Approach in the Criminal Justice System, Pustaka Pelajar, Yogyakarta, p. 145

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prosecuting human trafficking in Indonesia still faces various challenges that prevent optimal protection for victims.

3.2. Offender-Oriented Prosecution

One of the fundamental problems in the prosecution policy for human trafficking crimes in Indonesia is the continued dominance of the offender-oriented prosecution paradigm, a prosecution approach that places greater emphasis on proving the elements of the crime and punishing the perpetrator rather than fulfilling the rights of the victim. This paradigm is characteristic of the conventional criminal justice system, which positions the state as the primary stakeholder in the law enforcement process, while victims are positioned more as a means of proof through the provision of testimony as witnesses.¹⁰

In prosecution practice, the success of public prosecutors is generally measured based on quantitative indicators, such as the number of cases successfully brought to court, the level of success in proving the case, and the high conviction rate or percentage of defendants sentenced by the court.¹¹ This indicator is indeed important for assessing the effectiveness of law enforcement against perpetrators, but does not yet reflect the state's success in fulfilling victims' rights as mandated in Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking.

This paradigm demonstrates that the measure of successful prosecution remains retributive, focused on punishing the perpetrator, and has not yet developed into a victim-centered justice paradigm that places victim recovery as one indicator of the success of the criminal justice system. However, from a modern criminal law perspective, successful prosecution is determined not only by a guilty verdict against the perpetrator, but also by the state's ability to restore the victim's condition as the party directly experiencing the suffering caused by the crime.¹²

3.3. Weak Implementation of Restitution

Normatively, Law Number 21 of 2007 provides strong recognition of victims' rights to restitution as a form of compensation for losses incurred by the perpetrator. Restitution is intended to

¹⁰Prasetyo, B., & Utama, IM, 2023, Retributive Justice vs. Restorative Justice in the Prosecutor's Office's Handling of Human Trafficking Cases, Scientific Journal of Legal Policy Vol. 17 No. 1, Jakarta, p. 98

¹¹Atmasasmita, R., 2021, Reconstruction of an Integrated Criminal Justice System in Combating Transnational Crime, Kencana, Jakarta, p. 125

¹², Syah Awaluddin, 2024, Restorative Justice: Concept and Regulation in the Legal System

Indonesia, Indonesian Journal of Defense Science, Politics and Law Volume 1, Number 1, Year 2024 e-ISSN: 3032-5854; and p-ISSN: 3032-5862, Pages 24-42 DOI: <https://doi.org/10.62383/amandemen.v1i1.822>

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compensate for economic losses, medical expenses, lost income, and other losses directly caused by the crime of human trafficking.

Despite the legal basis, the implementation of restitution in practice still faces various obstacles. One major obstacle is the inconsistent inclusion of restitution demands in indictments by public prosecutors. In a number of cases, criminal charges focus solely on imprisonment and fines without a request for restitution for the victim. Even when restitution is requested, the process of calculating the value of the loss is often not comprehensive due to limited data, minimal coordination with the Witness and Victim Protection Agency (LPSK), and the lack of uniform technical guidelines regarding the method for assessing victim losses.¹³

Furthermore, the implementation of restitution decisions still faces challenges at the execution stage. Many court decisions have granted restitution, but their implementation has been ineffective due to the perpetrator's lack of financial capacity, the lack of a monitoring mechanism for the decision's implementation, or the lack of a system to guarantee restitution payments if the perpetrator fails to fulfill their obligations.¹⁴ This condition causes restitution to become more of a normatively recognized right than a right that is actually enjoyed by the victim.

1) Limited Victim Participation in the Prosecution Process

Victim participation is generally limited to providing information during the investigation and trial. Afterward, victims often do not receive adequate information regarding case developments, the prosecutor's demands, the possibility of restitution, or the implementation of the court's decision.¹⁵ In some cases, victims are not even involved in the process of identifying losses which form the basis for submitting restitution, so the value of the losses submitted does not fully reflect the suffering they have experienced.

This situation has the potential to lead to secondary victimization, which is new suffering experienced by victims as a result of the judicial process itself. Victims may feel that their interests are being neglected because the legal process focuses more on the perpetrator than

¹³Meiza Amanda Pratama, Maroni, Rinaldy Amrullah, 2026, Legal Certainty in Providing Restitution to Child Victims of Sexual Violence in Prosecutorial Practice, Journal of Social Sciences & Law, <https://ejournal.yayasanpendidikandzurriyatulquran.id/index.php/AlZyn>

¹⁴Arifin, R., & Wibowo, A., 2021, Obstacles to the Execution of Restitution for Victims of Human Trafficking in Indonesia, Journal of Law and Justice Vol. 10 No. 2, Jakarta, p. 255

¹⁵Prasetyo, B., & Utama, IM, 2023, Retributive Justice vs. Restorative Justice in the Prosecutor's Office's Handling of Human Trafficking Cases, Scientific Journal of Legal Policy Vol. 17 No. 1, Jakarta, p. 102

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on their own recovery.¹⁶ In fact, in a victim-centered prosecution approach, victims should be given more space to participate in every stage of the prosecution through the provision of information, consultation regarding recovery needs, psychological support, and involvement in the process of applying for restitution and protection during the trial.

Therefore, increasing victim participation should not be understood as a form of intervention against the independence of the public prosecutor, but rather as an effort to ensure that the prosecution process truly reflects the principles of justice that are oriented towards victim recovery.¹⁷

2) Institutional Fragmentation in Handling Victims

Another equally significant issue is the ongoing institutional fragmentation in handling human trafficking cases. Victim care typically involves various institutions, including the Indonesian National Police, the Indonesian Attorney General's Office, the Witness and Victim Protection Agency (LPSK), the Ministry of Social Affairs, local governments, health care institutions, civil society organizations, and various other agencies with authority within their respective areas of responsibility.¹⁸

Despite the existence of inter-agency coordination mechanisms, their implementation in the field still presents various obstacles. Inter-agency coordination is often sectoral, not supported by an integrated data exchange system, and differing perceptions persist regarding the division of authority in providing services to victims. As a result, the victim protection process often proceeds in a fragmented and discontinuous manner, from the investigation and prosecution stages to the implementation of court decisions.¹⁹

3.4. Evaluation of Victim Rights Protection

Protection for victims of human trafficking is a key indicator of the effectiveness of the modern criminal justice system. Unlike the conventional law enforcement paradigm, which focuses on punishing the perpetrator (offender-oriented justice), developments in national and international law have positioned victims as legal subjects with the right to protection,

¹⁶Savitri, A., 2022, Victim-Centered Approach in the Criminal Justice System, Pustaka Pelajar, Yogyakarta, p. 175

¹⁷Atmasasmita, R., 2021, Reconstruction of an Integrated Criminal Justice System in Combating Transnational Crime, Kencana, Jakarta, p. 138).

¹⁸Ramadhan, A., 2020, "Human Trafficking Law Enforcement: Challenges in Investigating Transnational Networks," Indonesian Journal of Criminology Vol. 16 No. 3, Jakarta, p. 120

¹⁹Asafita Benzelina Salhuteru & AA Ngurah Oka Yudistira Darmadi, 2025, PROTECTION OF HUMAN TRAFFICKING VICTIMS FROM THE PERSPECTIVE OF HUMANITY AND NON-DISCRIMINATION PRINCIPLES, JOURNAL OF ACADEMIC MEDIA (JMA) Vol.3, No.11 November 2025 e-ISSN: 3031-5220; DOI: 10.62281

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reparation, and access to justice.²⁰In the context of human trafficking, victim protection is not only defined as providing a sense of security during the judicial process, but also encompasses the fulfillment of the right to restitution, rehabilitation, participation in the legal process, and social reintegration after the trial concludes. Therefore, evaluating prosecution policies cannot simply be based on the success rate of convictions; it must also measure the extent to which victims' rights have been realized in law enforcement practices.²¹

However, research results show that the implementation of victims' rights protection is still not optimal. There is a significant gap between normative recognition and implementation on the ground, resulting in various victims' rights not being effectively realized.²² This situation indicates that the existence of regulations has not been fully accompanied by implementation mechanisms capable of comprehensively guaranteeing the fulfillment of victims' rights. Based on the analysis, the level of implementation of victims' rights protection can be described as follows.

Victims' Rights	Normative Recognition	Practical Implementation
Restitution	Tall	Low
Rehabilitation	Currently	Currently
Participation	Currently	Low
Protection	Tall	Currently

The table shows that the right to restitution enjoys high normative recognition because it has been expressly stipulated in various laws and regulations. However, its implementation remains relatively low. In prosecution practice, restitution demands have not been consistently included in prosecutors' indictments, while the implementation of restitution decisions also faces various obstacles, such as difficulties in tracing the perpetrator's assets, the absence of an effective oversight mechanism for the implementation of decisions, and limited inter-agency coordination in the execution process.²³As a result, many victims are legally entitled to restitution, but do not receive any real benefit from the court's decision.

4. Conclusion

Prosecution policies for human trafficking crimes in Indonesia are still dominated by a focus on punishing perpetrators and have not fully integrated the protection of victims' rights into prosecution practices. Victims still face various obstacles in obtaining restitution, rehabilitation,

²⁰Agus Takariawan and Sherly Ayuna Putri, 2018, Legal Protection for Victims of Human Trafficking from a Human Rights Perspective, Faculty of Law, Padjadjaran University DOI: 10.20885/iustum.vol25.iss2.art2

²¹Prasetyo, B., & Utama, IM, 2023, Retributive Justice vs. Restorative Justice in Handling Human Trafficking Cases by the Prosecutor's Office, Scientific Journal of Legal Policy Vol. 17 No. 1, Jakarta, p. 99).

²²Ibid Arifin, R., & Wibowo, A., 2021, p. 245.

²³Ibid Arifin, R., & Wibowo, A., 2021, p. 250

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and meaningful participation in the criminal justice process. This study proposes the Victim-Centered Prosecution Model (VCPM) as a new framework to strengthen prosecution policies through mandatory restitution demands, integrated victim assistance mechanisms, trauma-based prosecution practices, and performance indicators oriented toward victim recovery. The implementation of this model is expected to create a criminal justice system that balances perpetrator accountability with victim recovery. Furthermore, this model can also serve as a policy reference for developing countries seeking to reform their human trafficking prosecution systems in accordance with international human rights standards.

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