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

Legal Protection for Victims of the Crime of Human Trafficking in Indonesia

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Abstract. *Human trafficking is a serious crime that violates human rights and threatens the dignity, freedom, and security of individuals, particularly women and children. Despite the enactment of Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking, cases of trafficking continue to occur in Indonesia, raising concerns regarding the effectiveness of legal protection provided to victims. This study aims to analyze the forms of legal protection available to victims of human trafficking and evaluate their implementation in Indonesia. The research employs a normative juridical method using a statutory and conceptual approach. The findings indicate that Indonesian law guarantees victims various forms of protection, including restitution, rehabilitation, legal assistance, witness protection, and social reintegration. However, the implementation of these rights remains constrained by limited institutional coordination, lack of public awareness, difficulties in enforcing restitution orders, and inadequate support facilities for victims. As a result, many victims have not fully benefited from the protection mechanisms established by law. This study concludes that strengthening inter-agency cooperation, improving victim assistance services, and enhancing law enforcement efforts are essential to ensure effective legal protection and recovery for victims of human trafficking in Indonesia.*

Keywords: *Law; Legal; Protection; Trafficking, Victims.*

1. Introduction

Human Trafficking Crime (TPPO) is one of the serious transnational crimes and poses a threat to human rights. This crime not only deprives individuals of their freedom, but also causes prolonged physical, psychological, social, and economic impacts on victims.

Indonesia is a state based on law, and all actions in Indonesia are regulated and bound by law. Law itself is not merely a set of instructions and guidelines for human behavior in society, but it

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must also truly exist and function within society in order to achieve order and peace in the community.

The Indonesian government has demonstrated its commitment to combating human trafficking through the establishment of various regulations, one of which is Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking. In addition, Indonesia has ratified various international instruments aimed at protecting victims of human trafficking. The existence of these regulations is expected to provide comprehensive legal protection for victims, starting from prevention, handling, recovery, to social reintegration.

Several previous studies indicate that legal protection for victims of human trafficking has been normatively regulated in various laws and regulations. Research by various academics confirms that victims are entitled to restitution, rehabilitation, legal assistance, security protection, and social recovery. However, the implementation of such protection still faces various obstacles, such as victims' low awareness of their rights, limited inter-agency coordination, inadequate rehabilitation facilities, and difficulties in implementing restitution for victims.

Previous studies generally focused on the law enforcement aspect against perpetrators of human trafficking or normative analyses of applicable regulations. Meanwhile, studies that specifically evaluate the effectiveness of legal protection received by victims in practice remain relatively limited. This condition indicates a research gap that needs to be further examined to determine the extent to which the legal protection that has been regulated is capable of providing justice and recovery for victims of human trafficking.

The novelty of this study lies in the analysis of the effectiveness of the implementation of legal protection for victims of human trafficking in Indonesia by connecting aspects of regulation, the implementation of protection, and the obstacles encountered in practice. This study is expected to provide scientific contributions to the development of victim protection policies and serve as evaluation material for the government and law enforcement authorities in improving the effectiveness of handling human trafficking cases.

The urgency of this study is based on the still high number of human trafficking cases that threaten human rights and the need for effective protection guarantees for victims. Therefore, this study aims to analyze the forms of legal protection provided to victims of human trafficking in Indonesia and to identify obstacles in its implementation.

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Based on these objectives, the research questions in this study are: what forms of legal protection are provided to victims of human trafficking in Indonesia, and how effective is the implementation of such legal protection in providing recovery and justice for victims.

2. Research Methods

This study uses a legal research methodology with the aim of analyzing and examining the legal protection provided to victims of the crime of human trafficking in Indonesia based on the provisions of applicable laws and regulations. The type of research used is normative legal research, which focuses on legal norms, legal principles, and various regulations governing the protection of victims of human trafficking. The research approaches used include the statutory approach and the conceptual approach. The statutory approach is conducted by examining various regulations related to the crime of human trafficking, particularly Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking and other supporting regulations. Meanwhile, the conceptual approach is used to understand the concepts of legal protection, victims' rights, and human rights principles relevant to this study. The data sources used consist of primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials include laws and regulations related to human trafficking and victim protection. Secondary legal materials consist of books, scientific journals, research findings, and articles discussing legal protection for victims of the crime of human trafficking. Tertiary legal materials are obtained from legal dictionaries, encyclopedias, and other reference sources that support the study. The method of analysis used is qualitative analysis with a descriptive-analytical technique. The analysis is conducted through the examination, classification, and interpretation of the legal materials that have been collected in order to obtain a comprehensive understanding of the forms of legal protection available to victims as well as the obstacles encountered in their implementation. The mechanism for analyzing legal issues is carried out by identifying applicable legal provisions, comparing them with implementation conditions in practice as described in various literature sources, and then drawing conclusions regarding the effectiveness of legal protection for victims of the crime of human trafficking in Indonesia.

3. Results and Discussion

3.1. Forms of Legal Protection for Victims of the Crime of Human Trafficking in Indonesia

The crime of human trafficking constitutes a violation of human rights concerning freedom, integrity, security, and freedom of movement (Gajic-Veljanoski & Stewart, 2007). In addition to being a violation of human rights, it is also a form of violence against women and a violation of

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women's rights. As stated in The Peel Institute on Violence Prevention's Report, "Women's rights are human rights."

Legal protection for victims of the crime of human trafficking is an important part of efforts to uphold human rights. Victims of human trafficking not only suffer material losses, but also experience physical, psychological, and social suffering that may have long-term impacts. Therefore, the Indonesian legal system does not only focus on punishing perpetrators, but also pays attention to victim recovery.

Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking provides various forms of protection for victims. Provisions regarding the protection of victims of the crime of human trafficking are specifically regulated in Articles 43 to 53. Article 43 of Law Number 21 of 2007 stipulates that: "The provisions concerning the protection of witnesses and victims in the crime of human trafficking shall be implemented based on Law Number 13 of 2006 concerning the Protection of Witnesses and Victims, unless otherwise stipulated in this Law."

This is because victims of criminal offenses also have rights, namely:

- a. The right of victims to obtain compensation for the treatment they have experienced;
- b. The right to refuse such compensation if it is not needed;
- c. The right to compensation for heirs if the victim of the criminal offense dies;
- d. The right to receive guidance and rehabilitation;
- e. The right to recover anything that legally belongs to them;
- f. The right to refuse to become a witness if doing so may endanger themselves;
- g. The right to receive protection from threats made by the perpetrator if the victim becomes a witness;
- h. The right to use legal counsel;
- i. The right to make use of legal remedies.

Such protection includes the right to obtain confidentiality of identity, security protection, legal assistance, health rehabilitation, social rehabilitation, repatriation, and social reintegration. In addition, victims are also entitled to restitution as a form of compensation imposed on perpetrators for the suffering experienced by victims.

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The existence of the right to restitution demonstrates that victims are not merely positioned as instruments of evidence in the criminal justice process, but as legal subjects who have the right to obtain recovery. In practice, restitution may include compensation for loss of property, medical expenses, and other losses arising from the crime experienced by the victims. In addition to the protection provided through the Law on the Eradication of the Crime of Human Trafficking, victims also receive protection through various other regulations related to the protection of witnesses and victims. This shows that the state has established a fairly comprehensive legal framework in guaranteeing the rights of victims of human trafficking.

3.2. Effectiveness of Legal Protection for Victims of the Crime of Human Trafficking in Indonesia

Legal protection for victims of the crime of human trafficking has increasingly gained its position following the enactment of Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking (PTPP). Provisions regarding the protection of victims of the crime of human trafficking are specifically regulated in Articles 43 to 53. Article 43 of Law Number 21 of 2007 stipulates that "The provisions concerning the protection of witnesses and victims in the crime of human trafficking shall be implemented based on Law Number 13 of 2006 concerning the Protection of Witnesses and Victims, unless otherwise stipulated in this Law." In the development and reform of the *Wetboek van Strafrecht* or Criminal Code, which has been enacted as Law Number 1 of 2023, the crime of human trafficking is explicitly regulated in Article 455 paragraphs (1) and (2).

The legal instruments for handling the crime of human trafficking consist of three aspects, namely legal aspects, prevention aspects, and handling aspects. There are a number of factors influencing the increase in the occurrence of the crime of human trafficking, including economic factors. Therefore, under the restorative justice paradigm, the enforcement of this criminal offense is expected to be carried out through concrete measures in realizing fair and comprehensive legal protection for victims of human trafficking. In fact, Indonesia already has a juridical normative foundation related to legal protection for victims of the crime of human trafficking, namely the Law on the Eradication of the Crime of Human Trafficking in Chapter V Articles 43 to 55 and Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 on the Protection of Witnesses and Victims. However, there are several issues in its implementation, including the provision of restitution. Throughout 2021, the percentage of restitution requests granted by judicial panels and paid by perpetrators was only 12%, indicating that the system remains weak in protecting victims of human trafficking.

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Although a legal framework governing the protection of victims of human trafficking is already available, the effectiveness of its implementation still faces various challenges. One of the main obstacles is the low rate of case reporting. Many victims are reluctant to report because they fear threats from perpetrators, feel ashamed, or do not understand the rights they possess. The implementation of restitution also remains a problem. In many cases, court decisions order perpetrators to pay restitution to victims, but implementation is often hindered because perpetrators do not have the financial capacity or because there is no effective mechanism to ensure such payments. As a result, victims' rights to obtain economic recovery are often not fulfilled optimally.

Another challenge is the limited availability of rehabilitation facilities and victim assistance services. Victims of human trafficking require comprehensive services, ranging from physical health recovery and psychological assistance to social and economic support. However, the availability of such services remains uneven across different regions. This condition causes the victim recovery process to often proceed slowly and inadequately.

Coordination among institutions is also a factor affecting the effectiveness of legal protection. The handling of victims of human trafficking involves many parties, such as the police, prosecutors, courts, local governments, witness and victim protection agencies, and civil society organizations. If coordination does not function properly, the process of victim protection and recovery may encounter obstacles. Based on these conditions, the effectiveness of legal protection for victims of the crime of human trafficking in Indonesia still requires strengthening. Efforts that can be undertaken include increasing public awareness regarding the dangers of human trafficking, strengthening inter-agency coordination, optimizing the implementation of restitution, and expanding access to rehabilitation and victim assistance services. Through these measures, the objective of legal protection will not only remain at the normative level but will also be able to provide real justice and recovery for victims. The results of the study indicate that Indonesia already has an adequate legal foundation to protect victims of the crime of human trafficking. However, the success of legal protection is determined not only by the existence of regulations but also by the effectiveness of their implementation. Therefore, a strong commitment from all stakeholders is required so that victims' rights can be fulfilled optimally and the objective of eradicating human trafficking can be achieved sustainably.

4. Conclusion

The crime of human trafficking is a criminal offense that threatens human rights and causes various negative impacts on victims, whether physically, psychologically, or socially. Indonesia already has a fairly adequate legal foundation to protect victims through Law Number 21 of

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2007 concerning the Eradication of the Crime of Human Trafficking, as well as various other supporting regulations. The forms of protection provided include legal assistance, security protection, rehabilitation, social reintegration, and the right to obtain restitution as a form of recovery for the losses suffered by victims. However, the effectiveness of such legal protection still faces various obstacles in its implementation. The low rate of case reporting, limited assistance and rehabilitation facilities, the less-than-optimal implementation of restitution, and the lack of coordination among institutions are factors that hinder the full realization of victims' rights. Therefore, it is necessary to strengthen inter-agency synergy, improve the quality of victim protection services, and optimize law enforcement so that the protection provided is not only normative in nature but is also capable of delivering justice, recovery, and effective protection guarantees for victims of the crime of human trafficking in Indonesia.

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