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

Analysis of the Effectiveness of Compensation Lawsuits as a Means of Victim Recovery in the Indonesian Civil Law System

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Abstract. *Compensation claims constitute one of the fundamental instruments of civil law aimed at providing remedies for parties who suffer losses resulting from unlawful acts or breaches of contractual obligations. From the perspective of victim protection, compensation mechanisms serve not only as a means of economic reform but also as a legal avenue for restoring violated rights and achieving justice for victims. However, the effectiveness of compensation claims within the Indonesian civil law system continues to face significant challenges, including lengthy judicial proceedings, difficulties in proving damages, low rates of judgment enforcement, and limited public access to legal remedies. These issues raise concerns regarding the extent to which compensation claims can effectively, fairly, and sustainably restore victims' rights. This study aims to analyze the legal framework governing compensation claims in the Indonesian civil law system, evaluate their effectiveness as a mechanism for victim recovery, and formulate a strengthened legal model that is more responsive to victims' needs. The research employs a normative legal method using statutory, conceptual, case, and comparative approaches. Research data are collected through library research involving legislation, court decisions, legal doctrines, academic literature, and relevant research findings. The study reveals that although compensation claims remain the primary legal mechanism for victim recovery in civil law, their implementation has not fully ensured justice and legal certainty for victims. Therefore, legal policy reforms, procedural simplification, and stronger judgment enforcement mechanisms are necessary to enhance the effectiveness of victim recovery within the Indonesian civil justice system.*

Keywords: *Compensation; Civil; Justice; Law; Legal.*

1. Introduction

In resolving legal issues, there are courts that can handle cases related to criminal and civil offenses. The District Court is a general court that has jurisdiction to examine and try various

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types of civil cases, including breach of contract and unlawful acts (hereinafter referred to as PMH). The increase in the number of civil cases from 2022 to 2024, based on data from the Supreme Court of the Republic of Indonesia in 2023, the number of civil cases, general religious cases, and state administrative cases registered through the e-court application (electronic court) at the District Court reached 313,947 cases, an increase of 10.86% from 2022.¹

The Directory of Decisions of the Supreme Court of the Republic of Indonesia recorded that as of June 7, 2024, 965,966 civil decisions had been filed, with 138,242 decisions classified as PMH decisions. In 2024, there were 6,748 decisions related to unlawful acts, with 2,759 registered, and 9,811 decisions uploaded in 2024.²

An unlawful act in civil law is an act that causes harm to another person without any prior legal relationship, which obligation is directed towards every person in general and failure to fulfill the obligation can be requested for compensation. In the context of civil law, PMH with on *rechtmatige daad*. As regulated in book III on Contracts Article 1365 of the Civil Code (*KUHPerdata*), PMH is any act that violates the law and causes harm to another person, requiring the person who caused the loss due to his fault to replace the loss.

One of the differences between civil and criminal offenses lies in the elements of a civil offense. In civil law, these elements include an unlawful act, fault on the part of the perpetrator, harm to the victim, and a causal relationship between the act and the harm. In criminal law, the elements of a criminal offense include an act that violates the law, an act committed beyond the limits of authority or power, and an act that violates general principles of law.³

The law provides a mechanism for recovering losses, one of which is through compensation. There are several definitions of compensation, including:

1) Compensation, the right of a person to receive compensation for his/her claims in the form of a sum of money due to being arrested, detained, prosecuted or tried without any legal reason or due to an error regarding the person or law applied in the manner stipulated in the law. (Criminal procedural law).⁴

¹Supreme Court of the Republic of Indonesia. 2024. "2023 Sets Record for Lowest Number of Remaining Cases in the History of the Supreme Court." Accessed June 19, 2026

²Supreme Court Decisions Directory. <https://putusan3.mahkamahagung.go.id/direktori/index/kategori/perdata-1.html>. Accessed on June 19, 2026

³Indah Sari. Unlawful Acts (PMH) in Criminal Law and Civil Law. Scientific Journal of Aerospace Law, Vol. 11, No. 1, 2020, p. 69.

⁴Charlie Rudyat, (2024), Legal Dictionary, Yogyakarta: Pustaka Paperplane. pp. 184-185.

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2) Compensation for unlawful acts, a form of compensation imposed on a person who has caused harm to the injured party. (Civil law)

3) Compensation damages, damages which are payments to victims in the amount of losses actually suffered by the victim from an unlawful act. (Civil law).

2. Research Methods

This research is a normative legal study that focuses on the analysis of legal norms governing compensation claims as an instrument for victim recovery in the Indonesian civil law system. The research is directed at examining the suitability of applicable legal regulations with the objectives of victim protection and recovery, as well as assessing the effectiveness of their implementation in judicial practice. This research uses a normative legal approach with a combination of several legal approaches (doctrinal approaches) that are analytical, evaluative, and prescriptive. Data Source: Primary Legal Materials: The 1945 Constitution of the Republic of Indonesia. The Civil Code, in particular: Articles 1243–1252 of the Civil Code concerning compensation for breach of contract; Article 1365 of the Civil Code concerning unlawful acts; Article 1366 of the Civil Code; Article 1367 of the Civil Code. Law Number 48 of 2009 concerning Judicial Power. Supreme Court Regulations relating to the administration of civil cases and dispute resolution. Secondary Legal Materials: Legal Literature and Books. Scientific Works. Expert Opinions. This research uses qualitative legal analysis with a normative-analytical approach combined with socio-legal analysis (normative-empirical), which is evaluative, interpretative, and prescriptive-reconstructive.

3. Results and Discussion

The concept of human trafficking, or better known as human trafficking, officially began to receive serious international attention in 2000. In that year, the UN General Assembly ratified an important international legal instrument known as the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, as part of the UNTOC. This protocol, better known as the Palermo Protocol, marked an initial milestone in global efforts to provide a clear legal definition of the crime of human trafficking, as well as to regulate comprehensive prevention and enforcement mechanisms.

The perpetrators are generally part of a transnational criminal network with a well-structured and strategic approach, exploiting advances in information technology and global mobility to expand their reach and disguise their illegal activities. This makes human trafficking an

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extraordinary crime that requires extraordinary action, including policies, regulations, and solid and sustained international cooperation.

The complexity of the forms and modus operandi of this crime makes it a serious challenge for national and international legal systems, and demands cross-border cooperation between countries. In response to these dynamics, the UN, through the Office of the High Commissioner for Human Rights, published Fact Sheet No. 14 in 2006 entitled Contemporary Forms of Slavery.⁵

This confirms that human trafficking is not only a violation of criminal law, but also a serious violation of the most fundamental human rights and dignity.

As part of a more comprehensive communications strategy, the IOM has also produced a documentary titled "Never Again." This film not only tells the true story and profound impact experienced by victims of human trafficking, but also serves as an educational tool, written in an informative and accessible manner for the general public. With a strong narrative and empathetic visual approach, this documentary serves as an important medium for voicing the urgency of protecting victims' rights and combating human trafficking comprehensively.⁶

In the context of human trafficking (TPPO), although this practice has been going on in various forms for a long time, awareness and attention to this crime in the national legal system has only received serious attention in the last two decades, along with the development of international law and increasing global pressure on modern slavery practices. The birth of the PTPPO Law is an important milestone that shows a shift in the national legal paradigm from being sectoral to being more comprehensive and oriented towards victim protection.⁷

Member states are encouraged to align their national legal systems with international standards, enhance institutional capacity, and develop policies oriented toward victims' rights. Furthermore, the UN has launched various global initiatives, one of which is GLO.ACT, a collaborative project involving various stakeholders, including governments, civil society

⁵Kusumawardhani, Prevention and Overcoming of Women's Trafficking Oriented towards Victim Protection, Journal of Society and Culture, Vol.12, No.2(2010), p.334

⁶Adam Najib Yunardi, The Role of the International Organization for Migration (IOM) in Handling Human Trafficking of Indonesian Citizens in the United Arab Emirates (Singaperbangsa University, Karawang), Jurnal Politikom Indonesiana, Vol.6, No.2(2021), p.1-13.

⁷Muhammad Adystia Sunggara, Yang Meliana and Ade Ayu Saputri, Law Enforcement Against Human Trafficking Crimes in the Criminal Justice System in Indonesia, Jurnal Solusi, Faculty of Law, University of Palembang, Vol.20, No.2(2022), p.207-210

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organizations, and international institutions. This initiative emphasizes a holistic approach that focuses not only on prosecution but also on prevention and victim recovery.⁸

4. Conclusion

Based on the analysis of the effectiveness of compensation claims against women in cases of sexual violence, the study of decision number 132/Pib.B/2023/PN Pnn, the author concludes that: The procedure for filing a compensation claim for victims of sexual violence involves several steps, including submitting a restitution application to the court, including the identity of the applicant and victim, and a description of the crime experienced. Victims can also contact a protection agency for assistance in this process, such as the LPSK. The effectiveness of the law in compensation claims against women victims of sexual violence based on decision number 132/Pid.B/20223/PN Pnn can be seen from the speed of the legal process and the certainty of the results. A fast and transparent process provides a sense of justice for victims, while a firm decision creates a deterrent effect for perpetrators and increases public trust in the legal system.

1) The effectiveness of civil compensation claims in sexual violence cases in *Pesisir Selatan* can be seen in the victims' ability to obtain fair and timely compensation. Furthermore, the application of Article 1365 of the Civil Code, which regulates unlawful acts, also plays a crucial role in providing legal protection for victims.

2) To the Government, improving legal education and literacy, through outreach and legal education for the public, especially victims of sexual violence, must be carried out routinely. This step is crucial for improving victims' understanding of their rights, including the procedures for filing for restitution and claiming compensation. The government can collaborate with legal aid institutions to provide training to the public on criminal and civil legal mechanisms.

3) Judicial institutions should conduct regular evaluations of the implementation of restitution and compensation claims to ensure their effectiveness and fairness. Data related to sexual violence cases, restitution, and compensation claims must be properly managed to support future policy improvements.

⁸Ni Luh Putu Lusi Ayupratiwi, The role of international law in efforts to prevent and eradicate human trafficking in Indonesia, *Undiksha Citizenship Education Journal* Vol. 10, No. 3 (2022), p. 235-252.

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