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Strengthening The Prosecution Policy for The Criminal Acts of Human Trafficking Based on The Protection of Victims' Rights in Indonesia: Towards A Victim-Centered Prosecution Model (Victim-Centered Prosecution Model)

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Abstract. *Human trafficking is a serious transnational crime that violates human rights and causes multidimensional suffering for victims, including physical, psychological, social, and economic harm. Although Indonesia has enacted Law Number 21 of 2007 concerning the Eradication of Human Trafficking, prosecution practices still tend to be offender-oriented, emphasizing punishment of the perpetrator rather than fulfilling the rights and rehabilitation of the victim. As a result, the implementation of restitution, rehabilitation, compensation, and long-term social reintegration for victims has not been optimal. This study aims to analyze the prosecution policy for human trafficking from the perspective of protecting victims' rights and to formulate a victim-centered prosecution model as a framework for strengthening prosecution policy in Indonesia. The research uses a normative juridical method with a statutory approach, a conceptual approach, and a case approach through analysis of statutory regulations, court decisions, prosecution guidelines, and relevant scientific literature. The research findings indicate that current prosecution policies have not fully integrated victim protection principles into the prosecution decision-making process. Prosecution performance is still measured by conviction rates rather than victim recovery rates. This study proposes a new framework called the Victim-Centered Prosecution Model (VCPM), which integrates restorative justice principles, restitution obligations, inter-agency coordination mechanisms, and victim recovery indicators into prosecution strategies. This study argues that strengthening prosecution policies through the implementation of the VCPM can increase legal certainty, strengthen victim protection, and create a fairer and more responsive criminal justice system in addressing human trafficking in Indonesia. The proposed model also has policy implications for developing*

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countries facing similar challenges in balancing perpetrator accountability and victim recovery in the prosecution process for human trafficking crimes.

Keywords: *Human Trafficking Crime; Prosecution Policy; Protection of Victims' Rights; Restitution; Victim-Centered Prosecution Model.*

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 subjects 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

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>

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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

From an international legal perspective, human trafficking is considered a serious violation of human rights because it deprives a person of their rights to liberty, security, personal integrity, and a dignified life. The international community's commitment to eradicating human trafficking is reflected in the 2000 Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), which emphasizes that anti-trafficking policies must be built on three main pillars: prevention, prosecution, and victim protection.³ In international policy developments, this paradigm has even evolved into the 4P approach: prevention, prosecution, protection, and partnership, which places inter-institutional collaboration as a crucial component of combating human trafficking. Thus, the success of law enforcement is no longer measured solely by the number of perpetrators convicted, but also by the state's ability to ensure victim recovery through mechanisms of restitution, rehabilitation, compensation, protection, and sustainable social reintegration.

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 of victims to legal protection, restitution, rehabilitation, and social assistance.⁴ In 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.

However, the existence of these various legal instruments has not fully addressed the complexity of human trafficking practices in Indonesia. Indonesia's position as a country of origin, transit, and destination for human trafficking has led to a growing variety of modus operandi, ranging from the exploitation of migrant workers, commercial sexual exploitation,

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>

³Savitri, A., 2022, Victim-Centered Approach in the Criminal Justice System, Pustaka Pelajar, Yogyakarta, p. 118

⁴Atmasasmita, R., 2021, Reconstruction of an Integrated Criminal Justice System in Combating Transnational Crime, Kencana, Jakarta, p. 75

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child labor, baby trafficking, and even digital technology-based exploitation.⁵This complexity demands a criminal justice system that is not only capable of proving the guilt of the perpetrator, but also provides effective protection for victims from the stages of inquiry, investigation, prosecution, court hearing, to the implementation of the court's decision.

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.⁶This 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.⁷It 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.⁸This phenomenon shows that the success of punishing the perpetrator is not necessarily directly proportional to the success of the victim's recovery.

In the development of victimology and the modern criminal justice system, victims are no longer viewed as passive parties who merely provide information in the evidentiary process, but rather as legal subjects who have the right to obtain protection, information, participation, recovery, and meaningful justice. This paradigm shift gave birth to a victim-centered justice approach that places the interests of victims as one of the main orientations in every stage of

⁵Loc cit , Buyung Pamungkas Shakti& Frans Simangunsong, 2026

⁶Prasetyo, 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,

⁷Atmasasmita, R., 2021, Reconstruction of an Integrated Criminal Justice System in Combating Transnational Crime, Kencana, Jakarta, p. 89).

⁸Arifin, 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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the criminal justice process. One concrete implementation of this approach is the concept of victim-centered prosecution, namely a prosecution model that integrates the needs, security, recovery, and participation of victims into the prosecution strategy without compromising the principle of perpetrator accountability. This approach has been applied in handling human trafficking cases in several countries such as the United States, Canada, Australia, the Netherlands, and the United Kingdom through strengthened inter-agency coordination, mandatory restitution filing, the use of a trauma-informed prosecution approach, and the provision of comprehensive victim support services.

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 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.

Thus, this study aims to critically analyze the implementation of the prosecution policy for human trafficking crimes in Indonesia, evaluate the effectiveness of protecting victims' rights in the prosecution process, and reconstruct a model of prosecution policy that is oriented towards victim recovery as part of criminal justice system reform.

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.⁹This 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

⁹Marzuki, PM, 2021, Legal Research: Revised Edition, Prenadamedia Group, Jakarta, p. 35

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the Attorney General of the Republic of Indonesia that regulate policies on prosecution and protection of victims.¹⁰

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).¹¹ Meanwhile, the case approach is carried out through a study of court decisions regarding human trafficking crimes that contain demands for restitution and forms of restoration of victims' rights, in order to evaluate the implementation of prosecution policies in practice.

The legal materials used consist of primary, secondary, and tertiary legal materials obtained through literature review. All legal materials were analyzed qualitatively using prescriptive analysis methods, namely through legal interpretation and legal argumentation to evaluate existing prosecution policies and formulate a prosecution model that is more oriented toward protecting and restoring the rights of victims of human trafficking.¹²

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

¹⁰Atmasasmita, R., 2021, Reconstruction of an Integrated Criminal Justice System in Combating Transnational Crime, Kencana, Jakarta, p. 102

¹¹Savitri, A., 2022, Victim-Centered Approach in the Criminal Justice System, Pustaka Pelajar, Yogyakarta, p. 145

¹²Marzuki, PM, 2021, Legal Research: Revised Edition, Prenadamedia Group, Jakarta, p. 182.

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3.1.1. 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.¹³

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.¹⁴ 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.

An overly focused focus on punishing the perpetrator often results in victim recovery being viewed as an issue outside the scope of prosecution. In many cases, prosecutors focus more on drafting indictments, proving the elements of the crime, and drafting prison sentences, while victims' needs for restitution, psychological rehabilitation, protection during the trial process, and post-verdict support have not been integrated into the prosecution strategy.¹⁵ As a result, even if the perpetrator is successfully convicted, the victim may not necessarily receive substantive justice because the economic losses, psychological trauma, and social impacts they experienced have not been adequately remediated.

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

¹³Prasetyo, 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

¹⁴Atmasasmita, R., 2021, Reconstruction of an Integrated Criminal Justice System in Combating Transnational Crime, Kencana, Jakarta, p. 125

¹⁵Savitri, A., 2022, Victim-Centered Approach in the Criminal Justice System, Pustaka Pelajar, Yogyakarta, p. 162

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restore the victim's condition as the party directly experiencing the suffering caused by the crime.¹⁶

3.1.2. 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 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.¹⁷

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.¹⁸ This condition causes restitution to become more of a normatively recognized right than a right that is actually enjoyed by the victim.

The weak implementation of restitution demonstrates that the orientation of prosecution policy still does not prioritize victims' economic recovery as an integral part of law enforcement objectives. Yet, for most trafficking victims, economic recovery is a crucial factor in the rehabilitation and social reintegration process after they leave the network of exploitation.

¹⁶, 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>

¹⁷Meiza 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>

¹⁸Arifin, 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

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3.1.3. 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.¹⁹ 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 on their own recovery.²⁰ 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.²¹

3.2. 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.²²

¹⁹Prasetyo, 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

²⁰Savitri, A., 2022, Victim-Centered Approach in the Criminal Justice System, Pustaka Pelajar, Yogyakarta, p. 175

²¹Atmasasmita, R., 2021, Reconstruction of an Integrated Criminal Justice System in Combating Transnational Crime, Kencana, Jakarta, p. 138).

²²Ramadhan, A., 2020, "Human Trafficking Law Enforcement: Challenges in Investigating Transnational Networks," Indonesian Journal of Criminology Vol. 16 No. 3, Jakarta, p. 120

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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.²³

This institutional fragmentation also results in suboptimal fulfillment of victims' rights, particularly in the implementation of restitution, psychosocial rehabilitation, and social reintegration. Public prosecutors generally lack a structured coordination mechanism with the Witness and Victim Protection Agency (LPSK) or social service agencies to develop prosecution strategies that comprehensively consider victims' needs.²⁴ In fact, the characteristics of human trafficking crimes that cause multidimensional suffering require a cross-sectoral approach that is able to integrate aspects of law enforcement with aspects of social protection, health, psychology, and economic empowerment of victims.

3.2.1. 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, reparation, and access to justice.²⁵ In 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.²⁶

²³Asafita 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

²⁴Dr. Anggreany Haryani Putri, SH.,MH., 2025, Transformation of Witness and Victim Protection: Legal, Psychosocial, and Restorative Justice Approaches, MAZDA MEDIA, Bojonegoro, p. 34

²⁵Agus 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

²⁶Prasetyo, 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).

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Normatively, Indonesia has relatively adequate legal instruments to guarantee the protection of victims of human trafficking. Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking recognizes the rights of victims to receive restitution, rehabilitation, repatriation, and social reintegration. These provisions are strengthened by Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning the Protection of Witnesses and Victims, which authorizes the Witness and Victim Protection Agency (LPSK) to provide physical protection, medical assistance, psychological rehabilitation, and facilitation of restitution applications to victims. Furthermore, various regulations of the Indonesian Attorney General's Office have also accommodated the principle of victim protection in the implementation of prosecutorial authority. Thus, from a regulatory perspective, Indonesia has demonstrated a strong commitment to integrating the principles of victim protection into the criminal justice system.

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.²⁷ 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 difficulty 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.²⁸ As a result, many victims are legally entitled to restitution, but do not receive any real benefit from the court's decision.

²⁷Ibid Arifin, R., & Wibowo, A., 2021,, p. 245.

²⁸Ibid Arifin, R., & Wibowo, A., 2021, p. 250

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Victims' rights to rehabilitation are relatively better than those for restitution, although implementation remains suboptimal. The government, along with the Witness and Victim Protection Agency (LPSK), the Ministry of Social Affairs, and various service agencies, have provided medical, psychological, and social rehabilitation mechanisms for victims of human trafficking.²⁹ However, the quality of rehabilitation services is still heavily influenced by institutional capacity, budget availability, and differences in facilities across regions. In some areas, victims have received adequate rehabilitation services, while in others, access to these services remains limited. This indicates that the rehabilitation system has not yet fully implemented uniform and sustainable service standards.

A more complex issue arises in the rights of victims to participate in the criminal justice process. Although laws and regulations provide opportunities for victims to obtain information on case developments, express their opinions, and obtain legal assistance, prosecution practices still position victims as mere instruments of evidence. Victims are generally only involved during the examination stage as witnesses, while their involvement in the preparation of charges, restitution requests, and the implementation of decisions remains very limited. As a result, the law enforcement process often fails to fully reflect the needs and interests of victims, the parties most impacted by human trafficking.

Meanwhile, the right to protection has received strong normative recognition through various national legal instruments. Victims are entitled to physical protection, identity protection, security guarantees, and assistance during the judicial process. However, the implementation of this protection still faces various obstacles, particularly related to limited resources, inter-agency coordination, and the uneven distribution of protection services across Indonesia. In some cases, victims still face threats of intimidation, pressure from perpetrators or human trafficking networks, and concerns for the safety of themselves and their families. These conditions have the potential to impact victims' courage to provide testimony freely before investigators and the courts.

The evaluation results indicate that the protection of victims' rights in the human trafficking prosecution system remains partial. It has gained strong normative legitimacy but has not yet been fully realized in law enforcement practice. The gap between norms and implementation indicates that successful prosecutions are still more oriented toward resolving cases through criminal prosecution rather than toward the successful recovery of victims. In other words, the

²⁹Witness and Victim Protection Agency [LPSK], 2024, Annual Report on Fulfillment of the Rights of Restitution and Compensation for Crime Victims, LPSK, Jakarta, p. 35)

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prosecution system still uses retributive measures of success, while victim recovery indicators have not yet become a primary component of law enforcement performance evaluations.

These conditions indicate the need for a more comprehensive reform of prosecution policy by placing victims at the center of the law enforcement process (victim-centered approach). Such reform requires not only regulatory improvements, but also a shift in institutional paradigms, increased capacity of law enforcement officers, strengthened cross-sector coordination, and the development of indicators of successful prosecution that are no longer solely measured by conviction rates, but also by the level of restitution realization, rehabilitation effectiveness, victim participation, and successful social reintegration. Based on this evaluation, this study proposes the Victim-Centered Prosecution Model (VCPM) as a prosecution policy model that integrates the protection and restoration of victims' rights into every stage of the prosecution process, thereby creating a criminal justice system that is more just, responsive, and in line with developments in human rights protection standards.

3.2.2. Victim-Centered Prosecution Model (VCPM)

The research findings indicate that the various weaknesses in Indonesia's human trafficking prosecution policy are not solely due to regulatory limitations, but also to a prosecution paradigm that remains oriented toward punishing the perpetrator (offender-oriented prosecution). Although laws and regulations recognize various victims' rights, their implementation has not fully integrated victims' interests into every stage of the prosecution process. As a result, the success of prosecutions is still measured more by the conviction rate than by the victim's recovery rate.

Based on these conditions, this study proposes a prosecution policy model called the Victim-Centered Prosecution Model (VCPM). This model is a prosecution concept that places the victim as the primary subject in the criminal justice process without compromising the principle of perpetrator accountability. The VCPM is based on the principles of human rights protection, victimology, restorative justice, and a trauma-informed justice approach. Through this model, the prosecution function is not only directed at obtaining a criminal verdict against the perpetrator, but also ensures that the victim receives protection, recovery, and effective access to justice.

3.2.3. Pillar I: Indictments and Restitution-Based Demands

The first pillar of the Victim-Centered Prosecution Model is strengthening the function of indictments and demand letters as instruments for protecting victims' rights by optimizing

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restitution demands. To date, indictments have focused more on proving the elements of the crime and requesting criminal charges against the perpetrator, while the aspect of restitution for victims' losses has often not been an integral part of the prosecution strategy. Yet, Law Number 21 of 2007 provides a legal basis for victims to obtain restitution as a form of reparation for the material and immaterial losses they have suffered.

Within the VCPM framework, the public prosecutor is not only tasked with proving the perpetrator's guilt but also actively identifying all losses suffered by the victim. These losses include lost income, medical expenses, rehabilitation costs, lost employment opportunities, and other economic losses arising as a direct result of the crime of human trafficking. These calculations are conducted in coordination with investigators, the Witness and Victim Protection Agency (LPSK), psychologists, social workers, and economists, if necessary.

Furthermore, the results of the loss identification must be explicitly included in the indictment as part of the criminal charges. Thus, restitution is no longer positioned as an optional claim but rather an integral component of every human trafficking case. The prosecutor's role does not end after the court's decision is rendered; it continues with oversight of the implementation of the restitution decision through coordination with relevant agencies. This approach will increase legal certainty for victims while strengthening the effectiveness of court decision enforcement.

3.2.4. Pillar II: Integrated Victim Recovery System

The second pillar of the VCPM emphasizes the importance of building an integrated victim recovery system through cross-sector coordination. The nature of human trafficking, which causes physical, psychological, social, and economic suffering, means that victim recovery cannot be achieved by a single institution. Therefore, successful prosecutions must be supported by synergy between institutions authorized to protect and empower victims.

In this model, the Indonesian Attorney General's Office (AGO) acts as the coordinator of the prosecution process, ensuring that victims' rights are met throughout the judicial process. The Indonesian National Police (Polri) is responsible for identifying victims during the investigation and prosecution stages and ensuring their safety throughout the legal process. The Witness and Victim Protection Agency (LPSK) provides physical protection, psychological assistance, legal representation, and facilitates restitution claims. The Ministry of Social Affairs is responsible for social rehabilitation, economic empowerment, and reintegration of victims into society, while civil society organizations provide assistance, counseling, education, and advocacy services for victims.

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This coordination needs to be realized through an integrated working mechanism supported by a data exchange system, shared standard operating procedures, and an inter-agency coordination forum. With an integrated system, the victim protection process will no longer be sectoral, but rather a continuous series of services from the moment a victim is identified until they achieve complete recovery.

3.2.5. Pillar III: Trauma-Informed Prosecution

The third pillar of VCPM is the implementation of prosecution based on an understanding of the trauma experienced by victims. Human trafficking victims commonly experience physical violence, sexual exploitation, threats, psychological pressure, and a loss of security, which can impact their ability to testify during the legal process. Therefore, a prosecution approach solely focused on proving the elements of the crime has the potential to lead to secondary victimization, which is the additional suffering caused by the judicial process itself.

Within this framework, public prosecutors need to receive specialized training in trauma psychology, trauma-based victim interview techniques, and a gender-sensitive approach. An understanding of trauma psychology is necessary for prosecutors to understand victims' behavior, which is often considered inconsistent, such as changing statements, fear of attending court, or reluctance to reveal the full extent of their experiences of exploitation. Trauma-based interview techniques aim to create a safe examination environment, respect the victim's dignity, and minimize psychological distress during the prosecution process. Meanwhile, a gender-sensitive approach is crucial because the majority of trafficking victims are women and children, who are particularly vulnerable to sexual exploitation and gender-based violence.

Implementing this approach will improve the quality of evidence and strengthen victim protection. In addition to producing more comprehensive testimony, a trauma-informed approach also contributes to victims' psychological recovery, as they are treated as individuals who must be protected, not simply as evidence in the judicial process.

3.2.6. Pillar IV: Victim Recovery Performance Indicators

The fourth pillar is a reform element that is a key characteristic of the Victim-Centered Prosecution Model. Prosecution performance indicators have generally been measured by the number of cases resolved, the level of successful prosecution, and the number of defendants convicted. While these indicators are important, they are inadequate to reflect the state's success in fulfilling victims' rights.

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Through the VCPM, this study proposes changes to prosecution performance indicators that are more oriented toward victim recovery. Prosecution success is measured not only by the conviction rate but also by four key indicators: restitution realization rate, victim access to rehabilitation services, victim satisfaction with the prosecution process, and successful social reintegration of victims.

The level of restitution realization indicates the effectiveness of prosecutors in fighting for victims' economic rights. Access to rehabilitation measures the justice system's ability to connect victims with medical, psychological, and social services. The level of victim satisfaction reflects the quality of service provided by law enforcement officers during the prosecution process, while the success of social reintegration indicates the state's success in returning victims to productive members of society. With these indicators, evaluation of prosecution performance becomes more comprehensive because it not only assesses the punishment of perpetrators but also measures the success of victim recovery, the ultimate goal of law enforcement.

3.3. Policy Implications

The implementation of the Victim-Centered Prosecution Model (VCPM) has significant implications for reforming the prosecution system for human trafficking crimes in Indonesia. This model not only offers changes to the technical aspects of prosecution but also encourages a paradigm shift in law enforcement from a perpetrator-centered system to one that places victims at the center of legal protection. This paradigm shift implements human rights principles and aligns with developments in international policy on handling human trafficking crimes.

From an access-to-justice perspective, the implementation of the VCPM has the potential to improve victims' ability to more effectively pursue their rights. Victims are no longer positioned merely as witnesses in the evidentiary process, but rather as legal subjects with rights to information, protection, restitution, rehabilitation, and assistance during the judicial process. Thus, the prosecution system will provide victims with greater opportunity to obtain substantive justice.

From a prosecution effectiveness perspective, the VCPM can improve case handling by integrating the evidentiary process with victim recovery. This approach enables public prosecutors to develop a more comprehensive prosecution strategy, focusing not only on punishing the perpetrator but also on ensuring the actual implementation of victims' rights.

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Inter-institutional synergy in implementing this model will also reduce institutional fragmentation, a key obstacle in handling human trafficking cases.

The implementation of the VCPM also has the potential to increase public trust in the criminal justice system. The success of a prosecution is no longer solely measured by the severity of the sentence imposed on the perpetrator, but also by the state's ability to deliver justice to the victim. A law enforcement system that provides tangible protection and redress will strengthen the legitimacy of law enforcement institutions and encourage victims to be more willing to report human trafficking crimes.

Furthermore, the implementation of the VCPM will strengthen the harmonization of the national legal system with international standards, such as the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), the United Nations Convention against Transnational Organized Crime (UNTOC), and various United Nations guidelines on the protection of crime victims. Thus, this model is not only relevant for strengthening prosecution policies in Indonesia but also has the potential to become a policy model for developing countries facing similar challenges in balancing punishment of perpetrators with restitution of victims' rights.

As a scientific contribution, the Victim-Centered Prosecution Model (VCPM) represents a novelty in this research because it offers a reconstruction of prosecution policy that integrates four main pillars: restitution-based prosecution, an integrated victim recovery system, trauma-based prosecution, and performance indicators oriented toward victim recovery. This model is expected to serve as a conceptual foundation for reforming prosecution policies for human trafficking crimes in Indonesia toward a more just, effective, and human rights-oriented criminal justice system.

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, 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 and victim recovery. Furthermore, this

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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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