

LICS 2026

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

The Effectiveness of Law Enforcement in Fulfilling the Rights to Restitution and Compensation for Victims of Human Trafficking

Siti Zuroidah Amperawati

Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia, E-mail: Sitizuroidah18@gmail.com

Abstract. *Trafficking in Persons (TIP) constitutes a human rights violation that inflicts physical, psychological, social, and economic harm upon victims. Consequently, beyond imposing criminal sanctions on perpetrators, the criminal justice system must ensure the fulfillment of victims' rights through restitution and compensation mechanisms. This study aims to analyze the effectiveness of law enforcement regarding the fulfillment of restitution and compensation rights for TIP victims in Indonesia, as well as to identify various obstacles and strategies for optimization. The research employs a normative legal method utilizing a library research approach, analyzing relevant legislation, literature, court rulings, and legal doctrines. The findings indicate that Indonesia possesses an adequate legal framework comprising Law No. 21 of 2007 on the Eradication of the Crime of Trafficking in Persons, Law No. 31 of 2014 on Witness and Victim Protection, and Supreme Court Regulation No. 1 of 2022 (Undang-Undang Nomor 21 Tahun 2007; Undang-Undang Nomor 31 Tahun 2014). However, the effectiveness of fulfilling restitution and compensation rights remains suboptimal due to weak mechanisms for enforcing judgments, suboptimal coordination among law enforcement agencies, difficulties in proving victim losses, perpetrators' limited financial capacity to pay restitution, and a legal culture still oriented toward punishing offenders. Therefore, it is necessary to strengthen regulations, optimize the role of the Witness and Victim Protection Agency (LPSK), enhance inter-agency coordination, and reinforce a law enforcement paradigm focused on the protection and restoration of victims' rights to achieve more effective and equitable justice.*

Keywords: *Crime of Human Trafficking; Compensation; Effectiveness of Law Enforcement; Restitution; Victim Protection.*

LICS 2026

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

1. Introduction

Human Trafficking (TPPO) is a form of transnational organized crime that not only threatens national security but also constitutes a serious violation of human rights. Victims of human trafficking experience various forms of exploitation, such as sexual exploitation, forced labor, modern slavery, organ harvesting, and other forms of exploitation that result in physical, psychological, social, and economic suffering (Bales, 2012). Therefore, combating TIP must not only focus on punishing the perpetrator (offender-oriented justice), but must also pay adequate attention to restoring the rights of victims (victim-oriented justice).

From the perspective of the rule of law as affirmed in Article 1, Paragraph (3) of the 1945 Constitution of the Republic of Indonesia the state has an obligation to provide legal protection, ensure legal certainty, and uphold the human rights of every citizen, including victims of criminal acts. This guarantee is reinforced by Article 28D, Paragraph (1) and Article 28I, Paragraph (4) of the 1945 Constitution, which assert that the protection, promotion, enforcement, and fulfillment of human rights are the responsibility of the state, particularly the government.

To implement this constitutional obligation, Indonesia has established protections for victims of the crime of human trafficking through Law Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons (Undang-Undang Nomor 21 Tahun 2007). This law grants victims the right to receive restitution charged to the perpetrator as compensation for the material and non-material losses they have suffered. Furthermore, Law Number 31 of 2014 (amending Law Number 13 of 2006 concerning the Protection of Witnesses and Victims) provides for state-funded compensation under specific circumstances and strengthens the role of the Witness and Victim Protection Agency (LPSK) in upholding victims' rights (Undang-Undang Nomor 31 Tahun 2014).

Although the legal framework regarding restitution and compensation has become quite comprehensive, its practical implementation in law enforcement still faces various obstacles. Many court rulings in human trafficking cases fail to include orders for restitution; difficulties arise in calculating the extent of victims' losses; coordination among investigators, public prosecutors, the Witness and Victim Protection Agency (LPSK), and the courts remains weak; and the rate of actual restitution payments by perpetrators is low.

LICS 2026

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

Consequently, victims' rights which are normatively guaranteed under statutory law have not yet been fully and effectively realized. Various studies indicate that the fulfillment of restitution rights for human trafficking victims in Indonesia remains ineffective due to inconsistent application by law enforcement officials and the weak enforcement of court rulings regarding restitution (Andini et al., 2022; Bui et al., 2024; Herawati, 2022; Nurhayati, 2022; Vitasari et al., 2020).

The effectiveness of law enforcement is measured not only by the state's ability to impose penalties on offenders but also by the criminal justice system's success in redressing the losses suffered by victims (Soekanto, 2014). Within the modern justice paradigm, the objective of law enforcement has shifted from mere retribution (retributive justice) toward justice oriented around restoration (restorative justice) and victim protection (Muladi, 2002; Nawawi, 2016). Restitution and compensation serve as vital instruments in achieving this form of justice, as they acknowledge the victim's suffering while simultaneously embodying the responsibility of both the offender and the state for the consequences resulting from the criminal act (Dadang & Hendra, 2023).

At the international level, the state's obligation to provide protection for victims of human trafficking is also stipulated in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), which supplements the United Nations Convention against Transnational Organized Crime (UNTOC). This instrument encourages each State Party to provide effective compensation and recovery mechanisms for victims of human trafficking as part of upholding human rights.

This issue highlights a gap between legal norms (*das sollen*) and law enforcement practices (*das sein*). On one hand, Indonesia possesses comprehensive regulations regarding restitution and compensation rights for victims of human trafficking, further supported by Supreme Court Regulation Number 1 of 2022 concerning the procedures for resolving restitution and compensation claims. On the other hand, the implementation of these norms has yet to provide optimal protection for victims due to various normative, structural, and cultural obstacles within the criminal justice system.

Given these circumstances, it is crucial to examine the effectiveness of law enforcement regarding the fulfillment of restitution and compensation rights for victims of human trafficking. This study aims not only to analyze the extent to which legal provisions have been effectively implemented but also to identify the factors influencing the success or failure in fulfilling victims' rights.

The Effectiveness of Law Enforcement...
(Siti Zuroidah Amperawati)

LICS 2026

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

Consequently, this research is expected to contribute academically to the development of criminal law that prioritizes victim protection and to offer policy recommendations for reforming Indonesia's law enforcement system, thereby ensuring substantive justice for victims of human trafficking.

2. Research Methods

This study employs a normative legal research method utilizing a library research approach. The research involves an examination of legislation, court rulings, legal doctrine, and scholarly literature concerning the effectiveness of law enforcement in fulfilling restitution and compensation rights for victims of the crime of human trafficking. The study utilizes the statute approach, the conceptual approach, and the case approach. Data sources consist of primary, secondary, and tertiary legal materials gathered through library research. The data are analyzed qualitatively using a descriptive-analytical method to evaluate the effectiveness of legal regulations and the implementation of restitution and compensation rights for human trafficking victims, grounded in theories of legal effectiveness and legal protection.

3. Results and Discussion

3.1. The Concept of the Crime of Human Trafficking

Trafficking in Persons (TIP) is a serious crime that violates human rights by depriving individuals of their freedom, dignity, and fundamental rights through various forms of exploitation. This crime not only affects individual victims but also threatens social order, national security, and human development. Consequently, TIP is classified as a form of transnational organized crime that requires a comprehensive response through both national and international cooperation.

At the international level, the definition of human trafficking is set forth in the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), which supplements the United Nations Convention against Transnational Organized Crime (UNTOC). The Protocol defines human trafficking as the recruitment, transportation, transfer, harboring, or receipt of persons by means of the threat or use of force, abduction, fraud, deception, abuse of power or of a position of vulnerability, or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation includes, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude, and the removal of organs.

The Effectiveness of Law Enforcement...
(Siti Zuroidah Amperawati)

LICS 2026

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

Indonesia adopted the principles of the Palermo Protocol through Law Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons. Article 1, point 1 of the Law defines trafficking in persons as the act of recruiting, transporting, harboring, dispatching, transferring, or receiving a person by means of the threat or use of force, abduction, confinement, fraud, deception, abuse of power or of a position of vulnerability, debt bondage, or the giving of payments to obtain the consent of a person having control over another, for the purpose of exploitation or resulting in the person being exploited (Undang-Undang Nomor 21 Tahun 2007).

This definition indicates that the crime of trafficking in persons comprises three key elements: the act, the means, and the purpose. The "act" element encompasses the recruitment, transportation, transfer, harboring, or receipt of a person. The "means" element involves the use of threats, force, fraud, abuse of power, or other forms of coercion. Meanwhile, the "purpose" element is exploitation, which may take the form of sexual exploitation, forced labor, slavery, servitude, economic exploitation, or organ removal (Bales, 2012). These three elements serve as the basis for establishing proof in law enforcement actions against perpetrators of trafficking in persons.

In practice, human trafficking evolves alongside social, economic, and technological dynamics. Factors such as globalization, poverty, unemployment, low levels of education, gender inequality, social conflict, and easy access to information technology heighten public vulnerability to human trafficking. Perpetrators employ various methods, ranging from illegal labor recruitment, sham marriages, and illegal adoptions to the exploitation of migrant workers, online sexual exploitation, and child trafficking via digital media. These conditions demonstrate that human trafficking is a complex crime, necessitating a legal approach that is not merely repressive but also preventive and victim-protection oriented.

3.2. Legal Protection for Victims of Trafficking in Persons

Victims of human trafficking are the parties who suffer the most as a result of the crime. In addition to economic loss, victims often endure psychological trauma, physical violence, social stigma, the loss of educational and employment opportunities, and disruption to their family lives. Therefore, the protection of victims must be an integral part of the criminal justice system (Indrawan & Darusman, 2021).

From a human rights perspective, the protection of victims is a state obligation. Article 28D, paragraph (1) of the 1945 Constitution of the Republic of Indonesia guarantees every person the right to recognition, guarantees, protection, and fair legal certainty. Furthermore, Article

The Effectiveness of Law Enforcement...
(Siti Zuroidah Amperawati)

LICS 2026

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

281, paragraph (4) affirms that the protection, promotion, enforcement, and fulfillment of human rights are the responsibility of the state, particularly the government. Thus, the state is obligated not only to punish perpetrators of human trafficking but also to ensure the restoration of victims' rights.

The protection of victims of the crime of trafficking in persons in Indonesia is specifically regulated under Law Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons and Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning the Protection of Witnesses and Victims. Both laws grant victims various rights, including the right to physical and psychological protection, medical assistance, rehabilitation, legal assistance, repatriation and social reintegration, as well as the right to obtain restitution and under certain conditions in accordance with statutory regulations-compensation (Undang-Undang Nomor 21 Tahun 2007; Undang-Undang Nomor 31 Tahun 2014).

The evolution of modern criminal law reflects a paradigm shift from offender-oriented justice to victim-oriented justice (Nawawi, 2016). Under the conventional paradigm, the criminal justice system focuses primarily on punishing the offender. In contrast, within a victim-oriented paradigm, the objective of law enforcement extends beyond merely imposing punishment on the offender to restoring the victim's rights through effective mechanisms. Restitution and compensation serve as vital instruments for achieving substantive justice, as they acknowledge the harm suffered by the victim while simultaneously facilitating the restoration of their economic, social, and psychological well-being.

The concept of legal protection, as articulated by Philipus M. Hadjon, positions the state as the party obligated to provide both preventive and repressive protection to every citizen. In the context of human trafficking, preventive protection is realized through the enactment of regulations capable of preventing the occurrence of trafficking, while repressive protection is achieved through law enforcement against perpetrators, the provision of recovery services, and the fulfillment of victims' rights to restitution and compensation.

Although Indonesia's legal framework provides for victim protection in a reasonably comprehensive manner, its implementation faces various challenges. These include a lack of understanding among law enforcement officials regarding restitution filing mechanisms, difficulties in proving the extent of the victim's losses, suboptimal inter-agency coordination, and weak enforcement of court rulings granting restitution. Consequently, many victims of human trafficking have yet to receive full redress, even though the criminal convictions against the perpetrators have become final and binding.

The Effectiveness of Law Enforcement...
(Siti Zuroidah Amperawati)

LICS 2026

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

Therefore, the protection of victims of trafficking in persons must be understood as part of the state's responsibility to ensure justice, legal certainty, and respect for human rights. The effectiveness of the victim protection system is measured not only by the successful imposition of criminal penalties on perpetrators but also by the state's ability to ensure that victims' rights particularly the rights to restitution and compensation are effectively realized through legal mechanisms that are simple, expeditious, and enforceable.

3.3. Provisions on Restitution and Compensation in National Law

The protection of crime victims is a key indicator of a modern criminal justice system. The criminal law paradigm originally focused on punishing the perpetrator (offender-oriented justice) has evolved into a system that also recognizes the victim as a subject entitled to protection, redress, and justice (victim-oriented justice). In the context of the crime of human trafficking, fulfilling victims' rights through restitution and compensation mechanisms constitutes a legal responsibility that falls not only on the perpetrator but also represents an obligation of the state to guarantee the protection of human rights.

The constitutional basis for victim protection is found in Article 28D, Paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which guarantees every person the right to recognition, guarantees, protection, and fair legal certainty. Furthermore, Article 28I, Paragraph (4) affirms that the protection, promotion, enforcement, and fulfillment of human rights are the responsibility of the state, particularly the government. These provisions serve as the constitutional foundation for the enactment of various regulations governing the rights of victims of criminal offenses, including victims of trafficking in persons.

Specific provisions regarding the rights of victims of the crime of human trafficking are set forth in Law Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons. This Law recognizes the victim's right to restitution specifically, compensation payable by the perpetrator for losses resulting directly from the committed offense. Restitution encompasses compensation for the loss of property or income, medical and psychological treatment costs, and other losses directly suffered by the victim as a consequence of human trafficking. Thus, restitution serves not only as financial compensation but also as a means of holding the perpetrator accountable for the suffering endured by the victim.

In addition to the Law on the Eradication of the Crime of Trafficking in Persons, provisions regarding victims' rights have been strengthened through Law Number 31 of 2014, which amends Law Number 13 of 2006 concerning the Protection of Witnesses and Victims. This law

The Effectiveness of Law Enforcement...
(Siti Zuroidah Amperawati)

LICS 2026

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

expands the scope of victim protection by granting rights to physical protection, medical assistance, psychosocial and psychological rehabilitation, and legal counsel, as well as establishing mechanisms for claiming restitution and compensation through the Witness and Victim Protection Agency (LPSK). The existence of the LPSK signifies a shift in Indonesia's criminal justice policy toward a system that is more oriented toward the interests and recovery of victims.

In the Indonesian legal system, restitution and compensation possess distinct characteristics. Restitution constitutes compensation paid by the perpetrator to the victim pursuant to a court ruling as a consequence of the criminal act committed. Conversely, compensation is a form of redress provided by the state to the victim under specific circumstances, in accordance with statutory regulations. This distinction highlights that restitution is grounded in the principle of offender liability, whereas compensation represents a form of state responsibility aimed at ensuring the protection of the victim's rights when redress cannot be obtained from the perpetrator.

To strengthen the implementation of these two rights, Supreme Court Regulation Number 1 of 2022 concerning Procedures for Resolving Applications for Restitution and Compensation for Victims of Criminal Acts was issued. This regulation provides technical guidelines for judges, public prosecutors, and relevant parties regarding the procedures for filing, examining, ruling on, and executing restitution and compensation. The introduction of this regulation is expected to enhance legal certainty, simplify procedures, and strengthen victims' access to the restoration of their rights.

Nevertheless, the implementation of restitution still faces various empirical obstacles, including the suboptimal filing of restitution claims starting from the investigation stage, differing understandings among law enforcement officials regarding the mechanism for calculating victim losses, the limited financial capacity of perpetrators to pay restitution, and weak mechanisms for enforcing court rulings. These conditions result in many victims of human trafficking failing to receive effective redress, even though this right is guaranteed under various laws and regulations.

3.4. The Effectiveness of Law Enforcement in Fulfilling the Rights to Restitution and Compensation for Victims of Human Trafficking

The effectiveness of law enforcement serves as a measure of a legal system's success in achieving the objectives established by legislation. In the context of the crime of human trafficking, this effectiveness is gauged not only by the success of law enforcement agencies in

The Effectiveness of Law Enforcement...
(Siti Zuroidah Amperawati)

LICS 2026

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

uncovering offenses, prosecuting perpetrators, and imposing penalties, but also by the state's ability to ensure the fulfillment of victims' rights specifically the right to restitution and compensation as part of just redress. Consequently, the criminal justice system must be capable of balancing the state's interest in punishing offenders with the victims' interest in obtaining redress for the harm they have suffered.

From a normative standpoint, Indonesia possesses a sufficiently comprehensive legal framework regarding the rights to restitution and compensation for victims of human trafficking. These provisions are contained in Law Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons, Law Number 31 of 2014 concerning the Protection of Witnesses and Victims, and Supreme Court Regulation Number 1 of 2022 concerning Procedures for Resolving Applications for Restitution and Compensation for Victims of Criminal Acts. The existence of these regulations demonstrates that the state normatively recognizes the victims' right to obtain redress through restitution mechanisms charged to the perpetrators, as well as compensation provided by the state, in accordance with statutory provisions.

Nevertheless, the existence of adequate regulations does not automatically guarantee effective implementation. In practice, many victims of human trafficking have yet to receive restitution or compensation, even after court rulings have become final and binding. This situation reveals a gap between *das sollen* (the law as it ought to be) and *das sein* (the reality of legal implementation). Such a gap indicates that effective law enforcement has not been fully achieved, as victims' rights have not yet been optimally realized.

From the perspective of legal protection, Philipus M. Hadjon asserts that the state is obligated to provide both preventive and repressive protection to every citizen. In the context of trafficking in persons, preventive protection is realized through the enactment of regulations that guarantee victims' rights, whereas repressive protection is achieved through effective law enforcement and the provision of rehabilitation, restitution, compensation, and other recovery services. Consequently, a failure to fulfill the rights to restitution and compensation constitutes, in essence, a failure by the state to discharge its constitutional obligation to protect human rights.

From the perspective of restorative justice, restitution and compensation serve as vital instruments for restoring the victim's condition. Unlike the retributive approach, which focuses on punishing the offender, restorative justice emphasizes repairing the harm suffered by the victim, restoring social relationships, and holding the offender accountable for the consequences of their actions. Consequently, the success of the criminal justice system in

The Effectiveness of Law Enforcement...
(Siti Zuroidah Amperawati)

LICS 2026

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

cases of Trafficking in Persons (TPPO) cannot be measured solely by the number of convictions, but also by the extent to which victims' rights are effectively realized.

Consequently, the effectiveness of law enforcement in fulfilling restitution and compensation rights for victims of trafficking in persons (TPPO) in Indonesia continues to face various challenges. While a relatively adequate legal framework exists in normative terms, its implementation has been suboptimal due to obstacles involving legal substance, institutional structures, legal culture, inter-agency coordination, judgment enforcement mechanisms, and limited understanding among officials and victims regarding legally guaranteed rights. Therefore, it is necessary to strengthen regulations, enhance the capacity of law enforcement officials, optimize the role of the Witness and Victim Protection Agency (LPSK), refine restitution enforcement mechanisms, and foster a legal culture more oriented toward victim protection and recovery. Through these measures, law enforcement can not only ensure legal certainty and the punishment of perpetrators but also deliver substantive justice for trafficking victims, in accordance with the principles of the rule of law and respect for human rights.

3.5. Obstacles in Fulfilling the Rights to Restitution and Compensation for Victims of Trafficking in Persons

Although Indonesia possesses a relatively comprehensive legal framework governing restitution and compensation rights for victims of human trafficking, implementation faces various obstacles, preventing the goal of legal protection for victims from being optimally achieved. This reveals a gap between the legal provisions guaranteeing victims rights and the law enforcement practices that have yet to effectively realize those rights. In other words, the primary issue lies not in the availability of regulations, but in the effectiveness of their implementation.

One of the primary obstacles lies in the substance of the law. Although Law No. 21 of 2007 on the Eradication of the Crime of Trafficking in Persons, Law No. 31 of 2014 on the Protection of Witnesses and Victims, and Supreme Court Regulation No. 1 of 2022 address rights to restitution and compensation, these regulations do not fully provide certainty regarding the mechanism for enforcing restitution rulings when the perpetrator lacks the financial means or deliberately evades the obligation to pay damages. Consequently, many court rulings granting restitution cannot be effectively enforced, leaving victims without redress for the losses they have suffered. This situation demonstrates that the existence of legal norms has not been matched by enforcement mechanisms capable of guaranteeing the fulfillment of victims' rights.

The Effectiveness of Law Enforcement...
(Siti Zuroidah Amperawati)



LICS 2026

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

The next challenge concerns the law enforcement structure, specifically the coordination among law enforcement agencies. Fulfilling the right to restitution involves various institutions such as the police, the prosecutor's office, the courts, and the Witness and Victim Protection Agency (LPSK), as well as other service providers for victims. In practice, however, inter-agency coordination has not functioned optimally. Not all investigators include calculations of victim losses during the investigation stage, not all prosecutors include restitution demands in their prosecution statements, and not all judges consider awarding restitution in their rulings. Divergent understandings regarding procedures, evidentiary requirements, and the mechanisms for claiming restitution have led to inconsistent application of victims' rights across different regions. Consequently, the fulfillment of victims' rights often depends on the perspective of the officials handling the case rather than on consistently applied legal guarantees.

Another obstacle is the difficulty in calculating and substantiating the losses suffered by victims. Unlike losses in civil cases, which can generally be quantified based on economic value, the losses sustained by victims of human trafficking encompass both material and non-material damages. Victims not only lose income or property but also endure psychological trauma, physical suffering, the loss of educational and employment opportunities, and the breakdown of social relationships within their families and communities. These losses are often difficult to quantify in economic terms, making it challenging for law enforcement officials to determine an appropriate restitution amount. Consequently, the restitution amounts proposed often fail to reflect the actual losses suffered by the victims, or restitution is not sought at all.

Furthermore, the financial capacity of the perpetrators poses a significant obstacle. In many human trafficking cases, perpetrators either lack the assets to meet restitution obligations or have transferred those assets to third parties before the court ruling becomes final and binding. Consequently, even when a court orders the payment of restitution, victims remain unable to secure their entitlements due to the absence of executable assets. This situation demonstrates that successfully upholding victims' rights is not determined solely by judicial rulings but also depends on the effectiveness of mechanisms for tracing, seizing, and executing assets derived from criminal activity.

From the victims' perspective, obstacles also arise due to a lack of understanding regarding their legal rights. Many victims of human trafficking are unaware that they are entitled to restitution, compensation, rehabilitation, and legal assistance. Furthermore, victims often remain in a psychologically fragile state due to the violence and exploitation they have

The Effectiveness of Law Enforcement...
(Siti Zuroidah Amperawati)

LICS 2026

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

endured. Fear of the perpetrators, social stigma, pressure from their surroundings, and limited access to legal aid make victims reluctant to see the legal process through to completion. Consequently, the process of claiming restitution is not fully effective, and the victims' rights cannot be optimally fulfilled.

The final obstacle relates to a legal culture that remains oriented toward punishing offenders. In criminal justice practice, the success of law enforcement is largely measured by the number of offenders convicted and the severity of the sentences imposed, whereas the restoration of victims' rights has not yet become a primary indicator. This paradigm leads to restitution and compensation often being viewed as merely supplementary, rather than as integral components of the objectives of law enforcement. Yet, in the evolution of modern criminal law, the success of the justice system is measured not only by the punishment of offenders but also by the state's ability to restore victims' rights through effective and equitable mechanisms.

These various obstacles demonstrate that the effective fulfillment of restitution and compensation rights for victims of human trafficking is influenced not only by the existence of legislation but also by the quality of law enforcement officials, the effectiveness of inter-agency coordination, the availability of enforcement mechanisms, the level of public legal awareness, and the legal culture prevailing within the criminal justice system. Therefore, addressing these issues requires a comprehensive approach involving regulatory reform, institutional strengthening, capacity building for law enforcement officials, and a shift in the law enforcement paradigm toward one that prioritizes the protection and restoration of victims' rights.

4. Conclusion

Based on the discussion, it can be concluded that the regulatory framework regarding restitution and compensation rights for victims of the crime of human trafficking in Indonesia is legally sound anchored by Law Number 21 of 2007, Law Number 31 of 2014, and Supreme Court Regulation Number 1 of 2022 and aligns with international legal instruments, particularly the Palermo Protocol. However, the effectiveness of law enforcement in fulfilling these rights remains suboptimal due to a gap between normative provisions and their actual implementation. This lack of optimal fulfillment stems from various factors, including weak mechanisms for enforcing restitution rulings, suboptimal coordination among law enforcement agencies, difficulties in proving victim losses, perpetrators' limited financial capacity to pay restitution, and a legal culture that remains focused on punishing the perpetrator. Therefore, it is necessary to strengthen regulations, enhance inter-agency

The Effectiveness of Law Enforcement...
(Siti Zuroidah Amperawati)

LICS 2026

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

coordination, optimize the role of the Witness and Victim Protection Agency (LPSK), and shift the law enforcement paradigm toward the protection and restoration of victims' rights to ensure substantive justice for victims of human trafficking.

5. References

Journals:

- Andini, S. P., Putri, I. H., & Rosnawati, E. (2022). Tinjauan yuridis hak restitusi, rehabilitasi, dan ganti rugi bagi korban tindak pidana perdagangan orang menurut Undang-Undang Nomor 21 Tahun 2007. *Indonesian Journal of Law and Economics Review*, 16.
- Bui, U. A., Efendi, S., & Mandala, O. S. (2024). Studi komparatif pelaksanaan hak restitusi bagi korban perdagangan orang di Indonesia. *Jurnal Fundamental Justice*, 5(2).
- Chusna, A., & Setiawan, M. A. (2022). Peran LPSK dalam pemenuhan hak korban tindak pidana perdagangan orang. *Jurnal Legislasi Indonesia*, 19(3).
- Dadang, H. A., & Hendra, R. (2023). Pemberian restitusi korban kasus pidana perdagangan orang dan pemberantasan tindak pidana perdagangan orang. *Rechtsregel: Jurnal Ilmu Hukum*, 6(1).
- Herawati, R. (2022). Implementasi restitusi bagi korban tindak pidana perdagangan orang. *Jurnal RechtsVinding*, 11(2).
- Indrawan, R. M. J., & Darusman, Y. M. (2021). Perlindungan hukum terhadap korban tindak pidana perdagangan orang di Indonesia. *Jurnal HAM*, 12(1).
- Nurhayati, S. (2022). Efektivitas pemenuhan hak restitusi korban tindak pidana perdagangan orang. *Jurnal IUS Kajian Hukum dan Keadilan*, 10(1).
- Vitasari, S. D., Sukananda, S., & Wijaya, S. (2020). Pelaksanaan pemberian restitusi terhadap korban tindak pidana perdagangan orang. *DIVERSI: Jurnal Hukum*, 6(1).

Books:

- Bales, K. (2012). *Disposable people: New slavery in the global economy* (Rev. ed.). University of California Press.
- Muladi. (2002). *Hak asasi manusia, politik dan sistem peradilan pidana*. Badan Penerbit Universitas Diponegoro.

The Effectiveness of Law Enforcement...
(Siti Zuroidah Amperawati)



LICS 2026

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

Nawawi, A. B. (2016). Bunga rampai kebijakan hukum pidana. Kencana.

Soekanto, S. (2014). Faktor-faktor yang mempengaruhi penegakan hukum. Rajawali Pers.

Regulation:

Law Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons. (2007).

Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning the Protection of Witnesses and Victims. (2014).

The Effectiveness of Law Enforcement...
(Siti Zuroidah Amperawati)