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

Legal Protection for Child Victims of Human Trafficking

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Abstract. *Trading child as part from action criminal human trafficking has become crime cross- country that is not only rob freedom someone, but also demeaning dignity humanity. Research This aim for analyze form protection law to child victims of crime criminal human trafficking. Study This using approach juridical normative and type study descriptive. The type and source of data uses secondary data in the form of material primary law, material law secondary, and legal data tertiary. The data collection method uses literature, and methods analysis qualitative. Research result show that Protection law for child as a victim of crime criminal human trafficking in Indonesia is regulated in a way comprehensive, especially in Constitution Number 21 of 2007 concerning Eradication Action Criminal Human Trafficking (PTPPO Law). protection law against child victims covers aspect preventive, curative, rehabilitative, and reintegrative*

Keywords: *Children; Human Trafficking; Legal Protection.*

1. Introduction

Practice The Crime of Human Trafficking (TPPO) in Indonesia until now now Still happen Because factor poverty, unemployment, gender inequality and easy access to forgery documents, plus Again with other factors, namely lack of education, lack of field domestic jobs and decent wages as well as less than optimal state efforts in give protection for the people.[1] Crime ongoing human trafficking develop with rapidly nationally and internationally, developments civilization humans and progress technology, information, communication and

[1] https://pusiknas.polri.go.id//tindak_pidana_perdagangan_orang_ditangani_polri_capai_5 7_kasus accessed on July 9, 2026

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transportation follow influence development of crime modes human trafficking, in operation, crime This often done in a way closed and moving outside law.[2]

Human trafficking in particular women and children, are contradictory actions with dignity and honor human and violate right basic human rights (HAM) so that must eradicated. Crime human trafficking has expanding in form network organized and unorganized crime organized, good nature between countries and domestically, so that become threat to society, nation, and state, as well towards the norms of life that are based on respect to right basic human. Action criminal human trafficking more dominant the victim is women and children Because considered as the weakest people. Every Country in the World has affected by trade human, good as a country of origin, transit, or objective for the victims. Human traffickers around the world continue to target women and children women, including crime human trafficking that occurs in Indonesia. However, in 2022, the action criminal human trafficking apparently the more worsening, level crime humanity the in a way common in Southeast Asia, including Indonesia's ranking drops in the list issued the United States government.

Indonesia until 2023 is one of the source, transit or export countries. the purpose of human trafficking. The victims most is women and children, they exploited in various sector, starting from domestic, entertainment, construction, tourism, sex, forestry, fisheries, mining and other sectors others. Robinopsnal Data Criminal Investigation Department Indonesian National Police show happen improvement case in seven month final good inside and abroad. In January 2022, the Police take action four human trafficking cases. In July 2022, the action case increase up to 600 percent.[3]

Children hold key to the future nation we. Children own rights that must be respected and guarded like as adults. Instead prioritize safety they, the children precisely become targets of criminals. Some example violence to child including trading children, exploitation economy, and rejection to rights they.[4] In In his book entitled " Child Trafficking in Indonesia" in 2001, Irwanto describes topic This with write that children and other individuals who depend on adults For endure life more Possible For become a victim of violence to child Because they No own maturity For defend self they Alone or take decision Alone.

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[2]Marlina and Azmiati Zuliah, 2019, *The Right to Restitution for Victims of Human Trafficking*, *PT Refika Aditama*, Bandung, p. 1;

[3]https://pusiknas.polri.go.id//tindak_pidana_perdagangan_orang_ditangani_polri_capai_5 7_kasus accessed on July 9, 2026

[4]Marzuki, Peter Mahmud, 2013, *Legal Research*, Revised Edition, Kencana, Jakarta.

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The law recognizes and protects dignity and value inherent in each humans, which began since fertilization. [5]Therefore that, the law must protect every helpful efforts maturity and progress generation children in the future. According to Law No. 23 of 2002 concerning Child Protection, state, government, society, family and parents obliged For nurture and protect children. Therefore that is very important for all stakeholders interest For collaborate For ensure the program is realized child Healthy can implemented in 2015 with honor universal rights of children. Children own price inherent self because God Almighty has give grace This to They. [6]Worldwide, approximately 1.2 million child become a victim of trafficking child every the year, according to UNICEF statistics. Every years, between four tens thousand until seven tens thousand children in Indonesia become prey prostitution consequence trading children. Adults this, problem trading child the more worsening. Denial to right basic child happen when adults No Again look at child as equal human beings with self they alone and start look at they as objects that can exploited for profit personal. Many children young people who become prey trading man moment this. A insult to dignity humans and violations right basic humans, that's what happens. All over the world, the network organized and unorganized crime organized trade child child, which is threat for society, state, and state as well standard life based right basic man.[7]

2. Research Methods

Study This using approach normative juridical, and type study descriptive. The type and source of data uses secondary data in the form of material primary law, material law secondary, and legal data tertiary. The data collection method uses literature, and methods analysis qualitative analysis qualitative used For processing and analyzing research data with compare material primary and secondary law For know differences, similarities, and gaps opinion law.

Data used is secondary data in form material law. furthermore the data that has been obtained will analyzed with use descriptive-qualitative, then concluded in a way method induction and method deduction.

[5]Reza Fahlevi, 2020, *Children in the Legal Aspects of Child Protection in National Law Perspective*, Lex Jurnalica 12, no. 3,147255.
[6]Republic of Indonesia, 2002, *Law of the Republic of Indonesia Number 23 of 2002 Concerning Child Protection*, Ministry of Women's Empowerment of the Republic of Indonesia, Jakarta.
[7]Brian Septiadi Daud and Eko Sopoyono, 2019, *Implementation Sanctions Criminal To Perpetrator Trading Human Trafficking in Indonesia*, Journal of Indonesian Legal Development 1, no. 3, 352 –65.

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3. Results and Discussion

Provision about prohibition human trafficking in essence has arranged in the Criminal Code (KUHP). Article 297 of the Criminal Code determines about prohibition trading women and children man Not yet mature and qualified action the as crime. Article 83 of the Law Number 23 of 2002 concerning Child Protection determines prohibition trade, sell, or kidnap child For self Alone or For for sale, but provisions of the Criminal Code and Law Child Protection No formulate understanding strict human trafficking in a way law. Besides that, Article 297 of the Criminal Code provides excessive sanctions light and not worth it with the impact suffered by the victim due to crime human trafficking. Therefore that, with existence Constitution special about TPPO which is capable provide runway law material and formal at the same time, for the aim of the TPPO Law is expected can anticipate and trap all type action in the process, manner, or all form possible exploitation happen in practice human trafficking, whether it is done interregional domestically and internationally in a way between countries, and both by the perpetrators individual and corporation.

Regulation Government Number 78 of 2021 Concerning Protection Especially for Children, it is derivative For carry out provisions of Article 71C of the Child Protection Law, in the PP contains 95 articles. Protection special for child aim For give guarantee of security for children in need protection special, giving required services children, and prevent occurrence violation rights child protection special for exploited children in a way economy and/ or sexual as intended in Article 3 paragraph (1) letter d of the Regulation Government Number 78 of 2021 was carried out through:

a. Dissemination and/ or socialization provision regulation related legislation with Protection of Exploited Children economically and/ or Sexual;

b. Monitoring, reporting, and provision sanctions; and

c. Involvement various company, union workers, non-governmental organizations, and the community in deletion exploitation towards children in general economy and/ or sexual.

Dissemination and socialization provision regulation legislation as intended in Article 16 letter a of the Regulation Government Number 78 of 2021 was carried out through:

a. Counseling law; and

b. Means of communication, information and education.

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Dissemination and/ or socialization provision regulation legislation as referred to in paragraph (1) is carried out by the Minister and the minister who organizes affairs government in the field of communication and information. Form effort dissemination socialization by the Ministry as provision regulation Related legislation with Protection of Exploited Children economically and/ or Sexual, as carried out by the Ministry of Women's Empowerment and Child Protection (KPPPA) initiated compilation Terminology Guidebook Child Protection from Exploitation. Compilation the is action carry on activity from results ECPAT Indonesia's advocacy to the KPPPA regarding importance The Indonesian government to own book about terminology protection child from exploitation. From the results advocacy that, was formed team compiler book guide this consists of from representatives of ECPAT Indonesia, Faculty of Law, University of Indonesia and JARAK, after organize a series meetings and FGDs, books the has finished compiled by the team compiler at the end of 2019. Activities socialization book guide terminology protection child from exploitation.

In addition, activities This participate invite representative ministry, law enforcement law, and groups public civil with total of 84 participants. Activities This aim For socialize book guide terminology protection child from exploitation so that stakeholders interest get information, have comprehensive perception and understanding as well as can make book This as references general terminology. Monitoring as intended in Article 16 letter b of the Regulation Government Number 78 of 2021 was carried out with method observation, identification, and recording For obtain data and information related condition:

a. Exploited Children Economically; or

b. Exploited Children in a way Sexual

Monitoring of Exploited Children economically as referred to in paragraph (1) letter a of the Regulation Government Number 78 of 2021 was carried out at the place center economy and beyond center economy. regarding with monitoring of exploited children in a way sexual as referred to in paragraph (1) letter b of the Regulation Government Number 78 of 2021 was carried out supervision to:

a. Practice prostitution and prostitution in the neighborhood;

b. Suspected location become place exploitation sexual to child;

c. The alleged perpetrator exploit sexual children; and

d. Raids For free child from exploitation sexual.

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Monitoring and reporting as referred to in paragraph (1) is carried out by the Minister who organizes affairs government in the field of empowerment women and duties government in the field of Child protection. Action carry on from effort monitoring carried out by the Ministry related with action criminal exploitation sexual to child, then as form from implementation protection right child victims of crime exploitation sexual furthermore carry out reporting actions as intended in Article 16 letter b is arranged after done monitoring against exploited children in a way economy and or sexual. Handling protection child often based on issue like child street, worker children, trafficked children, prostituted children, exploited children as users and dealers drugs, working children in a way forced, maid House ladder children, children in conflict with law, approach the more nature reactive, no comprehensive, and only touch problems on the surface so that fail see problem in a way intact.[8]

Development of protection child based system aim For optimize function System Child Protection for ensure prevention and treatment child from violence, exploitation, abuse, and neglect. Approach System aim promote something System Comprehensive Child Protection, with handle factor known risks in order to minimize vulnerability children and respond all form violence, exploitation, abuse, and neglect. The Child Protection Law was established aim as commitment The Indonesian government guarantees protection children who are firm as stated in Article 1 paragraph 2 of the Protection Law child namely all activity For guarantee and protect children and their rights so that they can live, grow, develop and participate optimally according to with dignity and honor humanity, as well as get protection from violence and discrimination.

Protection special as stated in Article 59 of the Protection Law child has defined related What do you mean protection special is something form protection received by the Child in situations and conditions certain For get guarantee of security to dangerous threat self and soul in grow development. Article 59 of the Protection Law child explain in a way specific regarding with protection to child as a victim of exploitation in a way economy and/ or sexually, and then also sexually firm child get protection to children who are victims of pornography, and against children who are victims of kidnapping, sale, and/ or trade.

From the description can understood enforcement law is the process of doing it effort upright or the functioning of legal norms in a way real as guidelines or relationships law in life society and the state. Therefore that, treatment in enforcement law No only give punishment just through criminal, but also do enforcement law of a legal nature prevention so as not to

[8] Pribudiarta Nur Sitepu, 2016, *Training Module System Child Protection*, Ministry Women's Empowerment and Child Protection of the Republic of Indonesia, Jakarta, p. 21

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happen similar crimes. Enforcement law can ensure certainty law, order and protection law in the era of modernization and globalization moment This can implemented, if various dimensions life law always guard harmony, balance and compatibility between morality civil society based on values actual inside public civilized. As a process of activities that include various party including public in frame achievement objective is must For see enforcement law criminal as something system justice criminal.

The role of parents and family is very big, because parents is the closest person from child said, so that child feel get proper protection. If parents Already No capable give protection to his son, then child will threatened from danger in a way general. Threat for child No only in the form of action violence from outside home, but child can also be a victim of action criminal current human trafficking This currently rampant happened. In Constitution Number 21 of 2007 concerning Eradication Action Criminal Human Trafficking in question with human trafficking is action recruitment, transportation, shelter, delivery, violence, kidnapping, confinement, forgery, fraud, abuse power or position vulnerable, debt trap or give payment or benefits, so that get agreement from the person holding control against other people, whether committed within the country or abroad between countries, for objective exploitation or resulting in people being exploited. Article 5 of the Law Number 21 of 2007 concerning Eradication Action Criminal Human Trafficking that everyone who does recruitment, transportation, harboring, sending, transfer, or reception somebody with threat violence, use violence, kidnapping, confinement, forgery, fraud, abuse power or position vulnerable, debt trap or give payment or benefit although get agreement from the person holding control over others, to objective exploiting the person in the territory of the Republic of Indonesia, shall be punished with criminal imprisonment for a minimum of 3 (three) years and a maximum of 15 (fifteen) years and criminal a fine of at least Rp. 120,000,000.00 (one hundred and twenty thousand rupiah). million rupiah) and a maximum of Rp. 600,000,000.00 (six hundred million rupiah).

Article 6 of the Law Number 21 of 2007 concerning Eradication Action Criminal Human Trafficking that everyone who does appointment child with promising something or give something with Meaning For exploited convicted with criminal imprisonment for a minimum of 3 (three) years and a maximum of 15 (fifteen) years and criminal a fine of at least Rp. 120,000,000.00 (one hundred and twenty thousand rupiah) million rupiah) and a maximum of Rp. 600,000,000.00 (six hundred million rupiah). Article 6 every person who commits delivery child to in or to abroad with method whatever results in child the exploited convicted with criminal imprisonment for a minimum of 3 (three) years and a maximum of 15 (fifteen) years

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and criminal a fine of at least Rp. 120,000,000.00 (one hundred and twenty thousand rupiah) million rupiah) and a maximum of Rp. 600,000,000.00 (six hundred million rupiah).

Protection efforts against victims of trafficking and exploitation child is complex things Because slice with various aspect life, then required awareness and role as well as all over society, state administrators and officials enforcer law. During This trafficking and exploitation issues child only focus on existing problems happened and resolved to handling case. Meanwhile effort prevention and fulfillment to right child not enough become Attention. The applicable Criminal Code moment This No or not enough give attention to the victim. There is no criminal change make a loss in the Criminal Code, both as criminal main and as criminal addition.[9]

Child victims of crime besides protection must also be provided service. Service child victims of crime is something activity development right basic humans and obligations basic human beings. Therefore it should efforts are made to ensure that procurement and implementation service child victims of crime This become something movement national based on 1945 Constitution in frame development truth, justice and welfare of the people as implementation of Pancasila. The relationship between victims and crime is the party who is the victim consequence crime.[10] Of course just there is smoke for sure There is fire. Party the become a victim because There is other parties who do crime. In effort give protection law towards victims of trafficking children and women reviewed from a number of regulations government has emit a number of regulations laws that can used For pressing or eradicate action criminal trading children and women, who can seen from regulation legislation, such as in Article 27 paragraph (2) of the Law The 1945 Constitution of the Republic of Indonesia states that " every citizens have the right on decent work and livelihood for humanity ".

Based on matter said, in addition to that, act criminal trading child it also violates provisions of Article 297 of the Criminal Code (KUHP), Law Number 39 of 1999 concerning Human Rights, Law Number 4 of 1979 concerning Child Welfare, Act Number 21 of 2007 concerning Eradication Action Criminal Human Trafficking, as well as a number of International Conventions such as in International Convention for Deletion Trafficking of Women and Children, Protocol Convention on the Rights of the Child Child Trafficking, Child Prostitution and Pornography children, Law Number 13 of 2006 concerning Protection of Witnesses and Victims, and so on. Although thus regulation legislation the more emphasize on giving sanctions criminal to perpetrator action criminal human trafficking.

[9]Barda Nawawi Arief, 2002, *Anthology Criminal Law Policy*, Citra. Aditya Bakti, Bandung, pp. 56-57.
[10] Waluyo, Bambang, 2022, *Viticulture: Protection of Victims and Witnesses*, Sinar Grafika, Jakarta.

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Protection law against victims of human trafficking has not yet accommodated in a way adequate, because should every victim of human trafficking or expert his heirs entitled get restitution and/ or compensation from perpetrator action criminal or from government. That's it is one of the form from constraint in implement Constitution Number 21 of 2007 on the side Still existence other obstacles such as for example: it's expensive cost For carry out the investigation process Because location / place live far away victims from place incident matter, means proof in the investigation process action criminal trading women and children.[11]

Know effort protection existing laws to suppress or eradicate trading child so that topic about protection law to children who are victims of human trafficking are interesting For examined. If seen from product regulations about protection laws on victims of human trafficking, especially those regulated in Law Number 21 of 2007 and regulations supporters, such as : Law Number 23 of 2002 concerning Child Protection and Constitution Number 13 of 2006 concerning Protection of Witnesses and Victims, should be protection law against victims of human trafficking has Enough adequate.[12] However thus implementation Download Number 21 of 2007 is not yet optimal and is still often For apply criminalization to perpetrator human trafficking is used Constitution Number 23 of 2002 concerning Change on Constitution Number 35 of 2014 concerning Child Protection causes sanctions criminal to the perpetrator is very light. Besides That Not yet accommodated giving compensation in the form of restitution and/ or compensation from perpetrator action criminal the to victims of human trafficking, which results in the victims becoming neglected his rights.

4. Conclusion

Protection law for child as a victim of crime criminal human trafficking in Indonesia is regulated in a way comprehensive, especially in Constitution Number 21 of 2007 concerning Eradication Action Criminal Human Trafficking (PTPPO Law). protection law against child victims covers aspect preventive, curative, rehabilitative, and reintegrative. Protection law for child victims of crime criminal insider trading Law No.21 of 2007 is included in Article 4 of the Law Invite Number 21 of 2007 provides provision that, every person who brings Indonesian citizens to outside the territory of the Republic of Indonesia with Meaning For exploited outside the territory of the Republic of Indonesia shall be punished with criminal imprisonment for a

[11]Ardin, Andi Jefri, and Beniharmoni Harefa, *"Fulfillment of the Rights of Child Victims of Human Trafficking," Suara Hukum Journal*, Vol. 3, No. 1, 2021, pp. 174–196. DOI: https://doi.org/10.26740/jsh.v3n1.p174-196

[12]Azhari, Arfah; Romi Asmara, and Eny Dameria, *Legal Protection of Children Crime of Exploitation Child Labor Reviewed from the Law Invite Protection Children,* Journal Student Scientific Paper of the Faculty of Law, Malikussaleh University, Vol. 5, No. 2, 2022, pp. 1–19. DOI: https://doi.org/10.29103/jimfh.v5i2.6878

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minimum of 3 (three) years and a maximum of 15 (fifteen) years and criminal a fine of at least Rp. 120,000,000.00 (one hundred and twenty million rupiah) and a maximum of Rp. 600,000,000.00 (six hundred million rupiah). Article 5 of the Law Number 21 of 2007 provides provision that, every person who does appointment child with promising something or give something with Meaning For exploited convicted with criminal imprisonment for a minimum of 3 (three) years and a maximum of 15 (fifteen) years and criminal a fine of at least Rp. 120,000,000.00 (one hundred and twenty thousand rupiah). million rupiah) and a maximum of Rp. 600,000,000.00 (six hundred million rupiah). The formulation action criminal in this Article 5 direct mention about child as a victim of crime criminal human trafficking. Different with Article 2, Article 3, and Article 4, 56 as the formulation No direct mention about child but need linked (juncto) to other articles, namely Article 17. Article 6 of Law Number 21 of 2007 determines that everyone who does delivery child to in or to abroad with method whatever results in child the exploited convicted with criminal imprisonment for a minimum of 3 (three) years and a maximum of 15 (fifteen) years and criminal a fine of at least Rp. 120,000,000.00 (one hundred and twenty thousand rupiah) million rupiah) and a maximum of Rp. 600,000,000.00 (six hundred million rupiah). Strengthening Implementation Punishment for the perpetrators Criminal Acts: The conclusion of Law No. 21 of 2007 shows existence strict punishment to perpetrator exploitative human trafficking children. However, it is necessary effort strengthening implementation punishment such as improvement supervision and enforcement more laws strict. This suggestion covers steps concrete for ensure that regulated punishment in Constitution truly implemented in a way effective, including collaboration between institution enforcer law, NGOs, and agencies related.

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