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

Building a Human Rights-Based Framework for Victim Protection: Integrating International Human Rights Standards and Access to Justice

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Abstract. *The protection of victims of human trafficking, violence, discrimination, and harassment continues to face significant normative and practical challenges. Although international human rights instruments establish states' obligations to respect, protect, and fulfill victims' rights, a considerable gap remains between international standards and their implementation at the national level. This gap often limits victims' access to justice, effective remedies, and comprehensive protection mechanisms. This paper aims to develop a human rights-based framework for victim protection by integrating international human rights standards with the principle of access to justice as the foundation of victim-centered protection. The study employs a normative legal research method using statutory, conceptual, and comparative approaches through the analysis of international legal instruments, scholarly literature, and relevant legal doctrines. The findings indicate that the Human Rights-Based Approach (HRBA) strengthens victim protection by promoting the principles of non-discrimination, participation, accountability, empowerment, and the rule of law. Furthermore, the integration of international human rights standards into national legal and policy frameworks enhances victims' access to justice, effective remedies, restitution, compensation, rehabilitation, and guarantees of non-repetition. This study proposes a conceptual framework that may serve as a reference for developing comprehensive and victim-centered protection policies consistent with international human rights standards while reinforcing states' obligations to ensure meaningful access to justice for all victims.*

Keywords: *Approach; Justice; Protection; Standards; Victims.*

1. Introduction

In Indonesia, regulations concerning victim protection have undergone significant development. This is reflected in Law Number 39 of 1999 on Human Rights, Law Number 13 of

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2006 on the Protection of Witnesses and Victims (as amended by Law Number 31 of 2014), and various other legislative instruments that recognize the rights of victims to protection and redress. Furthermore, the establishment of the Witness and Victim Protection Agency (LPSK) demonstrates the state's commitment to providing legal protection, medical assistance, and psychological rehabilitation, as well as facilitating the provision of restitution and compensation to victims of criminal offenses. (Muladi, 2009, p. 12)

Nevertheless, the implementation of victim protection in Indonesia continues to face various challenges. In practice, the criminal justice system tends to prioritize the evidentiary process and the punishment of offenders, while the fulfillment of victims' rights has not yet become a primary focus. Mechanisms for providing restitution and compensation are not functioning optimally, victims' access to legal aid and recovery services remains limited, and coordination among law enforcement agencies is not yet fully effective. Meanwhile, vulnerable groups such as women, children, persons with disabilities, victims of human trafficking, and victims of gross human rights violations continue to encounter various structural barriers in accessing justice.

This situation reveals a gap between international human rights standards and the implementation of victim protection at the national level. (Waluyo, 2018, p. 52) As a state bound by various international human rights instruments, Indonesia has an obligation to align its legal system with these principles, particularly regarding victims' rights to protection and redress. Therefore, a victim protection framework is required that not only focuses on law enforcement but also integrates international human rights standards into every stage of the criminal justice system. In this way, effective victim protection can be guaranteed, ensuring genuine access to justice.

Based on the foregoing, a study on "Establishing a Human Rights-Based Framework for Victim Protection: Integrating International Human Rights Standards and Access to Justice" is essential. This study aims to analyze how international human rights principles can be integrated into Indonesia's victim protection system, while also formulating a protection model that prioritizes respect for human rights, access to justice, and effective redress. Consequently, the study's findings are expected to contribute to the development of national law that is more responsive to victims' rights and aligned with the evolution of international human rights law.

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2. Research Methods

This study constitutes normative legal research aimed at analyzing the development of a human rights-based framework for victim protection through the integration of international human rights standards and access to justice into the national legal system. The research employs a statute approach to examine various national and international legal instruments governing victim protection; a conceptual approach to analyze the concepts of the Human Rights-Based Approach (HRBA), access to justice, and the right to a remedy; and a comparative approach to contrast international standards with legal provisions in Indonesia. The legal materials utilized consist of primary sources comprising international legal instruments and national legislation and secondary sources, such as relevant books, scholarly articles, and research findings. All materials were gathered through library research and subjected to qualitative analysis using a prescriptive method to identify the degree of alignment between national law and international human rights standards, as well as to formulate a victim protection framework oriented toward the fulfillment of human rights and access to justice.

3. Result and Discussion

3.1. The Concept of Victim Protection from a Human Rights Perspective

Victim protection from a human rights perspective represents a significant development in the modern legal paradigm, positioning the victim as a legal subject with rights rather than merely a party who has suffered loss due to a criminal act. In the traditional criminal justice approach, victims were often viewed merely as instruments of evidence within the law enforcement process. (Fajriando, 2020, p. 1) Their role was typically limited to providing testimony to prove the perpetrator's guilt, while their needs for protection, redress, and justice were frequently overlooked. This paradigm has shifted with the evolution of international human rights law, which affirms that victims hold an independent status as rights-holders entitled to state protection. This approach demands more comprehensive protection, encompassing respect for the victim's dignity, access to justice, and the right to effective redress.

From a human rights perspective, the existence of a victim establishes a legal relationship between the individual and the state. The state bears not only the obligation to prevent rights violations but also a positive obligation to ensure the existence of protection and redress

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mechanisms should a violation occur. Thus, victim protection is not merely a matter of criminal policy; it is an integral part of the state's obligation to guarantee respect for human dignity. The state must ensure that victims have access to justice, receive humane treatment, are protected against threats or secondary victimization, and have access to effective mechanisms for redress. (Mursito, 2024, p. 134)

This paradigm shift is evident in the changing approach of the criminal justice system moving from an offender-oriented model to a victim centered model of justice. Under the victim-centered approach, victims are no longer viewed merely as sources of information for evidentiary purposes, but as parties with legal interests that must be considered at every stage of the judicial process. This approach requires the legal system to provide opportunities for victims to participate, receive information on case developments, obtain legal assistance, and secure forms of redress commensurate with the suffering they have endured.

The concept of victim protection grounded in human rights is closely linked to the Human Rights-Based Approach (HRBA). This approach centers on two key actors: rights holders and duty bearers. In the context of victim protection, the victim is the rights holder entitled to claim the fulfillment of their rights, while the state is the duty bearer responsible for ensuring those rights are met. Consequently, victim protection policies must be formulated based on human rights principles namely non-discrimination, participation, accountability, transparency, empowerment, and the rule of law.

The principle of non-discrimination requires the state to provide equal protection to all victims, regardless of their social or economic background, gender, age, physical condition, or legal status. The principle of participation demands that victims be given the opportunity to engage meaningfully in legal processes concerning them. Meanwhile, the principle of accountability asserts that the state must provide complaint and redress mechanisms should state institutions fail to offer effective protection to victims. (Lenardo et al., 2025, p. 115)

The recognition of victims' rights in international law underwent significant development through the 1985 Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. This declaration was the first international instrument to specifically address the status of victims within the justice system. It affirms that victims are entitled to access justice

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mechanisms and receive fair treatment, including the right to information regarding legal proceedings, adequate assistance, and redress in the form of restitution and compensation.

Furthermore, the concept of victim protection was further strengthened by the 2005 *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law This instrument affirms that victims of human rights violations possess the right to a remedy and reparation. Such reparation encompasses five primary forms: restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition. This concept demonstrates that justice for victims cannot be reduced merely to the punishment of perpetrators but must encompass a comprehensive process of restoring the victims' well-being.

In the context of Indonesian law, the human rights-based concept of victim protection is reflected in the constitutional recognition of every individual's right to personal protection, fair legal certainty, and equal treatment before the law, as stipulated in the 1945 Constitution of the Republic of Indonesia. Furthermore, Law Number 39 of 1999 concerning Human Rights affirms that every person has the right to the protection and respect of their human rights. This framework is further strengthened by Law Number 31 of 2014 concerning the Protection of Witnesses and Victims, which establishes the legal basis for providing protection, assistance, and restitution to victims through the Witness and Victim Protection Agency (LPSK).

Nevertheless, the human rights-based approach to victim protection still faces various implementation challenges. A major issue is the enduring retributive paradigm within the criminal justice system, which equates successful law enforcement with the punishment of offenders. Consequently, the victims' need for redress is often relegated to a secondary concern. Furthermore, limited access to legal services, a lack of understanding among law enforcement officials regarding the victim's perspective, and social barriers such as stigma and discrimination prevent some victims from obtaining optimal justice.

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3.2. The Development of International Standards for Victim Protection from a Human Rights Perspective

The evolution of international human rights law has fundamentally altered the state's perspective regarding the position of victims within the justice system. Initially, under modern criminal law, victims were not regarded as primary actors in judicial proceedings. Criminal justice systems focused predominantly on the relationship between the state and the offender (the "state versus offender" model), with law enforcement primarily aimed at establishing guilt and imposing punishment on the perpetrator. In this model, victims were often relegated to the role of mere instruments of evidence, lacking adequate opportunity to articulate their interests or their needs for redress and recovery. (Fauzan Pratama & Hidayati, n.d., p. 3)

A paradigm shift began to emerge when international human rights law affirmed that violations of individual rights do not merely create an issue between the state and the perpetrator but also give rise to state obligations toward the victim. It is not enough for the state simply to ensure the punishment of the perpetrator; it must also provide effective mechanisms for protection and redress for the victim. Consequently, the victim came to be understood as a rights holder, while the state assumed the role of duty bearer, bearing the responsibility to guarantee the fulfillment of those rights.

This paradigm shift gave rise to the concept of victim-centered justice an approach that places the victim at the heart of the justice system. This approach emphasizes that the success of a legal system is measured not merely by the successful imposition of punishment on the offender, but also by the extent to which the victim receives protection, participation, recognition, and redress for the harm suffered.

According to M. Cherif Bassiouni, the recognition of victims' rights represents a significant development in international law, as justice oriented solely toward punishing the perpetrator fails to address the full extent of the victim's suffering. Comprehensive justice must encompass both the accountability of the perpetrator and the restoration of the victim's rights.

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3.3. Access to Justice as a Fundamental Right of Victims

Access to justice is a fundamental right held by every victim of a criminal offense as part of the protection of human rights. This concept is not merely understood as the right to bring a case before a court; it also encompasses the right to protection, assistance, rehabilitation, compensation, restitution, and participation in legal proceedings, as well as the guarantee that the perpetrator is processed fairly in accordance with the principles of due process of law. In the evolution of modern law, access to justice is viewed as a constitutional right, and it is the state's responsibility to ensure that every victim receives equal treatment without discrimination.

Conceptually, access to justice evolved from the rule of law paradigm, which positions the state as the guarantor of the protection of citizens' rights. According to Mauro Cappelletti and Bryant Garth, access to justice is a fundamental prerequisite for a legal system to effectively provide protection to the public. It is not enough for the law merely to provide judicial institutions; it must also ensure that every individual has a genuine opportunity to utilize these legal mechanisms, free from economic, social, cultural, or structural barriers. (Fajriando, 2020, p. 23)

From a human rights perspective, access to justice is an integral part of the right to a remedy. Victims have the right not only to be informed about legal proceedings but also to obtain effective redress for physical, psychological, economic, and social harm resulting from a criminal offense. Therefore, the state is obliged to provide legal mechanisms that are accessible, expeditious, transparent, independent, and oriented towards victim redress.

3.4. Building a Human Rights-Based Framework through Strengthening Access to Justice

Developing a human rights-based victim protection framework requires guaranteeing access to justice that is effective, inclusive, and oriented toward the fulfillment of victims' rights. From a human rights perspective, victims are not merely viewed as parties who have suffered harm due to a crime or rights violation, but as rights holders entitled to protection, redress, and justice from the state. Therefore, access to justice is a fundamental element in establishing a victim protection system that aligns with human rights principles.

The concept of access to justice extends beyond an individual's ability to bring a case before a

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court. It encompasses the availability of mechanisms that enable victims to obtain legal information and assistance, receive protection during judicial proceedings, secure redress for losses suffered, and participate meaningfully in law enforcement processes. In this context, the state has an obligation to eliminate barriers whether legal, economic, social, or institutional that might prevent victims from obtaining justice.

The importance of access to justice as a component of human rights protection has been recognized in various international and national instruments. In Indonesia, strengthening access to justice is increasingly relevant given the persistent obstacles victims face in securing effective legal protection. Many victims remain unaware of their rights, struggle to obtain legal assistance, or encounter lengthy and complex legal proceedings. These circumstances demonstrate that the mere existence of legislation is insufficient unless accompanied by mechanisms capable of guaranteeing the actual realization of victims' rights.

In establishing a human rights-based framework, a victim centered approach must serve as a guiding principle. This approach prioritizes the needs, safety, dignity, and interests of victims at every stage of the legal process. Victims should not be treated merely as instruments of proof within the justice system; rather, they must be recognized as individuals entitled to protection and redress. Consequently, law enforcement officials need to implement victim-friendly procedures such as safeguarding the confidentiality of identities, providing psychological and legal support, and preventing re-victimization throughout the judicial process.

Strengthening access to justice must also be achieved through the provision of effective redress mechanisms for victims. From a human rights perspective, redress entails not only punishing the perpetrator but also encompasses efforts to restore the victim's physical, psychological, social, and economic well-being. Such redress may take the form of restitution, compensation, rehabilitation, medical assistance, psychosocial support, and other forms of reparation. The existence of comprehensive redress mechanisms serves as a crucial indicator in assessing the extent to which the state fulfills its obligations to protect and uphold the rights of victims.

Beyond the normative aspect, developing a human rights-based framework also requires institutional strengthening. Victim protection cannot be effectively implemented if it relies on a single institution alone. Therefore, strong coordination is essential among the police, the

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public prosecutor's office, the courts, the Witness and Victim Protection Agency (LPSK), the National Commission on Human Rights (Komnas HAM), legal aid institutions, and civil society organizations. Such inter-institutional synergy is crucial to ensuring that victims receive sustained protection throughout the entire process from reporting, investigation, and trial proceedings to post-verdict recovery. (Zaliana, 2023, p. 3)

Furthermore, we must establish a framework grounded in human rights. This framework must be built upon several key principles: non-discrimination, participation, accountability, transparency, and respect for human dignity. The principle of non-discrimination is crucial, as it mandates equal protection for all victims. Such protection must be provided regardless of social or economic background, gender, religion, or other circumstances. In this way, every victim will feel protected and valued. The principle of participation is equally vital, as it calls for the involvement of victims in decision-making processes specifically regarding the restoration of their rights. By involving victims, we can ensure that the decisions made align with their needs and wishes.

Thus, developing a human rights-based framework by strengthening access to justice aims not only to enhance the effectiveness of the judicial system but also to ensure that victims receive recognition, protection, and comprehensive redress. This framework must integrate legal protection, victim redress, institutional strengthening, and respect for human rights into a unified system. Through this approach, victim protection is no longer viewed as an act of state benevolence, but rather as the fulfillment of constitutional and fundamental human rights inherent to every individual.

4. Conclusion

Victim protection is a crucial aspect of upholding human rights, recognizing victims as rights-holders entitled to protection, justice, and redress. Therefore, integrating international human rights standards into the national legal system is essential to ensure that victims' rights are fulfilled effectively and sustainably. Strengthening access to justice is a key element in establishing a human rights-based framework, as it provides victims with legal assistance, protection, and adequate mechanisms for redress. Through institutional strengthening, inter-agency coordination, and the application of principles such as non-discrimination, participation,

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and accountability, a victim protection system can be realized in a manner that is inclusive and respectful of human dignity.

5. References

Bambang Waluyo. *Viktimologi: Perlindungan Korban dan Saksi*. Jakarta: Sinar Grafika, 2018.

Fajriando, Hakki. "Revisi UU Bantuan Hukum demi Meningkatkan Pemenuhan Hak Korban untuk Mendapatkan Bantuan Hukum." *Jurnal HAM* Vol. 11, No. 3 (2020).

Lenardo, Mihot, Najwa Aulia Ramadhani, dan Junifer Dame Panjaitan. "Keterbatasan Jangkauan dan Mekanisme Perlindungan Korban oleh LPSK terhadap Korban Pemerkosaan di Indonesia." *Desentralisasi: Jurnal Hukum, Kebijakan Publik, dan Pemerintahan* Vol. 2, No. 2 (2025).

Moch. Akmal Fauzan Pratama dan Nuri Hidayati. "Analisis Perlindungan Korban Kekerasan Seksual di Indonesia dalam Regulasi dan Sistem Peradilan Pidana." *Jurnal Lawnesia* Vol. 4, No. 2.

Muladi. *Hak Asasi Manusia: Hakekat, Konsep dan Implikasinya dalam Perspektif Hukum dan Masyarakat*. Bandung: Refika Aditama, 2009.

Mursito. "Perkembangan Perlindungan Hukum Bagi Korban Dalam Tindak Pidana." *Judge: Jurnal Hukum* Vol. 5, No. 2 (2024).

Zaliana, Nurmofofa Anbiya, dan Junifer Dame Panjaitan. "Perlindungan Hukum terhadap Anak di Bawah Umur Korban Tindak Pidana Pelecehan Seksual." *COMSERVA: Jurnal Penelitian dan Pengabdian Masyarakat* Vol. 3, No. 8 (2023)