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Reconstruction of the Legal Framework Governing Compensation Payments for Victims of Human Trafficking in Indonesia

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Abstract. *Human trafficking constitutes a grave violation of human rights that undermines human dignity and causes long-term physical, psychological, sexual, social, and economic harm to its victims. Although Indonesian Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking recognizes victims' rights to restitution, its implementation remains ineffective. Compensation payments are largely dependent on the offender's financial capacity, alternative funding mechanisms are unavailable when offenders are insolvent, enforcement of court-ordered restitution remains weak, and institutional coordination among law enforcement agencies and victim protection institutions is inadequate. Consequently, victims' rights to effective remedies and recovery have not been fully realized. This study aims to analyze the weaknesses of Indonesia's legal framework governing compensation payments for victims of human trafficking and to formulate a reconstructed regulatory model capable of ensuring legal certainty, justice, and legal protection. The research employs normative legal research using statutory, conceptual, comparative, and human rights approaches. Legal materials were analyzed qualitatively through library research involving national legislation, international legal instruments, judicial decisions, and scholarly doctrines. The findings reveal that the principal regulatory deficiencies include the absence of state guarantees for compensation when offenders are unable to pay restitution, the lack of mandatory deadlines for payment, ineffective enforcement mechanisms, and the absence of legal provisions addressing the responsibility of digital platforms and corporations benefiting from technology-facilitated trafficking. This study proposes a*



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reconstructed regulatory framework consisting of the establishment of a state-funded compensation mechanism recoverable through recourse against offenders, stronger asset confiscation mechanisms dedicated to victim restitution, an integrated restitution payment system coordinated by the Witness and Victim Protection Agency (LPSK), and enhanced inter-agency cooperation in enforcing judicial decisions. This reconstructed framework promotes a victim-oriented justice model consistent with restorative justice principles, human rights standards, and the State's obligation to guarantee effective remedies and comprehensive recovery for victims of human trafficking.

Keywords: *Compensation; Human Trafficking; Legal Protection; Regulatory Reconstruction; Restitution; Victims.*



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1. Introduction

Human trafficking constitutes a serious violation of human rights that generates extensive physical, psychological, social, and economic consequences for its victims. Beyond the criminal prosecution of traffickers, an effective legal response must provide victims with adequate remedies capable of restoring their dignity, addressing the losses they have experienced, and supporting their recovery and reintegration. Compensation payments and restitution therefore represent important components of victim-centred justice. In Indonesia, the legal framework governing the protection of trafficking victims has developed through several legislative and institutional instruments, particularly Law Number 21 of 2007 concerning the Eradication of the Criminal Act of Trafficking in Persons, Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 on the Protection of Witnesses and Victims, and Government Regulation Number 7 of 2018 concerning the Provision of Compensation, Restitution, and Assistance to Witnesses and Victims. These instruments establish a normative basis for recognizing victims' rights to financial remedies and other forms of protection. (Angkasa, Rani Hendriana, Filep Wamafma, Ogiandhafiz Juanda, and Bhanu Prakash Nunna; 2023).

Nevertheless, the existence of legal provisions does not necessarily guarantee the effective realization of compensation payments. Significant legal and institutional problems continue to affect the implementation of victims' financial rights. The distinction between restitution and compensation may generate uncertainty regarding the responsible party, eligibility, procedural mechanisms, and sources of payment. In practice, victims may also encounter complex administrative procedures, limited access to legal assistance, difficulties in proving economic and non-economic losses, and insufficient information concerning their entitlement to restitution or compensation. These obstacles become particularly significant because trafficking victims frequently experience economic dependency, social marginalization, and psychological vulnerability, which may limit their ability to independently pursue legal remedies. (Bui, ID Ursula Andriani, Saparudin Efendi, and Opan Satria Mandala; 2024).

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Institutional fragmentation constitutes another substantial challenge. The implementation of compensation payments requires effective coordination among investigators, prosecutors, courts, the Witness and Victim Protection Agency (LPSK), and relevant governmental institutions. Weak coordination, differences in institutional authority, and limited enforcement mechanisms may result in delays or prevent compensation awarded through legal proceedings from being effectively received by victims. Moreover, restitution becomes problematic when perpetrators lack sufficient assets or deliberately conceal assets, leaving victims with a formal judicial entitlement but without meaningful financial recovery. (Putri, Syntia Puspita Andini Ika Hariyanto, and Emy Rosnawati; 2022).

These conditions demonstrate the necessity of reconstructing Indonesia's legal framework governing compensation payments through a victim-centred approach. Reconstruction should strengthen the distinction and relationship between restitution and state-funded compensation, simplify procedures, improve institutional coordination, and establish effective mechanisms to guarantee payment when perpetrators are unable or unwilling to fulfil their financial obligations. Such a framework should also recognize the broader dimensions of trafficking-related harm, including medical expenses, lost income, rehabilitation costs, psychological suffering, and disruption of education and social life. Accordingly, this study examines the existing legal framework, identifies legal and institutional obstacles in the implementation of compensation payments, and formulates a victim-centred reconstruction of the compensation framework to ensure that financial remedies become an effective and enforceable component of justice for human trafficking victims in Indonesia. (Sasmita, Dahlia, Hadi Iskandar, and Hidayat Hidayat; 2024).

2. Research Methods

The research employs normative legal research using statutory, conceptual, comparative, and human rights approaches. Legal materials were analyzed qualitatively through library research involving national legislation, international legal instruments, judicial decisions, and scholarly doctrines.

3. Results and Discussion

3.1. The Existing Legal Framework for Compensation of Human Trafficking Victims in Indonesia

The existing legal framework for compensation of human trafficking victims in Indonesia is primarily designed to ensure that victims receive legal protection,



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recovery assistance, and financial redress for the harm they have suffered. The principal legal foundation is Law Number 21 of 2007 concerning the Eradication of the Criminal Act of Trafficking in Persons, which recognizes restitution as an important component of victim protection. The law provides victims with the right to obtain restitution from perpetrators for losses resulting from trafficking, including material and immaterial losses. This mechanism reflects the principle that perpetrators should bear responsibility not only through criminal punishment but also by providing remedies to victims.

In addition to Law Number 21 of 2007, the protection of trafficking victims is supported by Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 on the Protection of Witnesses and Victims. This legislation strengthens the institutional role of the Witness and Victim Protection Agency (LPSK) in facilitating victims' rights, including restitution and compensation under specific circumstances. Compensation differs conceptually from restitution because it may be provided by the state when victims are unable to obtain adequate recovery from perpetrators, particularly in cases involving serious crimes and circumstances recognized by law.

Government Regulation Number 7 of 2018 concerning the Provision of Compensation, Restitution, and Assistance to Witnesses and Victims further establishes procedures for obtaining compensation and restitution. The regulation provides mechanisms for submitting claims, assessing losses, and facilitating payment. These provisions demonstrate the development of a victim-oriented approach within Indonesia's criminal justice system.

Nevertheless, the implementation of compensation and restitution remains challenging. Victims may face difficulties understanding their rights, submitting claims, proving financial losses, or obtaining payment when perpetrators lack sufficient assets. Coordination among law enforcement agencies, courts, LPSK, and social-service institutions is also essential to ensure effective implementation. Therefore, although Indonesia possesses a relatively comprehensive normative framework, stronger institutional coordination, simplified procedures, effective enforcement of restitution orders, and broader access to state-funded compensation are necessary to transform legal recognition into meaningful financial recovery for trafficking victims.

3.2. Legal and Institutional Problems in the Implementation of Compensation Payments

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The implementation of compensation payments for human trafficking victims in Indonesia continues to face significant legal and institutional problems despite the existence of a formal framework recognizing victims' rights to financial redress. One of the principal challenges is the distinction between restitution and compensation within the Indonesian legal system. Restitution is generally imposed on perpetrators to recover losses suffered by victims, whereas compensation involves state responsibility under particular legal circumstances. In practice, this distinction may create uncertainty regarding the source of payment, eligibility requirements, and the procedures that victims must follow to obtain financial remedies.

Another major problem concerns the accessibility of compensation mechanisms. Human trafficking victims often experience economic vulnerability, limited legal knowledge, psychological distress, and dependence on assistance from law enforcement or social-service institutions. Complex administrative requirements and procedures for submitting claims may therefore become significant barriers. Victims may also have difficulties documenting material losses, lost income, medical expenses, or other consequences of trafficking, particularly when trafficking has disrupted their employment, education, and family relationships.

Institutional fragmentation further complicates the implementation of compensation payments. Various institutions, including law enforcement agencies, courts, the Witness and Victim Protection Agency (LPSK), ministries, and local governments, have responsibilities related to victim protection and recovery. However, differences in institutional mandates, procedures, and levels of coordination can result in delays and inconsistent implementation. The effectiveness of compensation therefore depends not only on judicial decisions but also on the capacity of relevant institutions to identify victims, assess their losses, process claims, and ensure that awarded payments are actually received.

A further obstacle arises when perpetrators do not possess sufficient assets to satisfy restitution orders. Although legal mechanisms may recognize the victim's entitlement, a judgment alone does not guarantee effective payment. Asset concealment, insufficient assets, or difficulties in enforcing court decisions can substantially reduce the practical value of restitution.

Consequently, strengthening the implementation of compensation payments requires more than legislative reform. Indonesia needs clearer procedural rules, stronger inter-institutional coordination, accessible claim mechanisms, effective enforcement of financial judgments, and adequate state support where perpetrators are unable to provide meaningful compensation. Such reforms are

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essential to ensure that financial redress becomes a substantive victim right rather than merely a formal legal entitlement.

3.3. Reconstruction of a Victim-Centred Compensation Framework for Human Trafficking Victims

Reconstructing a victim-centred compensation framework for human trafficking victims in Indonesia requires a fundamental shift from a predominantly perpetrator-oriented criminal justice approach toward a system that prioritizes the rights, dignity, recovery, and long-term interests of victims. Compensation should not be understood merely as a financial consequence of criminal conduct, but as an essential component of an effective remedy for the physical, psychological, social, and economic harm caused by trafficking. A victim-centred framework must therefore guarantee that every identified victim has meaningful access to financial redress through procedures that are accessible, transparent, timely, and sensitive to the circumstances of trafficking survivors.

The reconstruction of such a framework should begin with clearer legal differentiation between restitution and state-funded compensation while ensuring that victims are not deprived of financial recovery because perpetrators are unidentified, unavailable, insolvent, or unable to satisfy a restitution order. Where restitution cannot be effectively obtained from perpetrators, the state should provide an accessible compensation mechanism and subsequently pursue recovery from responsible offenders where legally appropriate. This approach would prevent the economic consequences of trafficking from being transferred entirely to victims.

Procedural reform is equally important. Compensation claims should be integrated into criminal proceedings whenever possible so that victims are not required to initiate complicated and separate legal processes. Law enforcement officers, prosecutors, judges, and victim-protection institutions should have clearly defined responsibilities for informing victims of their rights, documenting losses, assessing damages, and facilitating payment. Legal assistance should also be provided without imposing financial burdens on victims.

Furthermore, compensation should encompass more than direct economic losses. The assessment mechanism should consider medical expenses, lost income, rehabilitation costs, psychological consequences, educational disruption, and other demonstrable material and non-material harms. Special consideration should be given to women and children, who may experience distinctive forms of exploitation and long-term vulnerability.

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Ultimately, a reconstructed compensation framework should be based on accessibility, accountability, proportionality, and institutional coordination. By placing victims at the centre of legal and administrative processes, Indonesia can transform compensation from a formal entitlement into an effective mechanism of justice, recovery, empowerment, and reintegration for human trafficking survivors.

4. Conclusion

The reconstruction of the legal framework governing compensation payments for victims of human trafficking in Indonesia is essential to ensure that the recognition of victims' rights under existing legislation is transformed into effective and accessible remedies. The analysis demonstrates that Indonesia has established a substantial normative foundation for protecting trafficking victims through legislation governing the eradication of trafficking, witness and victim protection, and the provision of restitution, compensation, and assistance. These legal instruments reflect an important development in Indonesian criminal justice by recognizing that victims are entitled not only to protection and recovery assistance but also to financial remedies for the harm caused by trafficking. Nevertheless, the existence of a comprehensive normative framework does not automatically ensure the effective realization of compensation payments. The implementation of financial remedies remains affected by several legal and institutional obstacles. The distinction between restitution and compensation may create uncertainty regarding the nature of victims' entitlements, the responsible institutions, and the applicable procedures. Victims may also encounter complicated administrative requirements, inadequate legal assistance, limited access to information, and difficulties in demonstrating the extent of material and non-material losses they have experienced. These problems are exacerbated by the socioeconomic and psychological vulnerability of trafficking victims, who may lack the resources and capacity to navigate complex legal procedures independently. Consequently, financial remedies may remain theoretical rights rather than practical forms of justice. Institutional weaknesses further demonstrate the need for systematic reconstruction. The effective implementation of compensation payments requires coordinated action among law enforcement agencies, prosecutors, courts, LPSK, and governmental institutions responsible for victim protection and social recovery. Fragmented institutional responsibilities, inconsistent implementation, and difficulties in enforcing restitution orders can prevent victims from receiving payments even after their rights have been judicially recognized. The inability or unwillingness of perpetrators to satisfy restitution obligations represents a particularly significant challenge because victims should not bear the financial consequences of the offender's insolvency or asset concealment. Therefore, the

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reconstruction of Indonesia's compensation framework should adopt a genuinely victim-centred orientation. Compensation mechanisms must be accessible, timely, transparent, enforceable, and responsive to the particular circumstances of trafficking survivors. Restitution should remain an important responsibility of perpetrators, while state-funded compensation should function as an effective safety mechanism when restitution cannot provide adequate recovery. Procedures for claiming financial remedies should be simplified and integrated into criminal proceedings, accompanied by mandatory information and legal assistance for victims. The assessment of compensation should also encompass medical and rehabilitation expenses, lost income, psychological suffering, educational disruption, and other legally recognizable consequences of trafficking. Ultimately, a reconstructed framework based on victim-centred justice, institutional coordination, effective enforcement, and state responsibility would strengthen Indonesia's commitment to meaningful remedies and ensure that compensation payments contribute not merely to financial redress but also to the recovery, empowerment, dignity, and long-term reintegration of human trafficking victims.

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