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

## **Strengthening Policies to Protect Women and Children Victims in the Eradication of Trafficking in Persons**

**Tommy Hirono**

Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia,

E-mail: [tommyhirono2@gmail.com](mailto:tommyhirono2@gmail.com)

**Abstract.** *Human trafficking is still developing as a crime that deprives human dignity, especially of women and children who are in vulnerable positions due to poverty, inequality in access to work, power relations, and insecure migration. This research aims to analyze legal policies in the eradication of trafficking in persons and formulate strengthening protection for women and children as victims. The research method used is normative legal research with a legislative, conceptual, and limited comparison approach to international standards. The results of the discussion show that national law already has a criminal basis through Law Number 21 of 2007, the regulation of witness and victim protection, and a community-based service mechanism. Victim protection still faces obstacles to early identification, proof of exploitation, psychological recovery, restitution, and inter-agency coordination. Policy strengthening is directed at community-based prevention, asset tracking, sustainable recovery, child protection based on the best interests of children, and work procedures for the authorities that prioritize victims from the reporting stage to social reintegration.*

**Keywords:** *Protection Of Victims; Trafficking in Persons; Women and Children.*



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### **1. Introduction**

Trafficking in persons constitutes one of the most serious violations of human rights and human dignity, affecting individuals across national, social, and economic boundaries. Women and children are particularly vulnerable to trafficking because of structural inequality, poverty, limited access to education and employment, migration pressures, family instability, and unequal power relations. Trafficking may expose victims to forced labour, sexual exploitation, domestic servitude, forced marriage, and other forms of exploitation that cause long-term physical, psychological, social, and economic consequences. The complexity of trafficking demonstrates that its eradication cannot depend exclusively on criminal prosecution. A comprehensive approach is required to prevent trafficking, identify victims, provide effective protection, prosecute perpetrators, facilitate recovery, and prevent re-trafficking. In this context, strengthening policies for the protection of women and children victims represents an essential component of an effective anti-trafficking strategy. (Amin; 2023).

Indonesia has established a legal framework to combat trafficking in persons and provide protection for victims. The enactment of Law Number 21 of 2007 concerning the Eradication of the Criminal Act of Trafficking in Persons represents an important legal foundation for preventing and prosecuting trafficking while recognizing the rights and protection needs of victims. This framework operates alongside regulations concerning human rights, child protection, the elimination of domestic violence, sexual violence, labour protection, migration, and witness and victim protection. Nevertheless, the existence of comprehensive legislation does not automatically ensure effective protection. Gaps between legal norms and their implementation may arise through weaknesses in victim identification, limited institutional capacity, insufficient access to legal assistance, fragmented services, and difficulties in obtaining restitution, compensation, rehabilitation, and social reintegration. Consequently, strengthening the legal and policy framework requires not only regulatory development but also effective implementation and continuous evaluation. (Indrawati; 2015).



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The legal protection of women and children trafficking victims should be constructed around a victim-centred approach. Traditional criminal justice responses frequently prioritize investigation, prosecution, and punishment of perpetrators, while victims may be positioned primarily as sources of evidence. Such an approach risks overlooking the broader consequences of trafficking and the specific needs of survivors. A victim-centred framework requires victims to be recognized as rights holders whose safety, dignity, privacy, and welfare must remain central throughout the legal process. Women and children should receive appropriate protection from intimidation, retaliation, stigmatization, repeated exploitation, and re-trafficking. Children require additional safeguards because their age and developmental circumstances create specific legal and psychological needs. The best interests of the child should therefore guide decisions concerning identification, temporary protection, rehabilitation, family reunification, and reintegration. (Jumiati; 2015).

Institutional coordination is equally important in ensuring effective victim protection. Trafficking cases involve multiple institutions, including police, prosecutors, courts, immigration authorities, local governments, social-service agencies, healthcare providers, and specialized victim-protection institutions. When institutional responsibilities are fragmented, victims may encounter delays, repeated procedures, inconsistent assistance, or difficulties accessing available remedies. An integrated institutional framework should therefore establish clear mandates, standardized referral mechanisms, information-sharing procedures, and accountability standards. Coordination should begin at the stage of victim identification and continue through investigation, prosecution, protection, rehabilitation, restitution, compensation, and reintegration. The effectiveness of anti-trafficking institutions should consequently be measured not only through the number of investigations and convictions but also through the extent to which victims obtain meaningful protection and recovery. (Lubis, L., Saipudin, and Amin; 2020).

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The protection of women and children also requires policies that are sensitive to gender and age. Gender-neutral policies may fail to adequately address the specific circumstances that place women at greater risk of sexual exploitation, domestic servitude, forced labour, and other forms of gender-based exploitation. Gender-sensitive policies should therefore address structural inequalities while providing access to education, vocational training, decent employment, economic empowerment, healthcare, psychological assistance, and legal services. These measures are important not only for recovery but also for reducing survivors' vulnerability to re-trafficking. Similarly, child-sensitive policies should recognize children's distinct developmental needs and ensure access to education, healthcare, psychosocial support, family assistance, legal representation, and safe reintegration. (Panjaitan, Jogi Septian Bangun, Marlina, and Rizkan Zulyadi; 2021).

The reconstruction of anti-trafficking policies must therefore move beyond a predominantly prosecution-oriented model toward an integrated and sustainable framework. Prevention should address the structural causes and risk factors associated with trafficking, while protection should guarantee immediate safety and long-term assistance. Prosecution remains essential for ensuring accountability, but it should be complemented by recovery, empowerment, restitution, compensation, and reintegration. Sustainable policy development also requires systematic monitoring and evaluation to determine whether policies produce meaningful outcomes for victims. Adequate funding, professional training, institutional accountability, community participation, and cooperation between governmental and non-governmental actors are necessary to sustain such a framework.

A sustainable anti-trafficking policy should further recognize that the eradication of trafficking cannot be achieved solely through state institutions. Civil society organizations, communities, educational institutions, healthcare providers, international organizations, and survivors themselves have important roles in prevention, awareness, victim assistance, and monitoring. Community-based mechanisms can contribute to early identification and reduce social stigma, while survivor participation can provide valuable insight into weaknesses within existing protection systems. Accordingly, policy development should encourage participatory and evidence-based approaches that respond to changing patterns of trafficking and emerging forms of exploitation.

## **2. Research Methods**

The research method used is normative legal research with a legislative, conceptual, and limited comparison approach to international standards. The

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results of the discussion show that national law already has a criminal basis through Law Number 21 of 2007, the regulation of witness and victim protection, and a community-based service mechanism.

### **3. Results and Discussion**

#### **3.1. Strengthening the Legal and Policy Framework for the Protection of Women and Children Trafficking Victims**

Strengthening the legal and policy framework for the protection of women and children who become victims of trafficking in persons is essential to establishing an effective and sustainable anti-trafficking strategy. Women and children often experience heightened vulnerability to trafficking because of poverty, unequal access to education and employment, family instability, gender inequality, and limited awareness of legal rights. Therefore, an effective legal framework should not focus exclusively on criminalizing traffickers but should also guarantee comprehensive protection, assistance, and recovery for victims.

In Indonesia, strengthening the framework requires harmonization between anti-trafficking legislation and broader legal instruments concerning human rights, child protection, gender-based violence, labour protection, migration, and witness and victim protection. Legal norms should establish clear standards for identifying trafficking victims and ensure that victims are not criminalized for conduct directly resulting from their exploitation. Particular safeguards are necessary for children because their age, dependency, and developmental circumstances may limit their ability to make informed decisions or independently access legal remedies.

The policy framework should incorporate an integrated approach encompassing prevention, identification, protection, prosecution, rehabilitation, restitution, compensation, and reintegration. Victims should have meaningful access to legal assistance, safe accommodation, healthcare, psychological services, education, and social support. These services should be provided through procedures that respect dignity, confidentiality, informed participation, and protection from retaliation or re-trafficking. For children, protection mechanisms should be guided by the best interests of the child and implemented through child-sensitive procedures.

Furthermore, legal and policy strengthening requires clearer institutional responsibilities. Police, prosecutors, courts, immigration authorities, social-service institutions, local governments, and specialized victim-protection agencies should operate through coordinated referral and information-sharing mechanisms.

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Government policies should also include measurable standards for evaluating whether victims actually receive protection and remedies.

Ultimately, an effective legal and policy framework must transform victim protection from a secondary component of criminal justice into a central state responsibility. By harmonizing legislation, strengthening institutional coordination, expanding victim services, and adopting gender- and child-sensitive procedures, Indonesia can develop an anti-trafficking framework that not only punishes perpetrators but also protects victims, restores their rights, prevents re-exploitation, and supports their long-term recovery and reintegration.

### **3.2. Victim-Centred Institutional Coordination and Protection Mechanisms**

Effective protection of women and children who become victims of trafficking in persons requires strong institutional coordination and a victim-centred protection mechanism. Human trafficking is a complex transnational and domestic crime involving various forms of exploitation, including forced labour, sexual exploitation, domestic servitude, and other coercive practices. Because trafficking victims often experience physical, psychological, social, and economic harm, their protection cannot be effectively addressed by a single institution. A coordinated approach involving law enforcement agencies, courts, social-service institutions, healthcare providers, local governments, immigration authorities, and specialized victim-protection agencies is therefore essential.

A victim-centred institutional framework should prioritize the safety, dignity, rights, and long-term welfare of victims throughout the legal process. Law enforcement officers should be trained to identify trafficking indicators and distinguish victims from perpetrators, particularly where victims may have been compelled to participate in unlawful activities as a direct consequence of their exploitation. Women and children should receive gender- and age-sensitive treatment, while children should benefit from procedures based on their best interests and developmental needs. Victims should also be protected from intimidation, retaliation, repeated exploitation, and unnecessary exposure to traumatic legal procedures.

Institutional coordination should be supported by standardized referral mechanisms that enable victims to move efficiently between legal, medical, psychological, and social services. Clear procedures for information sharing are necessary to prevent duplication of services while maintaining strict safeguards for personal and sensitive information. Coordination should begin with victim identification and continue through investigation, prosecution, rehabilitation,

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restitution, compensation, and social reintegration. Such continuity is particularly important because the consequences of trafficking frequently extend beyond the conclusion of criminal proceedings.

Furthermore, government institutions should establish measurable indicators to evaluate the effectiveness of victim protection. Institutional performance should not be assessed solely through the number of investigations, prosecutions, or convictions but also through indicators such as successful victim identification, access to legal assistance, provision of healthcare and psychological support, payment of restitution, and successful reintegration.

Ultimately, victim-centred institutional coordination requires a shift from fragmented responses toward an integrated protection system. By clarifying institutional responsibilities, strengthening inter-agency cooperation, improving professional capacity, and ensuring continuous victim assistance, Indonesia can develop a more responsive anti-trafficking mechanism that places the rights, dignity, safety, and recovery of women and children at the centre of law enforcement and public policy.

### **3.3. Reconstruction of Sustainable and Gender- and Child-Sensitive Anti-Trafficking Policies**

The reconstruction of sustainable anti-trafficking policies requires a fundamental shift from a predominantly criminal justice-oriented approach toward an integrated framework that addresses prevention, protection, prosecution, recovery, and reintegration. Human trafficking disproportionately affects women and children through various forms of exploitation, including sexual exploitation, forced labour, domestic servitude, and other coercive practices. Therefore, anti-trafficking policies must recognize the different vulnerabilities experienced by women and children and incorporate gender- and child-sensitive principles into legislation, institutional programs, and law enforcement practices.

A gender-sensitive policy framework should address structural factors that increase women's vulnerability to trafficking, including poverty, gender inequality, limited employment opportunities, discrimination, and unsafe migration practices. Legal protection should therefore be complemented by economic empowerment, vocational training, education, access to decent employment, and social protection. These measures can reduce dependency and strengthen survivors' capacity to rebuild their lives after exploitation. Policies should also ensure that women victims receive appropriate medical, psychological, legal, and social assistance without discrimination or stigmatization.

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Child-sensitive policies require stronger preventive and protective measures because children have distinctive developmental, psychological, and legal needs. The best interests of the child should constitute a primary consideration in decisions concerning identification, temporary protection, family reunification, rehabilitation, education, and reintegration. Children who have experienced trafficking should receive age-appropriate psychological services, education, healthcare, legal assistance, and protection against re-trafficking. Their participation in decisions affecting them should also be facilitated according to their age and maturity.

Sustainability further requires continuous monitoring and evaluation of anti-trafficking policies. Government institutions should develop measurable indicators that assess not only prosecution outcomes but also prevention effectiveness, victim protection, rehabilitation, restitution, compensation, and reintegration. Cooperation among national and local governments, law enforcement agencies, civil society organizations, communities, and international institutions should be strengthened to ensure comprehensive implementation.

Ultimately, sustainable anti-trafficking policy reconstruction should place victims at the centre while addressing the structural causes of trafficking. By integrating gender equality, child protection, economic empowerment, social inclusion, institutional accountability, and long-term victim assistance, Indonesia can develop a comprehensive policy framework capable of preventing exploitation, protecting vulnerable groups, reducing re-trafficking, and supporting the recovery and dignity of trafficking survivors.

#### **4. Conclusion**

The eradication of trafficking in persons requires a comprehensive policy framework that places the protection of women and children at the centre of legal and institutional responses. The analysis demonstrates that strengthening the legal and policy framework cannot be limited to criminalizing perpetrators but must also guarantee effective protection, assistance, recovery, and reintegration for victims. Women and children face particular vulnerabilities arising from gender inequality, poverty, limited access to education and employment, family instability, and unequal power relations. Consequently, anti-trafficking policies must incorporate gender- and child-sensitive principles to address these vulnerabilities effectively. Strengthening the legal framework requires harmonization between anti-trafficking regulations and broader legal instruments concerning human rights, child protection, gender-based violence, labour protection, migration, and victim protection. Clear mechanisms for victim

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identification are particularly important to ensure that trafficking victims are not treated as offenders for conduct resulting from their exploitation. Legal protection should also guarantee access to legal assistance, healthcare, psychological services, safe accommodation, restitution, compensation, and other appropriate remedies. Institutional coordination represents another essential element of effective victim protection. Police, prosecutors, courts, immigration authorities, social-service institutions, local governments, and specialized protection agencies must operate through integrated referral mechanisms and clearly defined responsibilities. Institutional performance should not be measured exclusively through arrests, prosecutions, and convictions but also through the successful identification, protection, recovery, and reintegration of victims. A victim-centred approach requires institutions to prioritize victims' safety, dignity, privacy, and long-term welfare throughout the legal process. Furthermore, sustainable anti-trafficking policies require reconstruction beyond a predominantly prosecution-oriented model. Gender-sensitive policies should address structural inequalities and strengthen women's economic and social empowerment, while child-sensitive policies must prioritize the best interests of the child, access to education and healthcare, psychological recovery, and protection from re-trafficking. Continuous monitoring, evaluation, adequate funding, and cooperation among government institutions, civil society, communities, and international organizations are also necessary. Ultimately, strengthening anti-trafficking policies requires an integrated framework based on prevention, protection, prosecution, recovery, empowerment, and reintegration. Such a framework can transform victim protection from a supplementary component of criminal justice into a central state responsibility and ensure that women and children trafficking victims receive meaningful, sustainable, and rights-based protection.

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