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

Legal Analysis of The Issue of Domestic Violence as a Trigger for Wife Trafficking by Husbands in Cases of Prostitution

Hamsi

Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia,
E-mail: hamsi.std@unissula.ac.id

Abstract. Women hold a crucial role in building a household, as they are responsible for educating and caring for the needs of their husband and children. Violence against women is an act that deprives a woman of her physical and mental rights, resulting in fatal consequences for her mental and physical well-being. This paper utilizes empirical research. Based on the research, it is clear that domestic violence has become a trigger for wife trafficking, perpetrated by husbands in cases of prostitution. Type of research in this paper is empirical research. Empirical legal research, also called sociological legal research, is legal research that examines law conceptualized as actual behavior, as an unwritten social phenomenon experienced by everyone in social relationships. Based on the studies conducted, it can be seen that The eradication of violence against women is currently ineffective. In fact, domestic violence against women has developed into the crime of wife trafficking committed by husbands due to economic problems, this is considering the still high crime of human trafficking, especially against women. The obstacle in eradicating the crime of wife trafficking committed by husbands in prostitution cases is that most law enforcement officers (APH) do not fully understand the definition and elements of the crime of wife trafficking committed by husbands as regulated in Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking. As a result, cases of human trafficking are often reduced or equated with just ordinary fraud or violations of migrant worker placement, so that the perpetrators are subject to lighter sanctions. Law 23 of 2004, which should also receive attention, in reality has never been used by law enforcement officers in deciding cases of wife trafficking committed by husbands in prostitution cases. There are often obstacles in proving the element of coercion or fraud (the method element), especially when the case involves child victims. In addition, the modus operandi of human trafficking syndicates is now increasingly sophisticated and organized. Threat factors from the



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perpetrator's network and psychological trauma also often make victims afraid to testify.

Keywords: *Domestic; Prostitution; Trafficking; Violence.*

1. Introduction

The number of cases of Violence Against Women (VAW) reported to the National Commission on Violence Against Women (Komnas Perempuan) and its CATAHU partners in 2024 was 445,502. This number represents an increase of 43,527 cases, or approximately 9.77%, compared to 2023 (401,975). The number of complaints received by Komnas Perempuan in 2024 was 4,178 cases, a decrease of 4.48% from the previous year. Despite the decrease in the number of cases reported, the average number of complaints to Komnas Perempuan was 16 cases per day.¹ The Pati Department of Social Affairs, Women's Empowerment, Child Protection, and Family Planning (Dinsos P3AKB) handled 36 cases of violence against women in 2024. Meanwhile, in 2023, there were 105 complaints of violence against women, including sexual violence, physical violence, domestic violence, and human trafficking. In 2024, there were only 36 cases because only 36 victims filed complaints, while many cases of violence against women remain reluctant to report them.²

According to the National Commission for the Protection of Women, violence against women can have fatal consequences, including death, suicide attempts, and HIV/AIDS infection. Furthermore, violence against women can also have non-fatal consequences, such as physical health problems, chronic conditions, mental disorders, unhealthy behaviors, and reproductive health problems. Both fatal and non-fatal consequences reduce women's quality of life.³

¹National Commission for the Protection of Women, "Executive Summary "Organizing Data, Sharpening Direction: Reflections on Documentation and Trends in Cases of Violence Against Women 2024" Annual Report on Violence Against Women 2024 March 7, 2025", [https://komnasperempuan.go.id/download-file/1316#:~:text=Throughout%20the%20year%202024%2C%20of%20total,235%20cases%20\(Letter%20of%20Clarification%20155\),](https://komnasperempuan.go.id/download-file/1316#:~:text=Throughout%20the%20year%202024%2C%20of%20total,235%20cases%20(Letter%20of%20Clarification%20155),) June 16, 2026.

²Gatra.com, "Cases of Violence Against Women and Children on the Rise in Pati, Social Services: Many Cases Go Unrecorded," <https://www.gatra.com/news-602455-regional-marak-kasus-kekerasan-perempuan-anak-di-pati-dinsos-yang-tak-tercatat-banyak.html>, June 16, 2026.

³National Commission for the Protection of Women, "Uncovering the Mystery Behind Women's Pain: A Study of the Impact of Violence Against Women on Women's Health Status in DKI Jakarta Province and DI Yogyakarta Province", <https://komnasperempuan.go.id/pemetaan-kajian-prosiding-detail/menguk-misteri-di-balik-kesakitan-perempuan-kajian-dampak-kekerasan-terhadap-perempuan-status-kesehatan-perempuan-di-propinsi-dki-jakarta-dan-propinsi-di-yogyakarta>, June 16, 2026.

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The high rate of violence against women also contributes to the high rate of human trafficking. Domestic violence (KDRT) is one of the main causes of high levels of human trafficking. Victims of domestic violence, especially women and children, often experience psychological vulnerability, financial dependence, and social isolation. Perpetrators exploit this desperate situation by offering false "solutions," such as employment abroad or marriage, which ultimately lead to exploitation. This is exemplified by cases of wife trafficking committed by husbands in prostitution networks. All human trafficking cases involving the victim's wife were committed by the husband, one of which occurred in 2018 in the Sidoarjo Regency. The case of the victim's wife for human trafficking was tried at the Sidoarjo District Court in December 2018, with the issuance of a decision in PN Sda 889/Pid.Sus/2018/PN.SDA regarding the crime. The case in Decision Number 889/Pid.Sus/2018/PN.SDA at the Sidoarjo District Court involved a husband who traded his own wife for deviant sexual services (threesome) with economic motives, where the wife was forced to comply with the perpetrator's orders because she received threats or psychological violence.⁴

The fact that there is still a high number of cases of violence against women which results in the crime of human trafficking in the territory of Indonesia, is a concern for the life of the nation and state which results in the mandate of Article 28G of the 1945 Constitution of the Republic of Indonesia and Article 33 paragraph (1) of Law of the Republic of Indonesia Number 39 of 1999 concerning Human Rights not being able to be realized in real terms, this automatically also deviates from the important mandate of Pancasila, especially the Second and Fifth Principles.

2. Research Methods

Type of research in this paper is empirical research. Empirical legal research, also called sociological legal research, is legal research that examines law conceptualized as actual behavior, as an unwritten social phenomenon experienced by everyone in social relationships.

3. Results and Discussion

⁴Izza Saltsa FM and Emy Rosnawati, "Legal Analysis of Human Trafficking Cases by Husbands Against Their Wives," *Indonesian Journal of Law and Justice*, Vol. 2, No. 1, 2024, pp. 5-6.

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3.1. The Crime of Wife Trafficking by Husband as Domestic Violence

Human trafficking also begins with domestic violence committed by a husband against his wife. The husband's irresponsibility in meeting economic needs and exploiting his wife's body as a shortcut to meet the family's economic needs has become a trigger for wife trafficking carried out by husbands in prostitution networks. Protection for wives in the context of criminal law should be seen as victims who need to be protected, but in practice, such protection is often inadequate. The fundamental problem with the crime of human trafficking is not only the difficulty of law enforcement once the crime has occurred, but also preventing this crime from recurring. The application of the law by judges, where the law used to impose sanctions on the accused is considered inappropriate. The use of the Law on the Crime of Human Trafficking (TPPO) is considered less relevant because of the marital bond between the perpetrator and victim related to Law Number 23 of 2004 concerning the Elimination of Domestic Violence (PKDRT Law), which should be considered in imposing sanctions. In this case, the husband also used psychological violence and threats to force his wife to commit acts that were detrimental to her, which could be related to Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS). This demonstrates the need for law enforcement that is more sensitive to interrelated issues. According to Article 11 of the Domestic Violence Law, the government is responsible for preventing domestic violence, and according to Article 12 Paragraph (1), organizing advocacy and outreach on domestic violence is also the government's responsibility. However, in reality, outreach and advocacy on domestic violence are still minimal. Many people still do not know, let alone understand, the Domestic Violence Law, and even among law enforcement officers, various perceptions still exist. This also hinders the realization of protection for wives who are victims of human trafficking in prostitution cases.⁵

One of the cases of wife trafficking committed by a husband in a prostitution case is the case in the PN Sda decision 889/Pid.Sus/2018/PN.SDA regarding the crime. The case in Decision Number 889/Pid.Sus/2018/PN.SDA at the Sidoarjo District Court involved a husband who traded his own wife for deviant sexual services (threesomes) with economic motives, where the wife was forced to comply with the perpetrator's orders because of threats or psychological violence.⁶In the decision, the judge decided that:⁷

⁵Kadek Novi Darmayanti et al., "Human Trafficking as a Transnational Crime," *Ganesha Law Review*, Vol. 4, No. 2, 2022, pp. 33-42.

⁶Izza Saltsa FM and Emy Rosnawati, "Legal Analysis of Human Trafficking Cases by Husbands Against Their Wives," *Indonesian Journal of Law and Justice*, Vol. 2, No. 1, 2024, pp. 5-6.

⁷*Loc, cit.*

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1. Declaring that the defendant Syaifullah was legally proven and guilty of committing the crime of human trafficking.
2. Sentencing the defendant to 4 years and 6 months in prison and a fine of Rp. 120,000,000, with the provision that if the fine is not paid, it will be replaced with 3 months in prison.
3. In the judge's considerations in the Sidoarjo District Court Decision Number 889/Pid.Sus/2018/PN.Sda, only Law Number 21 of 2007 concerning the Eradication of Criminal Acts of Human Trafficking was used.

In its development, Law 23/2004 also needs attention, because legally law enforcement officers in the above case use Law 23/2004 on the Elimination of Domestic Violence (PKDRT Law), in Article 8 letter b it states "forcing sexual relations against a person who lives in the same house with another person for commercial purposes and/or certain purposes". The interpretation of Article 8 states that all acts carried out in the form of forced sex, unreasonable coercion and/or reluctance or coercion to have sexual relations with another person for commercial purposes. Law Number 21/2007 concerning the Crime of Human Trafficking. Therefore, Law 23 of 2004 also needs attention, because legally the application of the law in the above case uses Law No. 23/2004 (PKDRT Law), in Article 8 letter b, it states "forcing sexual relations against a person in one household with another person for commercial purposes and/or for certain purposes". In the explanation of Article 8 it is stated that all acts in the form of forced sex, forced sexual relations in an unnatural and/or unwanted manner, forced sexual relations with other people, for commercial purposes.

3.2. Obstacles in Eradicating Criminal Acts of Violence Against Women Today

Wives, as victims of exploitation in human trafficking, are particularly vulnerable due to their marital bond, which should provide a source of protection and security. However, in practice, this relationship often becomes a means for perpetrators to exploit their wives for economic gain or other purposes that are detrimental to the victims. The exploitation experienced by wives includes not only forced labor or sexual exploitation, but also ongoing domestic violence and marital rape, which are often difficult to disclose due to social stigma and family pressure. This situation creates a legal and social dilemma, where victims are often caught between the obligation to maintain their household and the need to protect themselves from harmful treatment. Therefore, it is important to understand the specific characteristics of wife victims in the context of human trafficking so that legal protection can be more targeted and effective.

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The legal basis for the protection of victims of human trafficking in Indonesia is specifically regulated in Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking (UU TPPO), which is the main legal instrument in eradicating and handling this crime. This TPPO Law not only regulates the definition and scope of human trafficking but also establishes comprehensive prevention, action and protection mechanisms for victims. In Article 1 paragraph (1) of the TPPO Law, human trafficking is defined as any act of recruitment, transportation, shelter, sending, transfer, or receipt of a person using threats of violence, force, kidnapping, fraud, abuse of power, or a position of vulnerability, debt bondage, or the provision of rewards or benefits to obtain the consent of the person controlling the victim, with the aim of exploitation. The exploitation in question includes various forms such as sexual exploitation, forced labor or inhumane services, slavery, organ removal, and other forms that degrade human dignity and worth. This definition emphasizes that human trafficking is not only physical movement, but also involves elements of coercion and manipulation that deprive the victim of freedom. In its development, the obstacles that result in protection for wives as victims of human trafficking committed by their husbands in prostitution cases are:⁸

1. Most law enforcement officers (APH) do not fully understand the definition and elements of the crime of wife trafficking committed by husbands, as stipulated in Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking. As a result, human trafficking cases are often reduced or equated with ordinary fraud or migrant worker placement violations, resulting in perpetrators receiving less severe sanctions.
2. Law 23 of 2004, which should also receive attention, has in reality never been used by law enforcement officers in deciding cases of wife trafficking carried out by husbands in prostitution cases.
3. There are often challenges in proving coercion or fraud (the method element), especially when cases involve child victims. Furthermore, the modus operandi of human trafficking syndicates is increasingly sophisticated and organized.
4. Threat factors from the perpetrator's network and psychological trauma also often make victims afraid to testify.

4. Conclusion

⁸Margaretha, Rahmaniar Nuringtyas, and Rani Rachim, *Childhood Trauma and Violence in Intimate Relationships*, Makara Social Humanities Series, 2013, p. 34.



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The eradication of criminal acts of violence against women is currently ineffective, in fact, acts of domestic violence against women have developed into criminal acts of wife trafficking committed by husbands due to economic problems, this is considering the still high crime of human trafficking, especially against women. The obstacle in eradicating the crime of wife trafficking committed by husbands in prostitution cases is that most law enforcement officers (APH) do not fully understand the definition and elements of the crime of wife trafficking committed by husbands as regulated in Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking. As a result, cases of human trafficking are often reduced or equated with just ordinary fraud or violations of migrant worker placement, so that the perpetrators are subject to lighter sanctions. Law 23 of 2004, which should also receive attention, in reality has never been used by law enforcement officers in deciding cases of wife trafficking committed by husbands in prostitution cases. There are often obstacles in proving the element of coercion or fraud (the method element), especially when the case involves child victims. In addition, the modus operandi of human trafficking syndicates is now increasingly sophisticated and organized. Threat factors from the perpetrator's network and psychological trauma also often make victims afraid to testify.

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