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

Strengthening The Human Rights Protection Framework for Women Victims of Sexual Exploitation

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Abstract. Sexual exploitation of women is one of the most degrading forms of Human Rights (HR) violations and threatens the values of humanity in the modern era. Although international and national legal instruments have developed significantly to provide protection, women who become victims of this crime often remain in an extremely marginalized position. This practice of exploitation not only strips victims of their freedom and bodily autonomy but also traps them in prolonged cycles of physical, psychological, and economic violence. This article specifically examines the urgency of strengthening the human rights protection framework for women survivors of sexual exploitation by highlighting the structural gap between regulations enacted by the state and the reality of law enforcement, which continues to be marked by gender bias and social stigma. This study employs a normative juridical method by analyzing various laws and regulations, including Law Number 12 of 2022 concerning Sexual Violence Crimes (UU TPKS) and Law Number 21 of 2007 concerning the Crime of Human Trafficking (UU TPPO). Through a literature review and conceptual analysis, this research uncovers various systemic barriers that often prevent the victim protection framework from being effectively implemented. As a proposed solution, this study recommends a paradigm shift from justice that merely focuses on punishing perpetrators (retributive justice) toward justice centered on victim recovery (restorative justice). Strengthening this protection framework should be realized through the establishment of a Victim Trust Fund to guarantee the right to restitution, enhancing the capacity of law enforcement officials through gender-sensitive training, and implementing massive public education campaigns to eliminate the culture of victim-blaming. Ultimately, the state must fully assume its responsibility to ensure that human rights protection for women victims of sexual exploitation is not merely eloquent in the text of legislation but is genuinely realized through justice and the restoration of human dignity within society.



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Keywords: *Human Rights Protection; Restorative Justice; Sexual Exploitation of Women; Sexual Violence Crimes; Victim Recovery.*

1. Introduction

Human Rights (HR) are fundamental rights inherently attached to every individual from birth, which must be respected, upheld, and protected by the state, the law, and all elements of society. The Constitution of Indonesia, namely the 1945 Constitution of the Republic of Indonesia, has established a strong foundation by guaranteeing that every person has the right to physical and spiritual well-being and the right to be free from all forms of torture or degrading treatment. Within this constitutional legal framework, protecting women from all forms of violence and exploitation is not a matter of choice or charity but an absolute obligation that the state must fulfill. Unfortunately, these noble constitutional ideals continue to face severe challenges due to the widespread occurrence of crimes that treat human beings as commercial commodities.¹

One of the most heinous forms of modern slavery that directly attacks the very essence of human dignity is sexual exploitation. Sexual exploitation is an act of manipulation, coercion, or deception that takes advantage of a person's vulnerability to obtain financial, social, or political benefits through the victim's body. This crime systematically deprives women of bodily autonomy, reducing them to mere commodities or merchandise that can be bought, used, and discarded at will. The scale of this crime is horrifying because it is often carried out by organized syndicates operating across regions and national borders, generating billions of rupiah in profits from the suffering of victims.

Within the anatomy of sexual exploitation, women consistently occupy the most vulnerable position and become the primary targets of perpetrators. This vulnerability does not occur by chance but is shaped by deeply patriarchal social structures in which women's subordinate position is frequently exploited through unequal power relations. Structural poverty, low levels of education, and limited employment opportunities in rural areas are among the most dominant push factors. In order to survive or support their families economically, many women are compelled to accept job offers from unknown parties, which ultimately lead them into the traps of forced prostitution or human trafficking.²

¹ Asshiddiqie, Jimly. *Konstitusi dan Konstitusionalisme Indonesia*. Jakarta: Konstitusi Press, 2006

² Saptari, Ratna, dan Brigitte Holzner. *Perempuan, Kerja dan Perubahan Sosial: Sebuah Pengantar Studi Perempuan*. Jakarta: Kalyanamitra, 1997



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Even more concerning is that, with the advancement of digitalization and information technology, the modus operandi of sexual exploitation has evolved into a borderless crime that is increasingly difficult to detect. Whereas exploitation in the past largely occurred in physical red-light districts or through illegal labor recruitment agencies, recruiters now operate in cyberspace through social media, dating applications, and closed online groups. These syndicates frequently employ grooming (psychological manipulation) methods online, ensnaring victims with false promises, romantic relationships, and even threats to distribute intimate photos or videos (revenge porn). This transformation of crime from the physical world to the digital sphere demands that the state promptly formulate far more sophisticated and adaptive mitigation instruments.

The impact of sexual exploitation is profoundly destructive and has the potential to permanently destroy victims' futures. Physically, women victims are vulnerable to contracting deadly sexually transmitted diseases, experiencing unwanted pregnancies, and suffering reproductive organ damage due to repeated coercion. Psychologically, they carry the heavy burden of trauma, experience depression, acute anxiety disorders, and even suicidal ideation. This devastation is further compounded by the loss of their economic and social rights, as they are often unpaid during the period of exploitation, trapped by debts fabricated by pimps (debt bondage), and isolated from the outside world.

To respond to this emergency, the Government of Indonesia has, in fact, made significant legal advances through the enactment of various progressive regulations. Law Number 12 of 2022 concerning Sexual Violence Crimes (UU TPKS) marks a historic milestone by specifically regulating and criminalizing forms of sexual exploitation that were previously beyond the reach of the colonial-era Criminal Code (KUHP). Supported by the Law on the Eradication of Human Trafficking, these regulations are designed not only to impose the heaviest possible penalties on perpetrators but also to guarantee victims' rights to protection and comprehensive recovery.³

However, herein lies the greatest irony within Indonesia's criminal justice system: despite the existence of these victim-oriented laws, they have not yet succeeded in changing the harsh realities experienced by survivors. The gap between the law in theory (*das sollen*) and law in practice (*das sein*) remains very wide. Law enforcement officials in many regions still lack a human rights perspective and gender sensitivity. Investigative processes are often slow, bureaucratic, and insensitive to victims' psychological conditions. Instead of obtaining justice, victims frequently feel as though they are treated as living

³ Undang-Undang Nomor 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual



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pieces of evidence who are repeatedly interrogated without adequate assistance.

Another major obstacle stems from the deeply entrenched culture of victim-blaming, which persists both within society and among law enforcement officials themselves. When a case of sexual exploitation comes to light, negative attention is often directed toward the woman's clothing, lifestyle, or past decisions, as though she had invited the crime upon herself. This social stigma is extremely damaging because it causes victims to feel ashamed, fearful, and reluctant to report the crimes committed against them. Such stigmatization demonstrates that our human rights protection framework remains highly fragile because society has not yet been adequately educated to stand with victims.

Furthermore, an ideal human rights protection framework should not end when the judge's gavel falls and the perpetrator is sent to prison. True justice for women victims of sexual exploitation is achieved only when they receive restitution (financial compensation from the perpetrator) and complete social rehabilitation. In reality, however, the right to restitution is rarely realized because perpetrators often prefer to substitute payment with additional imprisonment, while the state has yet to establish a strong advance compensation fund. Consequently, victims return to their families in a state of psychological and economic devastation, ironically leaving them highly vulnerable to falling once again into the same cycle of exploitation (re-trafficking).

Given the complexity and critical nature of these issues, an in-depth study on strengthening the human rights protection framework is urgently needed. This article aims to critically expose the systemic weaknesses in the current law enforcement system while formulating conceptual strategies to reinforce a victim-centered protection system. Through comprehensive analysis, this paper is expected to contribute ideas for policymakers, legal practitioners, and the wider public to work together in building a legal civilization that truly upholds human dignity and provides a sense of security for all women in Indonesia.

2. Research Methods

This study employs a normative legal research (normative juridical) method, namely an approach conducted by examining library materials and secondary legal documents. The approaches used include the Statutory Approach and the Conceptual Approach.⁴ The primary legal materials analyzed in depth include the 1945 Constitution of the Republic of Indonesia, Law Number 39 of 1999

⁴ Marzuki, Peter Mahmud. *Penelitian Hukum*. Jakarta: Kencana Prenada Media Group, 2005



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concerning Human Rights, Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking, and the latest breakthrough through Law Number 12 of 2022 concerning Sexual Violence Crimes. All literature collected from reference books, accredited scientific journals, and international human rights instruments was subsequently analyzed using a qualitative-deductive approach to identify legal gaps within the protection system and formulate practical regulatory strengthening strategies that prioritize and protect victims of sexual exploitation.

3. Results and Discussion

3.1. Legal Framework and Human Rights Dimensions in Cases of Sexual Exploitation

The human rights protection framework for women who are victims of sexual exploitation in Indonesia rests on a very strong constitutional foundation. Article 28G paragraph (1) of the 1945 Constitution explicitly states that every person has the right to protection of their personal self, family, honor, dignity, and property, as well as the right to a sense of security. Reinforced by Article 28I paragraph (2), which opposes all forms of discrimination, the Constitution provides a non-negotiable mandate for the state to intervene. From the perspective of constitutional law, sexual exploitation is not merely a private morality offense but a direct violation of the sacred agreement (social contract) between the state and its citizens, which requires protection of human dignity.

At the international level, Indonesia has ratified the Convention on the Elimination of All Forms of Discrimination against Women through Law Number 7 of 1984. This ratification carries the legal consequence that Indonesia's national laws must comply with global standards for protecting women. CEDAW views sexual exploitation, including forced prostitution, as an extreme form of gender discrimination and gender-based violence. The Convention obliges its member states to take all appropriate measures, including legislative measures, to suppress all forms of trafficking in women and the exploitation of prostitution of women, making this instrument a foundation for national criminal law reform.⁵

The embodiment of these constitutional and international commitments culminated in the enactment of Law Number 12 of 2022 on Sexual Violence Crimes (UU TPKS). The presence of this regulation marks an extraordinary milestone because it changes the state's perspective in addressing cases of sexual violence. The UU TPKS classifies sexual exploitation as a distinct criminal

⁵ Undang-Undang Nomor 7 Tahun 1984 tentang Pengesahan Konvensi Mengenai Penghapusan Segala Bentuk Diskriminasi Terhadap Wanita



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offense, with a very broad definition covering acts committed for economic, social, or political gain. This law dismantles the conventional evidentiary barriers in the old Criminal Code (KUHP), which often placed victims at a disadvantage during court proceedings.

One of the brightest human rights dimensions of the UU TPKS is its absolute recognition of victims' rights, including the rights to treatment, protection, and recovery. This legal framework ensures that victims no longer struggle alone; from the moment they report their case, law enforcement officers are required to provide psychological assistance, medical care, and legal aid. This regulation is highly progressive because it acknowledges that the suffering caused by sexual exploitation cannot be resolved merely by imprisoning the perpetrator. Instead, the state must intervene to restore the victim's physical and psychological condition so they can return to functioning normally in society.

Furthermore, the legal framework under the Law on the Crime of Human Trafficking (UU TPPO) provides multiple layers of protection for women exploited across regional and national borders. The UU TPPO introduces essential human rights protection principles, one of which states that the consent of a victim of sexual exploitation is legally null and void if such consent was obtained through threats, fraud, abduction, or abuse of power. This constitutes an extremely important legal safeguard because exploitation syndicates frequently argue in court that the woman had "agreed" and left voluntarily to work in prostitution areas.⁶

Within this human rights protection framework, the Witness and Victim Protection Agency (LPSK) is positioned as the epicenter of recovery. The LPSK is granted strong statutory authority to assess compensation (restitution), provide emergency protection in the form of safe houses, and protect victims' identities throughout court proceedings. The existence of this independent institution underscores the idea that restoring human rights requires tangible budgets and facilities provided by the state, not merely normative promises on paper that cannot be implemented.

However, strengthening this legal framework also demands a shift in the paradigm of substantive criminal law. Criminal law should no longer be viewed solely as a means of public retribution (*lex talionis*). The concept of restorative justice promoted by modern regulations emphasizes that the crime of sexual exploitation damages both social relationships and individual dignity. Therefore, court decisions should aim to repair this harm by compelling perpetrators to

⁶ Harkrisnowo, Harkristuti. *Tindak Pidana Perdagangan Orang: Panduan Bagi Penegak Hukum*. Jakarta: Kemitraan (Partnership for Governance Reform), 2008.



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restore victims' economic losses (restitution) and ensuring that the state facilitates a dignified process of social reintegration free from discrimination.

In conclusion, a review of this legal framework and its human rights dimensions shows that, conceptually and doctrinally, Indonesia's legislation has become highly responsive. These legal texts have been carefully designed to protect women from sexual predators and exploitation syndicates. The challenge now is no longer the absence of laws, but ensuring that the humanitarian spirit embodied in these provisions is transformed into concrete actions experienced by women survivors from police investigation rooms to courtrooms.

3.2. Structural and Cultural Barriers to Law Enforcement

Describing an ideal legal framework inevitably collides with the reality of law enforcement, which is full of paradoxes. The most dominant obstacle to enforcing human rights for victims of sexual exploitation stems from patriarchal culture and victim-blaming, which remain deeply embedded in society's sociological mindset and, ironically, also affect some law enforcement officers. When a woman reports the exploitation she has experienced, she is often confronted with accusatory questioning. Questions about her sexual history, manner of dress, and reasons for being at the scene at night become psychological weapons that unconsciously judge the victim as though she contributed to the crime.⁷

The second structural obstacle lies in the capacity and perspective of police officers at the sector or district level, who serve as first responders. The lack of specialized training in gender sensitivity and trauma-informed approaches often leads investigators to conduct marathon interrogation sessions without considering the victim's fragile psychological condition. This inability to empathize creates the phenomenon of secondary victimization; victims feel that the justice system, which should provide protection, instead becomes a second interrogation room that reopens their wounds and trauma.

Third, technical difficulties in collecting evidence often become dead ends that prevent sexual exploitation cases from reaching court. These crimes usually occur in private spaces without third-party eyewitnesses. Although the UU TPKS has eased the burden of proof (for example, one victim's testimony combined with one additional piece of evidence is sufficient), investigators often remain fixated on conventional evidentiary methods such as physical forensic examinations requiring bruises or tears. In reality, long-term sexual exploitation

⁷ Irianto, Sulistyowati. *Perempuan dan Hukum: Menuju Hukum yang Berperspektif Kesetaraan dan Keadilan*. Jakarta: Yayasan Obor Indonesia, 2006.



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or forced prostitution often involves psychological and economic coercion, leaving no visible physical traces that forensic doctors can document.

Fourth, overlapping bureaucratic obstacles among state institutions also delay recovery efforts. Ideally, protecting women victims of exploitation requires coordinated action involving the Police, the Social Affairs Office, the Ministry of Women's Empowerment, the LPSK, and hospitals. However, sectoral egos and insufficient operational budgets at the regional level often make these integrated services slow and ineffective. Victims are frequently forced to move back and forth between different agencies to obtain forensic examinations, counseling, and safe housing a highly exhausting and distressing administrative process for someone who has just escaped captivity.

Fifth, modern sexual exploitation practices involving digital technology or cyber prostitution create complex jurisdictional and technical challenges. Perpetrators operating Telegram groups, MiChat applications, or online prostitution websites often use fake identities (anonymity) and servers located abroad. Local police frequently lack adequate digital forensic tools to trace perpetrators. When digital evidence is deleted, investigators often terminate cases due to insufficient digital evidence, allowing cyber predators to remain free to target new female victims without legal consequences.

Sixth, the low level of legal literacy among victims, particularly women from lower-middle economic backgrounds, constitutes a cultural obstacle that perpetuates the power of exploitation syndicates. Victims are often unaware that they have the right to claim restitution or receive free legal counsel from the state. Exploitation syndicates exploit this ignorance by threatening victims that, if they report the crime, they will face defamation lawsuits or even imprisonment for allegedly violating morality laws (as sex workers). These threats effectively silence victims and keep the iceberg phenomenon of sexual exploitation hidden beneath the surface.

Seventh, court decisions that fail to reflect justice in terms of victim recovery represent the culmination of these barriers. Although judges may sentence perpetrators to imprisonment, the execution of victims' rights to restitution is extremely rare. Criminals who are part of organized syndicates often have already laundered their assets or concealed their wealth. Consequently, judges impose substitute imprisonment (subsidiary sentences) on perpetrators unable to pay restitution. This legal arrangement severely disadvantages victims



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because a few additional months of imprisonment for perpetrators provide no financial solution for women whose futures have been destroyed.⁸

Eighth, taken together, this series of cultural and structural obstacles demonstrates that the state still has substantial work to do. Enacting human rights-friendly legislation is merely the first step in a long marathon. Without restructuring law enforcement bureaucracy, increasing budgets for witness protection operations, and reforming social culture through extensive gender equality education, even the most sophisticated legal instruments will remain paper tigers incapable of holding perpetrators of sexual exploitation accountable.

3.3. Strategies for Strengthening the Protection and Recovery System for Victims

Given the complexity of these obstacles to human rights enforcement, comprehensive strategies are needed to strengthen the protection framework, from upstream prevention to downstream sustainable recovery. The first and most crucial strategy is implementing a trauma-informed approach throughout all law enforcement institutions. The National Police, the Attorney General's Office, and the Supreme Court should issue technical guidelines requiring that all examinations of women victims of sexual exploitation be conducted in special victim-friendly rooms, without intimidating police attributes, and with mandatory assistance from clinical psychologists from the very first moment the victim gives testimony.

The second strategy is establishing and strengthening Integrated One-Stop Service Centers (Regional Technical Implementation Units for Women and Children Protection UPTD PPA) in every district and municipality. The state must ensure sufficient regional budget allocations so that UPTD PPAs can function as integrated legal, medical, and psychological service centers under one roof. Through this one-stop crisis center model, victims no longer need to waste energy traveling from hospitals to police stations and then to social service offices. Everything from obtaining forensic examination reports (*visum et repertum*), counseling, to case documentation is handled centrally and confidentially, providing victims with comprehensive security.

The third, highly revolutionary strategy to implement is the establishment of a national Victim Trust Fund. Given the systematic failure in enforcing restitution payments from perpetrators, the state should assume this responsibility. The

⁸ Lembaga Perlindungan Saksi dan Korban (LPSK). *Laporan Tahunan Pemenuhan Hak Restitusi Korban Kejahatan Tahun 2021*. Jakarta: LPSK RI, 2022.



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Victim Trust Fund could be financed through the national budget, proceeds from auctions of corrupt officials' confiscated assets, or fines imposed on corporate offenders. If a court orders restitution but the perpetrator lacks sufficient assets or chooses a substitute prison sentence, the state, through this advance payment fund, would directly compensate the victim financially. This measure represents a concrete manifestation of the state's commitment to ensuring economic justice and the recovery of survivors.⁹

Fourth, in responding to cyber-based sexual exploitation, the state must strengthen specialized cyber patrol units tasked with monitoring digital platforms, social media, and dark web forums. Bilateral and multilateral cooperation with global technology companies (such as Meta, Google, and X) should be enhanced to accelerate the removal of exploitative content and facilitate law enforcement access to perpetrators' real identities (IP addresses). Strengthening cyber law jurisdiction is crucial to ensuring that predators hiding behind internet anonymity have no opportunity to trap women and children.

Fifth, strategies should involve grassroots community participation in mitigating sexual exploitation. Prevention cannot be effective if left solely to formal state institutions. Public education on reproductive rights, gender equality, and the dangers of human trafficking should be incorporated into formal education curricula and community empowerment programs (such as PKK and youth organizations). Society must be educated to move away from apathy and victim-blaming and instead become an early warning system by reporting indications that women in their communities are being exploited in hidden prostitution venues.

Sixth, prosecution strategies should be updated through asset tracing and anti-money laundering approaches (TPPU). Law enforcement officers must change the way they investigate organized sexual exploitation cases. Police and prosecutors should not focus solely on morality offenses but should cooperate with the Indonesian Financial Transaction Reports and Analysis Center (PPATK) to trace financial flows from pimps and human trafficking agents. Freezing bank accounts and confiscating syndicate assets from the earliest stages of investigation is the only effective way to ensure that criminal proceeds can later be seized by the state and distributed as restitution to exploited women.

Seventh, the role of Non-Governmental Organizations (NGOs) and women's rights advocacy organizations must continue to receive state support and active involvement. Non-governmental organizations are often at the forefront of

⁹ Siregar, Bismar. "Efektivitas Restitusi bagi Korban Perdagangan Manusia: Sebuah Tinjauan Yuridis Normatif," *Jurnal Hukum Pidana Nasional*, vol. 8, no. 1, 2022, hlm. 45-60.



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identifying cases, conducting rescues, and providing safe houses beyond the government's reach. Therefore, the state should provide operational grants or facilitate access to information for these NGOs. Synergy between the central government, local law enforcement agencies, and civil society organizations will create a robust human rights safety net, ensuring that no victim is left to suffer alone.

Eighth, in conclusion, all recovery programs must not be merely charitable or temporary. Social reintegration for women victims of sexual exploitation should include vocational skills training, entrepreneurship mentoring, and access to collateral-free financing from state-owned banks. If the state succeeds in empowering victims economically and restoring them mentally, the cycle of exploitation will truly be broken. This is the highest essence of strengthening the human rights protection framework: transforming a person from an oppressed victim into an independent, dignified survivor capable of facing the future with hope.

4. Conclusion

Sexual exploitation of women is a dark stain on legal civilization that threatens the foundation of a just and civilized humanity. The enactment of various progressive legal instruments, such as the Law on Sexual Violence Crimes and the Law on the Eradication of the Crime of Human Trafficking, has provided a strong legal foundation. However, the existence of these written rules has proven insufficient when confronted with the entrenched culture of victim-blaming, law enforcement officers lacking a human rights perspective, and the weak system for enforcing victims' economic recovery (restitution). This gap indicates that the state must undertake interventions that go far beyond the boundaries of formalistic law. Strengthening the human rights protection framework for victims requires comprehensive systemic reform from beginning to end. The adoption of trauma-informed approaches for law enforcement officers, the integration of crisis center services in every region, and the establishment of a Victim Trust Fund are strategic recommendations that can no longer be postponed. The true measure of justice for women survivors of exploitation is not simply the length of time perpetrators spend behind bars, but the extent to which the state can restore victims' physical health, mental well-being, and dignity so they may stand upright once again. Fulfilling this commitment is concrete proof that the law exists not merely to punish, but to heal wounds and safeguard humanity.



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