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

Legal Protection for Victims of Human Trafficking Crimes based on Justice at the Prosecution Stage

Hendra Jaya Atmaja

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

E-mail: hendrajayaatmaja1973@gmail.com

Abstract. *Human trafficking is one of the most serious forms of crime that violates human rights and causes a wide range of negative impacts on victims, encompassing physical, psychological, social, and economic dimensions. In practice, the criminal justice system often positions victims merely as instruments of evidence, leaving their rights inadequately protected, particularly at the prosecution stage. Although various legislative regulations have been enacted to provide legal protection for trafficking victims, a number of significant obstacles remain. These include limited victim participation in the prosecution process, inadequate fulfillment of the right to restitution, and weak inter-agency coordination among law enforcement institutions in providing comprehensive protection. Just legal protection at the prosecution stage must place victims as legal subjects who have the right to obtain information, security protection, legal assistance, recovery, and restitution. The integration of restorative justice approaches and human rights perspectives in the prosecution process is therefore essential to ensure the full fulfillment of victims' rights and to realize a criminal justice system that is more oriented toward victim recovery and justice.*

Keywords: *Human Trafficking; Prosecution Stage; Victim Protection.*

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1. Introduction

Human trafficking is one form of transnational crime that has grown increasingly complex and organized. This crime does not merely cause harm to individual victims; it also threatens fundamental human values and human rights.¹ Victims of human trafficking frequently experience sexual exploitation, forced labor, modern slavery, organ harvesting, and other forms of exploitation that strip them of their human dignity.²

Human trafficking has become a global problem that can affect anyone without exception, regardless of age, gender, or social status. It constitutes a crime against humanity because its victims are human beings. One of the contributing factors is the shift in development from the agricultural sector to the industrial sector, while persistent low economic conditions also play a significant role. The legal protection provided to victims has not been implemented optimally, as merely returning victims to their places of origin does not fully resolve the problem.³

According to data compiled by the Online Information System for the Protection of Women and Children (SIMFONI PPA), from 2020 to 2022, a total of 1,418 cases and 1,581 victims of Human Trafficking Crimes (TPPO) were reported.⁴ Throughout the early part of 2026, according to data from the National Police Crime Statistics Center (Pusiknas Bareskrim Polri), law enforcement recorded 2,751 case reports of violence against women and children (PPA) and human trafficking (TPPO), with the total number of victims reaching 2,884 individuals.⁵ Provinces such as West Java, East Java, East Nusa Tenggara (NTT), and Central Java continue to contribute the highest numbers of TPPO victims in the category of undocumented Indonesian Migrant Workers (PMI).⁶

As a state that upholds the principle of the rule of law⁷, Indonesia bears a constitutional responsibility to provide protection to every citizen from all forms of criminal acts, including human trafficking. This commitment is manifested through the enactment of Law Number 21 of 2007 on the Eradication of the Crime of Human Trafficking (UU PTPPO), which serves as the primary legal foundation for efforts in prevention, law enforcement, and the provision of protection and recovery of the rights of trafficking victims.⁸ Through this regulation, the state seeks to establish a comprehensive mechanism for eradicating the practice of human trafficking while simultaneously ensuring effective protection for victims.

¹ UNODC, *Global Report on Trafficking in Persons 2024*, (Vienna: United Nations Office on Drugs and Crime, 2024), p. 3.

² Farhana, *Aspek Hukum Perdagangan Orang di Indonesia* (Jakarta: Sinar Grafika, 2017), p. 45.



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³ Okta Rifo Fauziyah dan Yana Indawati, "Perlindungan Hukum terhadap Korban Tindak Pidana Perdagangan Orang (Studi Kasus di Polrestaes Surabaya)", *Referendum: Jurnal Hukum Perdata dan Pidana*, Volume. 2, Nomor. 3 September 2025, p. 50. DOI:<https://doi.org/10.62383/referendum.v2i3.1083>

⁴ <https://kemenpppa.go.id/index.php/siaran-pers/kemenpppa-pelaku-perdagangan-orang-mulai-incar-masyarakat-berpendidikan>

⁵ https://pusiknas.polri.go.id/detail_artikel/dit_ppa%E2%80%9393ppo_di_sebelas_polda_dari_yang_tersembunyi_menjadi_tercatat

⁶ <https://data.goodstats.id/statistic/10-provinsi-dengan-korban-perdagangan-manusia-terbanyak-eQExi>

⁷ Pasal 1 ayat (3) UUD 1945 menyatakan bahwa Indonesia adalah negara hukum

⁸ Achmad Al Arifil Mustofa, Noenik Soekorini, dan Renda Aranggraeni, "Analisis Yuridis terhadap Pelaku Tindak Pidana Perdagangan Orang (Studi Kasus Putusan Nomor: 1172/Pid.Sus/2024/Pn.Sby)", *Journal of Artificial Intelligence and Digital Business (RIGGS)*, Volume 5 Nomor 1, 2026, p. 6694. DOI: <https://doi.org/10.31004/riggs.v5i1.7034>

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Article 1(1) of the UU PTPPO defines Human Trafficking as the act of recruiting, transporting, sheltering, sending, transferring, or receiving a person by means of threat or use of force, abduction, confinement, forgery, fraud, abuse of power or a position of vulnerability, debt bondage, or the giving or receiving of payments or benefits to obtain the consent of a person having control over another person, whether carried out within or between countries, for the purpose of exploitation or resulting in the exploitation of a person. There are three fundamental elements contained in the definition of human trafficking above, namely: *pertama* the act element, which includes recruiting, transporting, transferring, harboring, or receiving. *Second*, the means or methods element for controlling victims, which includes threats, the use of coercion, various forms of violence, abduction, deception, fraud, abuse of power or a position of vulnerability, or the giving or receiving of payments or benefits to obtain the consent of a person who has control over the victim. *Thrid*, the purpose element, which includes exploitation at minimum, for prostitution or other forms of sexual exploitation, forced labor, slavery, servitude, and organ removal.⁹

Indonesia has also ratified the Palermo Protocol 2000 through Law Number 14 of 2009 on the Ratification of the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, which affirms that TPPO encompasses the recruitment, transportation, sheltering, or reception of persons by means of threats or use of force, deception, or abuse of a position of vulnerability for the purpose of exploitation. Article 3(a) of the Palermo Protocol 2000 provides guidance that exploitation includes, at a minimum, the following:

- a. Sexual exploitation, in the form of the prostitution of others or other forms of sexual exploitation.
- b. Forced labor or services: Practices of slavery or similar acts.
- c. Slavery or similar practices: Depriving a person of their liberty for the benefit of the perpetrator. Pemindahan organ tubuh: Pengambilan organ secara ilegal.

⁹ Al Fajri, "Perlindungan Hukum Bagi Korban Tindak Pidana Perdagangan Orang (*Human Trafficking*) Dalam Perspektif Undang-Undang Nomor 21 Tahun 2007 Tentang Pemberantasan Tindak Pidana Perdagangan Orang", *MANDUB: Jurnal Politik, Sosial, Hukum dan Humaniora*, Vol. 2 No. 3 September 2024, p. 286-287. DOI: <https://doi.org/10.59059/mandub.v2i3.1406>

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The law enforcement orientation in the practice of the criminal justice system tends to place greater emphasis on the perpetrators of criminal acts than on the victims. Victims are often positioned merely as instruments of evidence in their capacity as witnesses to prove the guilt of the defendant at trial. As a result, the various rights and interests of victims such as legal protection, recovery for losses suffered, security guarantees, and the fulfillment of the right to compensation or restitution have not received optimal attention.¹⁰ This situation is particularly evident at the prosecution stage, where the public prosecutor holds a critically important position in pursuing the protection and fulfillment of victims' rights, both through the criminal charges brought against the perpetrator and through efforts to seek restitution in order to restore the losses suffered by the victim.

The prosecution process of a criminal act constitutes a critically important component of the criminal justice system, serving as the bridge connecting the investigation stage with the examination stage at trial. In addition, the purpose of the prosecution process is to function as a filter or screening mechanism for a criminal case file, determining whether it is suitable to be submitted to the court.¹¹ The public prosecutor at the prosecution stage holds the authority to formulate the indictment, present and submit evidence to support the burden of proof at trial, and deliver criminal charges against the perpetrator. The prosecutor is also obligated to ensure the protection and fulfillment of victims' rights in accordance with the applicable laws and regulations. The role of the prosecutor is not solely oriented toward proving the guilt of the perpetrator but also toward realizing justice and protection for the victims of criminal acts.

The implementation of legal protection for victims of human trafficking at the prosecution stage continues to face a range of obstacles. The right of victims to obtain restitution has not yet been fully realized, security protection guarantees remain suboptimal, and victim participation in the prosecution process is still relatively limited. These conditions indicate that efforts to fulfill victims' rights still require strengthening so that the goal of victim-oriented justice can be effectively achieved. It is therefore necessary to conduct a study examining how just legal protection for victims of human trafficking should be implemented at the prosecution stage.

2. Research Methods

This study employs a normative legal research method with a statutory approach and a conceptual approach. The sources of legal materials consist of primary,

¹⁰ Arif Gosita, *Masalah Korban Kejahatan* (Jakarta: Akademika Pressindo, 2004), p. 67.

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secondary, and tertiary legal materials obtained through a review of legislation and library research. The analysis of legal materials employs a descriptive-analytical method, which involves describing the applicable legal provisions and subsequently analyzing them to draw conclusions regarding just legal protection for victims of human trafficking at the prosecution stage.

3. Results and Discussion

3.1. Legal Regulation of Protection for Victims of Human Trafficking at the Prosecution Stage

Human trafficking in Indonesia is a transnational crime that poses a serious threat to human rights. As a strategically situated archipelagic state in Southeast Asia, Indonesia has become a hub for recruitment, transit, and exploitation in global human trafficking networks. This crime involves the recruitment, transportation, or sheltering of individuals through threats, deception, or abuse of a position of vulnerability for the purpose of exploitation, such as forced labor, sexual exploitation, or slavery.¹²

The legal standing of human trafficking victims reveals a complexity that must be understood comprehensively. The UU PTPPO provides recognition of human trafficking victims in Article 1(5), which defines a victim as “a person who has experienced physical or mental suffering and/or economic loss as a result of human trafficking.” This recognition positions victims as legal subjects who have the right to receive protection and recovery, not merely as instruments of proof in the judicial process. This reflects the state’s commitment to fulfilling its international obligations, as stipulated in the Palermo Protocol 2000, which emphasizes the importance of protecting victims of human trafficking.¹³

Victim protection is fundamentally an inseparable part of human rights issues, and victims’ rights themselves constitute an indivisible component of the human rights concept. Therefore, when such human rights are threatened or violated, it is necessary to ensure legal protection for victims.¹⁴ In line with this, legal protection

¹¹ Evi Hartanti, *Tindak Pidana Korupsi*, (Jakarta: Sinar Grafika, 2009), p. 48.

¹² Abraham, Kusbianto, Dan Azmiati Zuliah, “Kedudukan Hukum Tindak Pidana Perdagangan Orang Dalam Memberikan Perlindungan Terhadap Korban Di Indonesia”, *Law Jurnal*: Volume 6 Nomor 1, Juli, 2025, p. 118. DOI: <https://doi.org/10.46576/lj.v6i1.6878>

¹³ Ani Purwanti, *Restitution for Victims of Human Trafficking: Implementation Challenges in Indonesia*, (Yogyakarta, Gadjah Mada University Press, 2020), p. 23.

¹⁴ Yulia Monita, “Perlindungan Hukum Bagi Korban Tindak Pidana Perdagangan Orang Dalam Perspektif Undang-Undang Nomor 21 Tahun 2007”, *Inovatif: Jurnal Ilmu Hukum*, Vol. 6, No. 2, 2013, p. 155,

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for victims of human trafficking is part of the fulfillment of human rights, and the state bears an obligation to guarantee security, justice, and recovery for victims.¹⁵

Legal protection for victims of human trafficking is of the utmost importance; therefore, various efforts are made to ensure that they are able to reclaim their dignity and become contributing members of society before reintegrating into the community, as well as to receive economic and educational empowerment so that they do not fall victim to trafficking again.¹⁶ The legal protection provided to victims constitutes a policy determined by the authorized officials; consequently, the forms of protection offered may vary or may be inadequate, depending on the situation and conditions in each victim's region. This is because sovereign officials exercise authority delegated by the central government under the applicable laws and regulations.¹⁷

The protection of human trafficking victims under Indonesia's positive law is specifically regulated in the UU PTPPO, which grants victims a range of rights, including: the right to confidentiality of identity, the right to security protection, the right to rehabilitation, the right to restitution, and the right to repatriation and social reintegration. These rights must be provided to victims of human trafficking by law enforcement authorities.

The right of victims to confidentiality of identity is regulated under Article 44 of the UU PTPPO, with paragraph (1) stating that witnesses and/or victims of human trafficking have the right to have their identities kept confidential. Paragraph (2) further clarifies that the right referred to in paragraph (1) also extends to the family members of witnesses and/or victims up to the second degree of kinship, when such family members face physical or psychological threats from other parties in connection with the testimony of the witness and/or victim.

The right of victims to security protection is regulated under Article 47 of the UU PTPPO, which states that in the event that witnesses and/or victims together with their families receive threats that endanger their persons, lives, and/or property, the Indonesian National Police are obligated to provide protection, both before, during, and after the case examination process. This provision aims to guarantee a sense of security and to protect victims and their families from threats,

¹⁵ Muladi dan Barda Nawawi Arief, *Teori-Teori dan Kebijakan Pidana* (Bandung: Alumni, 2010), p. 89.

¹⁶ Al Fajri, *Op. Cit.*, p. 287.

¹⁷ Mety Rahmawati Argo, "Perlindungan Hukum Bagi Korban Perdagangan Orang Di Daerah Jawa Barat (Kajian Di Daerah Bandung, Sukabumi, Cimahi, Indramayu, Dan Garut)", *The Juris: Jurnal Ilmu Hukum*, Vol. II, No. 1, Juni 2018, p. 71. DOI:<https://doi.org/10.56301/juris.v2i1.37>

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intimidation, or dangers to their persons, lives, or property that may be inflicted by the perpetrator or their network.

The right of victims to restitution is set forth in Article 48 of the UU PTPPO, as follows:

- (1) Every victim of human trafficking or their heirs is entitled to receive restitution.
- (2) Restitution as referred to in paragraph (1) shall take the form of compensation for:
 - (3) loss of wealth or income;
 - (4) suffering;
 - (5) costs of medical and/or psychological treatment; and/or
 - (6) other losses suffered by the victim as a result of human trafficking.
- (7) Such restitution shall be granted and included in the operative part of the court decision concerning the human trafficking case.
- (8) The granting of restitution as referred to in paragraph (1) shall be implemented from the time the first-instance court decision is handed down.
- (9) Restitution as referred to in paragraph (4) may be held in trust at the court where the case was decided prior to payment.
- (10) The payment of restitution shall be made within 14 (fourteen) days from the time the decision that has obtained permanent legal force is notified.
- (11) In the event that the perpetrator is acquitted by the appellate court or the Supreme Court, the judge shall order in the decision that the restitution funds held in trust be returned to the relevant party.

The rights of victims regarding repatriation and social reintegration are regulated under Article 51 of the UU PTPPO, which provides as follows:

- (1) Victims have the right to receive health rehabilitation, social rehabilitation, repatriation, and social reintegration from the government if they have suffered physical or psychological harm as a result of human trafficking.

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- (2) The rights as referred to in paragraph (1) may be requested by the victim, the victim's family, the victim's friends, the police, accompanying volunteers, or social workers after the victim has reported the case they experienced or another party has reported it to the Indonesian National Police.
- (3) The application as referred to in paragraph (2) shall be submitted to the government through the minister or agency responsible for handling health and social affairs in the relevant region.

Furthermore, Law Number 13 of 2006 on the Protection of Witnesses and Victims, as amended by Law Number 31 of 2014, strengthens the legal position of victims by granting them the right to physical and psychological protection, legal assistance, information regarding the progress of their cases, medical assistance, and psychosocial support. This protection framework is reinforced by Article 43 of Law Number 21 of 2007 on the Eradication of the Criminal Act of Trafficking in Persons, which provides that the protection of witnesses and victims in trafficking cases shall be implemented in accordance with the provisions of the Witness and Victim Protection Law, unless otherwise stipulated by the Anti-Trafficking Law.

At the prosecution stage, the prosecutor plays an important role in advancing victims' rights. The prosecutor is not only responsible for proving the guilt of the defendant but also for pursuing the restoration of victims' rights through the restitution mechanism.¹⁸ Restitution constitutes compensation provided to victims or their families for both material and immaterial losses arising from human trafficking. It represents compensation charged to the perpetrator for the losses suffered by the victim. In human trafficking cases, restitution may cover the loss of wealth or income, the suffering of the victim, medical costs, and rehabilitation costs as elaborated in Article 48 of the UU PTPPO above.

Based on the foregoing, the prosecution stage represents a crucial juncture for ensuring that the interests of human trafficking victims are not overlooked in the criminal justice process. The prosecutor as *dominus litis* must integrate the interests of victims into the prosecution process.

¹⁸ Lilik Mulyadi, "Upaya Hukum dalam Perlindungan Korban Tindak Pidana Perdagangan Orang," *Jurnal Hukum dan Peradilan*, Vol. 7 No. 2 (2018): 221

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3.2. The Role of the Public Prosecutor in Protecting Victims of Human Trafficking at the Prosecution Stagen

The position of the Prosecutor's Office in criminal proceedings is decisive, as it serves as the bridge connecting the investigation stage with the trial stage. Under prevailing legal doctrine, the Public Prosecutor holds a monopoly on prosecution; this means that an individual can only be tried if a criminal charge is brought by the Public Prosecutor specifically, the Office of the Public Prosecutor as only the Public Prosecutor possesses the authority to bring a criminal suspect before the court.¹⁹

The Prosecutor's Office plays an important role in the enforcement of human trafficking law as the prosecutorial institution. The prosecutor's charges serve as the basis for the judge's considerations in handing down a verdict, making the role of the prosecutor's office highly influential in creating deterrent effects and preventing future human trafficking.²⁰

The Public Prosecutor in a human trafficking case holds the authority to handle the prosecution process. Once the examination process at the police level is deemed complete, the case is transferred to the prosecutor's office for the prosecution process. The transfer of the case is accompanied by the case file, the suspect, and other evidence. If no notification is received from the prosecutor's office within 7 days, the case file is declared complete and ready for prosecution. However, if the file is still incomplete, it will be returned to the investigator. The investigator is given 14 days to complete the file; if this period is exceeded, the investigation will be terminated. Once the case is transferred along with the case file, the suspect, and other evidence, the District Attorney's Office (Kajari) will issue a disposition letter designating a prosecutor to conduct the prosecution of the file that has been submitted by the police.

Prior to entering the prosecution stage, the Public Prosecutor will prepare a prosecution plan for the criminal case, outlining the matters to be addressed in the prosecution. In human trafficking cases, the mechanism for submitting restitution claims is typically initiated from the moment the victim reports the case

¹⁹ Dwight Nusawakan dan Muhammad Khaidir Kahfi Natsir, "Peran Kejaksaan Republik Indonesia dalam Penegakan Hukum terhadap Tindak Pidana Perdagangan Orang dan Tindak Pidana dalam Bidang Ketenagakerjaan", *Jurnal Hukum, Politik dan Ilmu Sosial*, Volume 4, Nomor 1, Tahun 2025, p. 91. DOI: <https://doi.org/10.55606/jhpis.v4i1.4830>

²⁰ Ferdi Risdianto, Syarifuddin, dan Susilawati, "Peran Kejaksaan Dalam Penegakan Hukum Tindak Pidana Perdagangan Orang (Studi Kasus Kejaksaan Tinggi Sumatera Utara)", *Jurnal Hukum dan Kemasyarakatan Al-Hikmah*, Vol. 7, No. 1, Maret 2026, p. 92. DOI : [10.30743/jhah.v7i1.13608](https://doi.org/10.30743/jhah.v7i1.13608)

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they experienced, and this is recorded in the minutes of examination during the investigation stage. In this regard, the prosecutor's office notifies the victim of their right to file for restitution, with the amount of losses having been calculated for inclusion in the minutes of examination; the prosecutor's office then coordinates with the police and incorporates it into the Prosecution.²¹

The Public Prosecutor holds a strategic position in realizing just legal protection for victims of human trafficking. This role encompasses the following:

a. Ensuring Victim Participation

Victims must be given the opportunity to express the losses they have suffered, which can then serve as the basis for filing a restitution claim.

b. Filing for Restitution

The prosecutor is obligated to include a restitution claim in the indictment letter if losses have been experienced by the victim.

c. Providing Case Information

Victims have the right to be informed of the progress of the prosecution process and the outcome of the trial.

d. Coordinating with the LPSK

The prosecutor must cooperate with the Witness and Victim Protection Agency (LPSK) in providing physical and psychological protection for victims.

e. Preventing Re-victimization

Victims must be protected from intimidation, threats, and pressure throughout the legal process.

²¹ Ira Frida Sidabutar dan Berlian Simamarta, "Peran Kejaksaan Dalam Penentuan Hak Restitusi Terhadap Korban Tindak Pidana Perdagangan Orang", *Jurnal Profile Hukum*, Volume 2 Nomor 1 Edisi Januari 2024, p. 62. DOI: [10.54367](https://doi.org/10.54367), <https://ejournal.ust.ac.id/index.php/JPH/article/view/3558>

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3.3. The Concept of Just Legal Protection at the Prosecution Stage for Victims of Human Trafficking

Human trafficking is one of the forms of crime that seriously violates human rights by treating human beings as objects of exploitation for economic gain. This crime not only results in physical and material harm but also causes psychological and social suffering, and even the loss of human dignity.²² Therefore, efforts to combat human trafficking cannot be oriented solely toward punishing perpetrators but must be accompanied by measures to protect and rehabilitate victims.

The protection of victims from the perspective of the rule of law constitutes part of the state's obligation to guarantee respect, protection, and fulfillment of human rights. Victims of human trafficking have the right to receive legal protection, rehabilitation, recovery, and compensation for the losses they have suffered.²³ Recognition of these rights demonstrates that victims are not merely instruments of evidence in the criminal justice process but are also legal subjects whose interests must be protected by the state.

Nevertheless, in practice, the criminal justice system in Indonesia still tends to exhibit an offender-oriented approach (*offender-oriented*). Law enforcement processes are more commonly directed toward proving the perpetrator's guilt and imposing criminal sentences, while victims' needs for recovery have often not received primary attention.²⁴ As a result, human trafficking victims not infrequently experience secondary victimization (*secondary victimization*), whether due to the length of the legal process, the inadequacy of security protection, or the difficulty in obtaining the restitution to which they are entitled.

Legal protection for victims of human trafficking must fundamentally be directed toward realizing substantive justice. Unlike formal justice, which merely emphasizes adherence to legal procedures, substantive justice focuses on achieving genuine justice for the aggrieved party. Satjipto Rahardjo asserts that the law must serve humanity and must not become trapped in the rigid application of rules to the point of disregarding the sense of justice that lives within society.²⁵ Thus, the success of law enforcement in human trafficking cases is not measured

²² Penjelasan Umum Undang-Undang Nomor 21 Tahun 2007 tentang Pemberantasan Tindak Pidana Perdagangan Orang

²³ Lihat Pasal 48 - Pasal 51 Undang-Undang Nomor 21 Tahun 2007 tentang Pemberantasan Tindak Pidana Perdagangan Orang

²⁴ Muladi dan Barda Nawawi Arief, *Op. Cit.*, p. 84.

²⁵ Satjipto Rahardjo, *Hukum Progresif: Sebuah Sintesa Hukum Indonesia* (Yogyakarta: Genta Publishing, 2009), p. 5.

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solely by the imposition of criminal punishment upon perpetrators, but also by the extent to which victims rights can be effectively restored.

The concept of just legal protection must be grounded in the principle of substantive justice, which is oriented not only toward punishing perpetrators but also toward restoring victims.²⁶ The law must provide genuine protection for human interests so as to be capable of realizing substantive justice.²⁷

Within the framework of substantive justice, victims are entitled to receive information on the progress of the case, security guarantees throughout the judicial process, legal and psychological assistance, and access to restitution as a form of recovery for the losses they have suffered. Restitution holds significant importance, as it not only aims to compensate for the material losses of victims but also constitutes a form of state recognition of the suffering endured as a result of the criminal act. The fulfillment of the right to restitution must be an integral part of the prosecution and examination process in human trafficking cases. From the perspective of modern victimology, victims must not be regarded merely as instruments of evidence, but as legal subjects who have the right to receive comprehensive protection and recovery.²⁸

In addition to the above, the restorative justice approach also holds relevance in realizing victim-oriented legal protection. Restorative justice emphasizes the importance of restoring the losses and addressing the needs of victims rather than merely retaliating against the perpetrator.²⁹ Although human trafficking is a serious crime that cannot always be resolved through restorative mechanisms, restorative values can still be applied in the form of victim rehabilitation, the restoration of victims' rights, and the effective provision of restitution.

Therefore, just legal protection for victims of human trafficking requires the strengthening of the role of law enforcement officials, particularly the prosecutor as *dominus litis* in the prosecution process. The prosecutor is not only responsible for proving the guilt of the perpetrator but must also ensure the fulfillment of victims' rights throughout the judicial process. In addition, there is a need to enhance coordination among law enforcement officials, the Witness and Victim Protection Agency (LPSK), and other relevant institutions so that victim protection

²⁶ Barda Nawawi Arief, *Bunga Rampai Kebijakan Hukum Pidana* (Jakarta: Kencana, 2011), p. 102.

²⁷ Satjipto Rahardjo, *Ilmu Hukum* (Bandung: Citra Aditya Bakti, 2014), p. 54

²⁸ Rena Yulia, *Viktimologi: Perlindungan Hukum terhadap Korban Kejahatan* (Yogyakarta: Graha Ilmu, 2010), p. 31.

²⁹ Tony F. Marshall, *Restorative Justice: An Overview* (London: Home Office Research Development and Statistics Directorate, 1999), p. 5.

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and recovery can be carried out optimally. In this way, the criminal justice system can function not merely as an instrument for punishing perpetrators but also as an instrument for realizing substantive justice and comprehensive recovery for victims of human trafficking.

Just protection at the prosecution stage demands the active role of the prosecutor in advancing victims' rights and ensuring that the legal process does not cause new suffering for victims. Just legal protection demands a paradigm shift from a perpetrator-oriented approach toward an approach that places victims as the primary subject who is entitled to receive justice, protection, and comprehensive recovery.

4. Conclusion

Just legal protection at the prosecution stage must place victims of human trafficking as legal subjects whose rights must be respected and fulfilled, including the right to security, access to information, assistance, recovery, and compensation. To achieve this, it is necessary to strengthen the role of the prosecutor in advancing victims' interests, to optimize the implementation of restitution, to enhance synergy among relevant institutions, and to apply a human rights-based and restorative justice approach in order to build a criminal justice system that is more oriented toward the protection and recovery of victims.

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