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

Opportunities for Class Actions and NGO Legal Standing in Seeking Compensation for Victims of Human Trafficking

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Abstract. *The Crime of Human Trafficking (TPPO) is an organized and large-scale crime that gravely degrades human dignity. In the current justice system, law enforcement often culminates only in the imprisonment of perpetrators (retributive justice), while the fulfillment of victims' rights to financial compensation is frequently neglected. Litigation costs, extreme power imbalances, and the high risk of psychological trauma (revictimization) make it nearly impossible for vulnerable victims to pursue compensation individually through conventional civil courts. This study aims to examine the optimization of civil procedural law instruments, namely Class Actions and the Legal Standing of Non-Governmental Organizations (NGOs), as innovative forms of structural litigation in human trafficking cases. This research employs a normative (doctrinal) legal method using both a statutory approach and a conceptual approach. The findings indicate that Class Actions are highly relevant because they enable hundreds of victims to unite in a single collective lawsuit, overcome litigation cost barriers, protect victims from direct intimidation, and potentially dismantle the financial strength of trafficking syndicates through massive material compensation awards. On the other hand, Legal Standing provides NGOs with legal capacity to act as legal shields for victims who are mentally and socially incapacitated, with claims focused on public recovery and the establishment of a Victim Trust Fund. In conclusion, the synergistic use of Class Actions and NGO Legal Standing can transform the paradigm of addressing human trafficking into a collective litigation movement that not only restores victims' economic rights and dignity but also effectively bankrupts criminal enterprises down to their roots.*

Keywords: *Class Action; Corporate Crime; Human Trafficking Crime (TPPO); Legal Standing; NGO; Restitution.*



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1. Introduction

The Crime of Human Trafficking (TPPO) is one of the most degrading manifestations of transnational and domestic crime in the modern era. This illicit practice is not carried out sporadically but is orchestrated by human trafficking syndicates that operate in a highly organized, systematic, and well-financed manner. They turn the most vulnerable groups in society—especially women and children trapped in poverty—into living commodities traded for enormous financial gain. Within this chain of crime, the value of a human being is reduced to a mere instrument of production, where their freedom and fundamental rights are forcibly taken away to satisfy the greed of others.

The reality of the suffering experienced by victims extends far beyond what the general public can imagine. Behind the bars of forced labor facilities, in the middle of the ocean aboard fishing vessels, or in illegal shelters beyond the reach of law enforcement, victims endure brutal physical abuse and soul-crushing sexual violence. They are forced to work endlessly without fair wages and are often trapped in debt bondage schemes that compel them to continue working under threats to repay deliberately inflated recruitment costs. This humanitarian tragedy not only strips victims of their personal freedom but also destroys their future and the economic foundations of the families anxiously waiting for them back home.

Unfortunately, when such cases of exploitation and modern slavery are uncovered by law enforcement authorities, the narrative of justice often ends with premature celebration. Our criminal justice system remains excessively focused on corporal punishment, where authorities and society applaud the imprisonment of operational actors or syndicate managers in the field. Meanwhile, the victims—whose bodies and minds have been shattered and who are entitled to financial recovery—are frequently overlooked and marginalized within the justice process. This perpetrator-centered paradigm ignores the fact that imprisoning criminals does nothing to restore the property, livelihoods, and futures stolen from victims.

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Normatively, under Indonesia's legal system, victims of human trafficking actually possess a legal basis for seeking the restoration of their rights. They are entitled to claim restitution, namely financial compensation imposed directly upon perpetrators through criminal court judgments. In addition, Indonesian civil procedural law allows victims to file independent tort claims (*Perbuatan Melawan Hukum/PMH*) before district courts to seek both material and immaterial damages from corporations or agencies responsible for their recruitment and deployment. In theory, these legal instruments appear ideal and provide a pathway for victims to obtain tangible compensation for the forced labor and deception they have suffered.

However, the harsh reality demonstrates that pursuing justice individually is nearly impossible for victims of human trafficking. Most victims come from grassroots communities with limited education and severe economic hardship. Accessing the formal justice system requires substantial resources; victims must pay professional legal fees, bear court administration costs, and cover transportation and accommodation expenses for repeated court appearances. These financial and bureaucratic burdens often become the first barriers preventing victims from seeking justice through formal legal channels.

Beyond financial burdens, the psychological challenges faced by individual victims in litigation are deeply destructive. The requirement to appear in court, provide testimony under intensive questioning, and confront the intellectual masterminds or perpetrators who previously abused and confined them often triggers severe psychological trauma. Conventional legal proceedings create a significant risk of revictimization, where victims are forced to relive painful memories, shame, and fear as the legal system compels them to repeatedly recount their experiences. As a result, instead of achieving recovery, victims' mental well-being may deteriorate further throughout the lengthy evidentiary process.

This extreme imbalance of power ultimately results in systematic defeat for vulnerable groups. On one side are impoverished, traumatized individuals with limited access to information and legal knowledge. On the other side stand transnational criminal syndicates or illegal labor recruitment companies with billions of rupiah in operational resources, extensive networks, and the ability to hire elite legal teams capable of manipulating facts in court. This vast disparity in resources and power relations often forces victims to surrender, withdraw their claims, and accept the loss of years of earnings consumed by structural injustice.

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To bridge this profound gap in justice, civil procedural law actually provides two powerful procedural instruments that remain significantly underutilized in the fight against human trafficking: Class Actions and Organizational Legal Standing. Class Actions represent a legal innovation that allows one or several victims to appear before the court as class representatives. They may sue on behalf of dozens or even hundreds of other victims who share similar factual circumstances, experiences, and injuries, without requiring all victims to physically attend court proceedings. This mechanism is highly effective in reducing litigation costs and minimizing the risk of mass psychological trauma.

Meanwhile, the doctrine of Legal Standing grants legal capacity and standing to Non-Governmental Organizations (NGOs) and civil society organizations dedicated to human rights protection. Through this right of action, qualifying organizations may directly file lawsuits in court to defend public interests or represent victims of human trafficking who are too weak, intimidated, or incapable of bringing claims themselves. These two forms of “mass litigation” have previously proven successful, revolutionary, and influential in creating strong judicial precedents in cases involving other forms of structural corporate wrongdoing, such as environmental pollution disputes and consumer rights violations in Indonesia.

Considering the immense potential of these legal instruments to challenge the impunity of trafficking networks, it is imperative to study, adapt, and optimize the use of Class Actions and NGO Legal Standing in the struggle against human trafficking. Exploitative crimes designed and operated on a mass scale by illegal corporate entities must likewise be challenged through collective civil litigation. Through the optimization of these collective litigation strategies, large-scale lawsuits can be initiated to pursue substantial compensation awards. This progressive legal approach would not only restore the economic rights of victims that have long been neglected but also serve as a powerful weapon to drain assets and financially dismantle human trafficking syndicates at their roots.

2. Research Methods

This study constitutes normative legal research, commonly referred to in academic circles as doctrinal legal research. This method focuses on an in-depth analysis of written legal norms, legal principles, and procedural rules contained within Indonesia’s positive legal system. Two primary approaches are applied in this study to comprehensively address the research problem. First, the statutory approach is employed to analyze and harmonize civil procedural law instruments with specific regulations governing the eradication of human trafficking. Second, the conceptual approach is used to examine the theoretical and philosophical



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foundations of Class Actions and Organizational Legal Standing within the framework of access to justice for vulnerable groups.

The data utilized in this study consist entirely of secondary data collected through library research. The legal materials analyzed are specifically classified into two categories:

1. Primary Legal Materials

Primary legal materials consist of authoritative and legally binding regulations. The primary legal sources examined in this study include:

- a) The 1945 Constitution of the Republic of Indonesia (UUD 1945), particularly provisions guaranteeing the rights to legal recognition, protection, certainty, freedom from discriminatory treatment, and protection from torture.
- b) The Indonesian Civil Code (KUHPerdata/Burgerlijk Wetboek), specifically Article 1365 concerning the doctrine of unlawful acts (Perbuatan Melawan Hukum/PMH) as the substantive basis for compensation claims.
- c) Law No. 21 of 2007 concerning the Eradication of Human Trafficking Crimes (TPPO), which serves as the substantive legal foundation regarding the classification of human trafficking offenses and victims' rights to compensation and restitution.
- d) Supreme Court Regulation (PERMA) No. 1 of 2002 concerning Procedures for Class Action Lawsuits, which serves as the primary procedural framework governing class actions before district courts.
- e) Law No. 39 of 1999 concerning Human Rights, which provides a foundation for recognizing the legal standing of NGOs in defending the interests of groups whose human rights have been violated.

2. Secondary Legal Materials

Secondary legal materials consist of literature that provides explanations, interpretations, and in-depth analyses of primary legal materials. These include books on civil procedural law, victimology studies, legal academic journals, previous research findings, and other scholarly works discussing public interest litigation and organized crime.

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All collected legal materials were subsequently inventoried, systematized, and analyzed using a descriptive-qualitative method with deductive reasoning. This analytical process was intended to formulate and present a clear, logical, and persuasive legal argument concerning the optimization of civil law instruments in facilitating large-scale compensation claims for victims of human trafficking crimes.

3. Results and Discussion

3.1. Optimizing Class Action Lawsuits to Claim Compensation for Victims of Human Trafficking (TPPO)

The Class Action mechanism, universally known as a Class Action lawsuit, represents a fundamental breakthrough in the landscape of civil procedural law by overcoming the rigidity of conventional litigation traditions. In classical civil law doctrine, a lawsuit may only be filed individually by a party who has directly suffered harm, based on the principle point d'intérêt point d'action (no interest, no action). However, the development of large-scale organized crimes such as Human Trafficking (TPPO) requires civil law to evolve. Class Actions emerge as a progressive procedural instrument that promotes judicial efficiency, whereby one or several courageous individuals may step forward before the court as class representatives, seeking justice on behalf of dozens, hundreds, or even thousands of other victims (class members) who have suffered losses arising from the same legal event.

The relevance of the Class Action mechanism is exceptionally high and precise when viewed against the anatomy of human trafficking crimes. In practice, trafficking syndicates never recruit or smuggle victims individually and separately; rather, they operate like factories processing human beings on a massive scale. Victims are often sent in large travel groups, confined in the same illegal holding facilities, forced to work in the same factories or vessels, and exploited through identical debt-bondage schemes. This shared fate, common perpetrators (labor recruitment corporations), and collective suffering mean that groups of TPPO victims materially and formally satisfy the qualifications of a complete "class" within the framework of civil procedural law.

Procedurally, the filing of Class Actions in Indonesia is comprehensively regulated under Supreme Court Regulation (PERMA) No. 1 of 2002. This regulation requires the fulfillment of the criteria of numerosness (a large No. of class members such that individual lawsuits would be impractical) and commonality (similar facts and legal grounds). Cases involving exploitation by illegal labor recruitment companies

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clearly meet these requirements. Instead of courts having to examine hundreds of separate tort claims filed individually by deceived migrant workers potentially resulting in overlapping and contradictory judgments the Class Action mechanism consolidates all victims' grievances into a single case registration No. that is dignified, efficient, and highly impactful.

The most essential humanitarian value of applying Class Actions in TPPO cases lies in their ability to serve as a psychological shield for victims who remain engulfed in fear. To pursue such litigation, not all victims are required to physically appear in intimidating courtroom settings. It is sufficient for one or two victims possessing strong mental resilience and communication skills to be appointed as class representatives. These individuals stand before the court and confront the syndicate's legal teams. Meanwhile, hundreds of other class members may remain in safe locations, protected from direct exposure to perpetrators, thereby reducing the risks of revictimization and repeated trauma caused by prolonged legal proceedings to their lowest possible level.

In addition to psychological protection, the class action mechanism brilliantly dismantles the financial barriers that have long imprisoned access to justice for impoverished citizens. Bringing large corporate entities associated with trafficking syndicates before civil courts requires exorbitant litigation costs that are impossible for an individual victim whose assets may already have been stripped away to bear. Through Class Actions, court fees, pro bono attorney services, and expert witness expenses can be consolidated. For the majority of passive class members (the silent majority), litigation costs effectively become zero. The collective strength of united poverty transforms into legal bargaining power capable of challenging, and even counterbalancing, the financial dominance of criminal syndicates.

In evidentiary proceedings, the framework of Tortious Liability under Article 1365 of the Indonesian Civil Code becomes the primary weapon for class representatives seeking full compensation. Judges may assess not only material damages such as unpaid wages and medical expenses resulting from physical abuse, but also immaterial damages on a mass scale, including compensation for loss of freedom, destruction of future opportunities, lifelong psychological trauma, and the suffering endured by victims' families. Judges possess progressive authority to establish compensation distribution mechanisms, such as appointing an independent committee responsible for distributing compensation funds fairly and proportionally among class members.

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If a Class Action is granted by the court, its legal and economic implications for trafficking syndicates can be devastating. Individual lawsuits may only drain tens of millions of rupiah from a syndicate's finances amounts often regarded merely as operational costs. In contrast, collective compensation claims representing hundreds of victims may result in judgments requiring immediate payment of tens or even hundreds of billions of rupiah. Such massive civil liabilities can automatically liquidate, bankrupt, and dismantle the financial foundations of criminal corporations, depriving them of resources needed to bribe officials or recruit future victims.

In conclusion, optimizing Class Actions transforms the paradigm of TPPO case resolution from merely imposing retributive punishment into achieving large-scale and transformative economic recovery. This instrument is not simply a procedural supplement but a tool of social engineering that guarantees meaningful restoration for marginalized communities. When crimes are committed through the collective deprivation of humanity, dignified civil law must be capable of reclaiming justice through a collective response that destroys the impunity enjoyed by those who finance such crimes.

3.2. The Application of NGO Legal Standing as the Frontline of Protection for TPPO Victims

In addition to the Class Action mechanism, Indonesian procedural law has also recognized a highly revolutionary doctrine of public interest litigation known as Organizational Standing or Legal Standing. Unlike conventional lawsuits that require direct individual harm, Legal Standing grants legal capacity (*persona standi in iudicio*) to non-governmental organizations (NGOs) or civil society organizations to act as plaintiffs before the courts. Recognition of this right is based on the philosophy that certain public values and humanitarian interests—such as human rights and environmental preservation—are so fundamental that they must be defended by public institutions when the state or victims themselves are unable to protect their rights.

The legal basis for recognizing NGO standing in advocating for victims of human rights violations in Indonesia can be derived from the spirit of Law No. 39 of 1999 on Human Rights. Although the doctrine of Legal Standing initially gained prominence through environmental protection cases (under environmental legislation) and consumer protection disputes, its essence is highly relevant and urgently applicable to advocacy for TPPO victims. Human trafficking is fundamentally a form of contamination of the human ecosystem and a structural crime against labor consumers; therefore, NGOs engaged in migrant worker

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protection and human rights advocacy possess a legitimate basis to challenge labor recruitment corporations that engage in exploitative conduct.

The importance of NGO Legal Standing in TPPO cases is closely linked to troubling sociological and psychological realities on the ground. In many organized criminal operations, victims are often subjected to terror and threats of violence against their families by syndicate enforcers. Many lack the courage even to report their experiences to the nearest police station, let alone act as class representatives in Class Action lawsuits. Such conditions of psychological paralysis, legal illiteracy, and high-level intimidation create a vacuum of justice. When victims are silenced by fear, society requires independent entities willing to wield the sword of law in defense of humanity.

This is where NGOs and human rights organizations position themselves as both shield and sword. NGOs possess comparative advantages unavailable to individual victims: legal corporate status, support from experienced public interest lawyers, access to comprehensive investigative data, and, most importantly, greater resilience against physical and psychological intimidation by criminal syndicates. Through Organizational Standing, NGOs may proactively bring shell corporations facilitating human trafficking before civil courts without waiting for initiatives or powers of attorney from victims who may still be hiding in fear in remote villages.

Naturally, procedural law imposes strict requirements to prevent abuse of this privilege. To be recognized as a plaintiff with Legal Standing, an NGO must satisfy formal conditions: it must be a legally established legal entity or foundation, its articles of association must explicitly include the protection of human rights or migrant workers as organizational objectives, and it must demonstrate a proven track record of advocacy in those fields. These layered requirements serve as a filtering mechanism to ensure that organizations appearing before courts are credible, ethical institutions genuinely committed to the protection of human dignity, rather than fictitious entities seeking financial gain from litigation.

One crucial distinction between Legal Standing and ordinary lawsuits concerns the object of the claim. Because NGOs do not directly suffer material or physical losses from TPPO crimes, civil law generally prohibits them from claiming monetary damages for their own organizational benefit. Instead, their claims focus on systemic remedies and corrective actions serving the public interest. NGOs may seek court orders requiring trafficking corporations to cease operations, issue public apologies through national media, and fund large-scale rehabilitation programs for victims.

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Beyond rehabilitation, procedural innovations allow NGOs to request the establishment of a Victims' Trust Fund managed independently. Through this mechanism, courts may order trafficking corporations to deposit substantial sums into a trust account. These funds do not belong to the plaintiff NGOs but are supervised by the court and allocated transparently to finance rescue operations, trauma-healing programs, and economic reintegration initiatives for trafficking victims across various regions. This mechanism bridges the rigidity of civil law while ensuring that resources extracted from criminal corporations are redirected toward humanitarian recovery.

In conclusion, strategic litigation through Organizational Standing opens a powerful new front against human trafficking syndicates. This approach complements criminal law enforcement: while police and prosecutors pursue and imprison perpetrators through criminal proceedings, NGOs simultaneously act through civil litigation to freeze assets and financially dismantle the corporations behind the crimes. The transformation of NGOs into a form of "Private Attorney General" in human rights enforcement not only provides justice for currently oppressed victims but also creates landmark jurisprudence that will compel corporations to think carefully before undermining human dignity in Indonesia.

4. Conclusion

Human Trafficking (TPPO) cannot be effectively addressed solely through criminal law that imprisons perpetrators, because imprisonment alone does not restore victims' property, dignity, or well-being. Victims who are vulnerable, impoverished, and traumatized require extraordinary support to challenge the dominance of trafficking syndicates in court. This is where the urgency of utilizing Class Actions and Organizational Standing by non-governmental organizations becomes evident. Through these mechanisms, hundreds of victims can unite their legal strength under a single large-scale civil lawsuit without sacrificing the security of their identities. The state, through progressive-minded judges, should provide the broadest possible access for NGOs to facilitate such litigation. Draining the wealth of corporations involved in TPPO through mass civil lawsuits is among the most effective, dignified, and transformative means of providing meaningful compensation to victims while simultaneously delivering economic destruction to criminal syndicates.



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