



LICS 2026

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

Restitution Must Not Stop at the Judgment: Strengthening Recovery for Victims of Human Trafficking

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Abstract. *Human trafficking causes losses to victims, while the fulfillment of restitution remains weak because the obligation to pay restitution may be replaced by imprisonment. This study aims to analyze the weaknesses in fulfilling restitution for victims of human trafficking. This study also aims to formulate the strengthening of restitution through the abolition of substitute imprisonment and the use of perpetrators' assets as a source of payment for victims' losses. The research method used is normative juridical research with a statutory approach and qualitative analysis of primary and secondary legal materials. The results of the study show that restitution has been recognized as a victim's right, but its implementation has not guaranteed that victims receive compensation for their losses. Substitute imprisonment provides a way for perpetrators to settle their obligations without restoring victims' losses. Restitution must be positioned as an obligation that remains attached to the perpetrator until the victim's losses are paid. The tracing, freezing, and seizure of perpetrators' assets from the investigation stage can strengthen the implementation of restitution judgments. The novelty of this study lies in the idea of abolishing substitute imprisonment and using assets derived from exploitation or assets of equivalent value as a source of restitution payment for victims.*

Keywords: *Human Trafficking; Restitution; Victim.*

LICS 2026

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

1. Introduction

Human trafficking constitutes a serious violation of human dignity, individual freedom, and fundamental human rights. Beyond the immediate exploitation experienced by victims, trafficking frequently generates long-term economic, physical, psychological, and social consequences. Victims may suffer loss of income, medical expenses, psychological trauma, disrupted education, unemployment, social exclusion, and difficulties in rebuilding their lives after escaping exploitation. Consequently, an effective legal response to human trafficking should not be limited to the prosecution and punishment of offenders. It must also ensure that victims obtain meaningful and sustainable recovery. Within this framework, restitution represents an important legal mechanism for recognizing and addressing the losses suffered by victims. Nevertheless, the inclusion of restitution in a judicial judgment does not necessarily mean that victims will actually receive compensation. (Dadang, Hasan Alzagladi, and Rio Hendra; 2023).

A significant gap may therefore emerge between judicial recognition and actual recovery. A court may formally establish an offender's obligation to pay restitution, while the victim remains unable to obtain the amount awarded because of the offender's lack of assets, unwillingness to comply, concealment or transfer of property, or weaknesses in the enforcement process. Such circumstances demonstrate that the effectiveness of restitution cannot be measured solely by whether a court has ordered payment. Rather, it should be evaluated according to whether the judicial decision ultimately produces tangible benefits for the victim. Restitution must therefore be supported by effective implementation, monitoring, and enforcement mechanisms extending beyond the issuance of the judgment. (Evinigrum, Sulistya, Hartiwiningsih, and Mohamad Jamin; 2019).

LICS 2026

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

The economic nature of human trafficking further highlights the importance of asset-based recovery. Trafficking is frequently motivated by financial gain, enabling offenders and trafficking networks to accumulate proceeds through the exploitation of victims. Consequently, financial investigation, asset tracing, freezing, seizure, and confiscation can play an essential role in identifying and securing resources that may be used to satisfy restitution obligations. Integrating asset recovery with restitution enforcement can strengthen the practical effectiveness of victim compensation while simultaneously reducing the economic incentives underlying trafficking. Such an approach shifts the focus of law enforcement from merely punishing traffickers toward dismantling the financial benefits generated by trafficking and redirecting recoverable assets toward victim recovery. (Maryam, Sintia, and Boedi Prasetyo; 2024).

However, restitution should not be understood exclusively as monetary compensation. The consequences of trafficking often require long-term intervention involving medical treatment, psychological assistance, legal support, economic empowerment, education, vocational training, and social reintegration. Therefore, restitution should form part of a comprehensive victim-recovery mechanism grounded in a victim-centered approach. Recovery should enable victims to regain security, dignity, independence, and the capacity to rebuild their lives. Accordingly, this article examines restitution beyond the judgment by focusing on the gap between judicial recognition and actual recovery, asset-based enforcement mechanisms, and the broader role of restitution in comprehensive victim recovery. It argues that a judgment establishing restitution should constitute not the endpoint of legal protection, but the beginning of an effective recovery process that transforms legal entitlement into substantive justice for victims of human trafficking. (Saodana, Shafira, Syamsuddin Muchtar, and Nur Azisa; 2023).

2. Research Methods

The research method used is normative juridical research with a statutory approach and qualitative analysis of primary and secondary legal materials.

3. Results and Discussion

3.1. From Judicial Recognition to Actual Recovery: Bridging the Gap in Restitution Enforcement

The recognition of restitution within a judicial judgment represents an important development in the legal protection of victims of human trafficking. It

LICS 2026

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

demonstrates that the harm caused by trafficking is not limited to the violation of personal liberty or human dignity, but also includes measurable economic and non-economic losses that require legal redress. Nevertheless, judicial recognition alone does not guarantee actual recovery. A judgment may establish the offender's legal obligation to provide restitution, yet victims may remain unable to obtain the compensation awarded to them. This situation creates a significant gap between the recognition of rights within the courtroom and the realization of those rights in the lives of victims. Bridging this gap requires restitution to be treated not as a secondary consequence of criminal proceedings, but as an enforceable component of victim-centered justice.

Human trafficking frequently produces extensive and multidimensional harm. Victims may lose wages, employment opportunities, educational opportunities, personal property, and other economic resources while being subjected to exploitation. They may also incur medical and psychological treatment costs as a consequence of physical violence, sexual exploitation, forced labor, or other forms of abuse. In addition, victims may experience long-term psychological trauma, social stigma, family disruption, and difficulties in reintegrating into their communities. These consequences demonstrate why restitution has a distinctive role within the criminal justice response to trafficking. Punishing offenders addresses the state's interest in accountability, but restitution addresses the victim's right to redress. An effective justice system therefore requires both dimensions to operate simultaneously rather than allowing victim recovery to become secondary to criminal punishment.

The central problem arises when restitution is formally ordered but practically unenforceable. Judicial proceedings generally focus on establishing criminal responsibility, determining the applicable punishment, and assessing the evidence presented before the court. Although restitution may be incorporated into this process, its implementation frequently involves different institutions, procedures, and enforcement challenges. Once a judgment becomes final, victims may still face uncertainty regarding when, how, and from whom restitution will be obtained. If the offender lacks sufficient resources, refuses to pay, or deliberately conceals assets, the judicial order may have limited practical value. Consequently, the existence of a restitution award should not be regarded as evidence that the victim has already obtained justice. The relevant question is whether the legal system has the capacity to transform the award into actual recovery.

3.2. Asset-Based Recovery and Enforcement Mechanisms for Trafficking Victims

LICS 2026

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

Asset-based recovery has become an increasingly important dimension of the legal response to human trafficking because trafficking is fundamentally connected to the generation of illicit financial benefits. Human trafficking is not merely an offense against individual freedom and human dignity; it is also an economically motivated crime in which offenders obtain financial or material advantages through the exploitation of victims. The profits generated from trafficking may be substantial and can be concealed through various financial transactions, property acquisitions, business activities, or transfers involving third parties. Consequently, an effective response to trafficking should not focus exclusively on identifying, prosecuting, and imprisoning offenders. It should also seek to identify and recover the economic benefits derived from exploitation and, where legally possible, direct recovered assets toward the compensation and recovery of victims. Asset-based recovery therefore provides an important bridge between criminal accountability and substantive redress.

The importance of asset recovery is particularly evident when restitution has been ordered by a court but the offender does not voluntarily fulfill the obligation. A judicial restitution order establishes the victim's legal entitlement, but the practical realization of that entitlement depends on the availability of resources and effective enforcement mechanisms. Offenders may claim that they lack sufficient financial capacity, while in reality assets obtained through trafficking may have been transferred, concealed, converted, or placed under the control of other individuals. Without mechanisms capable of identifying such assets, restitution can remain largely symbolic. Asset-based recovery addresses this problem by shifting attention toward the financial dimensions of trafficking and by recognizing that depriving offenders of illicit proceeds can contribute directly to the restoration of victims' rights.

Financial investigation should therefore be integrated into human trafficking investigations from the earliest stages of law enforcement. Traditional criminal investigations often prioritize evidence concerning recruitment, transportation, harboring, receipt, coercion, deception, and exploitation. While such evidence is essential to establish criminal responsibility, the financial structure supporting trafficking deserves equal attention. Investigators should examine sources of income, bank transactions, property ownership, business relationships, digital financial activities, and other indicators that may reveal the flow of illicit proceeds. This approach allows authorities to understand not only how victims were exploited but also how the resulting profits were generated, transferred, and stored. Financial intelligence can subsequently support both criminal prosecution and the identification of assets potentially available for restitution.

LICS 2026

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

Asset tracing represents a critical stage in this process. The objective of asset tracing is to identify property or financial resources connected to criminal activity and determine their ownership, location, value, and relationship to the trafficking offense. Such assets may include money held in bank accounts, real estate, vehicles, businesses, investments, or other valuable property. The complexity of modern financial systems means that illicit proceeds may not remain in the same form in which they were initially obtained. Criminal proceeds can be converted into other assets, mixed with legitimate funds, or transferred through multiple accounts. Effective asset tracing therefore requires investigative capacity, access to relevant financial information, inter-agency cooperation, and appropriate legal authority to obtain and analyze financial records.

The timing of asset preservation is equally important. If authorities wait until a final judgment has been issued before attempting to locate and secure the offender's property, there may be a significant risk that assets have already disappeared. Offenders who anticipate criminal prosecution may attempt to transfer property to relatives, sell valuable assets, move funds to other jurisdictions, or otherwise make recovery more difficult. Lawful freezing and seizure mechanisms can prevent the dissipation of assets during the investigation and judicial process. These measures should be subject to appropriate legal safeguards, judicial oversight, and proportionality requirements so that the rights of all parties are protected. Nevertheless, when properly implemented, early asset preservation can substantially increase the likelihood that resources will remain available for the enforcement of restitution.

3.3. Beyond Financial Compensation: Restitution as a Comprehensive Victim-Recovery Mechanism

Restitution for victims of human trafficking should be understood as more than a financial obligation imposed upon offenders. Although monetary compensation is an essential component of redress, the consequences of trafficking frequently extend far beyond economic loss. Victims may experience physical violence, psychological trauma, sexual abuse, forced labor, deprivation of liberty, social stigma, family separation, and the loss of opportunities to pursue education or legitimate employment. These consequences can continue long after the trafficking situation has ended and may significantly affect a victim's ability to rebuild an independent and dignified life. Therefore, restitution should be positioned within a comprehensive victim-recovery framework that recognizes the multidimensional nature of trafficking-related harm. Such an approach requires legal systems to move beyond the narrow understanding of restitution as

LICS 2026

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

the payment of money and instead view it as part of a broader process of restoring rights, dignity, autonomy, and opportunities.

The financial dimension of restitution remains fundamental because trafficking frequently causes direct economic losses. Victims may be deprived of wages, personal property, savings, or other financial resources during exploitation. They may also incur expenses for medical treatment, psychological services, transportation, temporary accommodation, legal assistance, and other necessities associated with escaping and recovering from trafficking. Monetary restitution can help address these losses and provide victims with resources to meet immediate and longer-term needs. It can also represent formal recognition that the economic benefits obtained by offenders were generated through the exploitation of another human being. Nevertheless, financial compensation alone cannot fully repair the harm caused by trafficking. Money can provide resources for recovery, but it cannot automatically restore physical health, eliminate trauma, repair disrupted relationships, or reverse lost educational and employment opportunities.

A comprehensive understanding of restitution therefore requires recognition of the principle of full and effective redress. Victim recovery should consider the different forms of harm experienced by each individual rather than applying a uniform compensation model. The circumstances of a victim subjected to forced labor may differ significantly from those of a victim subjected to sexual exploitation, domestic servitude, or other forms of trafficking. The duration of exploitation, age, health condition, level of economic dependence, family circumstances, and degree of psychological harm may also influence the victim's recovery needs. A victim-centered restitution framework should therefore be sufficiently flexible to address individual circumstances while maintaining consistent legal standards for determining entitlement and enforcement.

Psychological recovery is particularly important because trafficking can produce profound and long-lasting emotional consequences. Victims may experience fear, anxiety, depression, shame, loss of trust, social withdrawal, or difficulties establishing relationships after exploitation. In some cases, psychological consequences may continue even after the victim has physically escaped the trafficking environment. A comprehensive recovery mechanism should therefore connect restitution with accessible psychological and psychosocial services. Victims should be able to obtain professional support without being required to repeatedly describe traumatic experiences in unnecessary legal or administrative procedures. The justice system should recognize that recovery from trafficking is



LICS 2026

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

often a gradual process and that psychological rehabilitation may require sustained assistance rather than a single intervention.

Physical rehabilitation is another important dimension of victim recovery. Trafficking conditions can expose victims to physical violence, unsafe working environments, sexual abuse, malnutrition, inadequate healthcare, and other forms of physical harm. Consequently, victims may require medical examinations, treatment, rehabilitation, medication, and continuing healthcare. The costs associated with such treatment should be appropriately considered within restitution where legally recognized, while public victim-support mechanisms should ensure that necessary healthcare is available regardless of the offender's immediate capacity to pay. A victim should not be required to wait for the conclusion of lengthy criminal proceedings before receiving essential medical assistance. Immediate protection and healthcare can operate alongside longer-term restitution enforcement.

Restitution should also contribute to the restoration of economic independence. Many trafficking victims leave exploitative situations without stable employment, adequate savings, or sufficient skills to support themselves. If recovery programs provide only temporary assistance without creating sustainable opportunities, victims may remain economically vulnerable and potentially exposed to further exploitation. Economic empowerment can therefore form an important component of comprehensive recovery. Vocational education, skills development, access to employment, entrepreneurship support, financial literacy, and livelihood programs can assist victims in rebuilding their economic autonomy. In this context, restitution can function not merely as compensation for past losses but also as a resource that supports a victim's transition toward a more secure and independent future.

Education is similarly relevant, particularly for victims whose schooling or professional development was interrupted by trafficking. Young victims may lose critical years of education, while adult victims may lose opportunities to develop professional qualifications. A comprehensive victim-recovery mechanism should therefore recognize educational reintegration as an important element of restoring opportunities that were disrupted by exploitation. Access to formal education, vocational training, scholarships, and professional development can help victims regain capabilities and improve their long-term socioeconomic prospects. Such measures are consistent with the broader objective of restitution because meaningful recovery should seek to restore the victim's capacity to participate fully in social and economic life.

LICS 2026

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

Social reintegration is another dimension that cannot be separated from victim recovery. Trafficking can create stigma, discrimination, family conflict, and social isolation. Victims may fear being judged by their families or communities, particularly where exploitation involved sexual abuse or other forms of stigmatized conduct. Effective recovery therefore requires safe environments in which victims can rebuild relationships and participate in community life without discrimination. Social workers, community organizations, and victim-support institutions can assist victims in reconnecting with families and communities while respecting their autonomy and personal choices. Reintegration should never mean forcing victims to return to environments that are unsafe or that contributed to their exploitation.

4. Conclusion

Restitution for victims of human trafficking should not be regarded as a procedural consequence that ends with the issuance of a judicial judgment. Rather, it must be understood as an essential component of substantive justice and victim recovery. Although a court judgment recognizing a victim's entitlement to restitution represents an important form of legal acknowledgment, such recognition remains incomplete when the awarded restitution cannot be effectively realized. The gap between judicial recognition and actual recovery demonstrates that the effectiveness of restitution depends not only on the authority of the court, but also on the availability of practical mechanisms to enforce and monitor the fulfillment of restitution obligations. Strengthening restitution enforcement therefore requires a systematic approach that connects the criminal justice process with financial investigation and asset recovery. Human trafficking is fundamentally driven by economic interests, allowing offenders and trafficking networks to generate and conceal substantial proceeds from exploitation. Asset tracing, freezing, seizure, and confiscation should consequently be integrated into trafficking investigations from an early stage. Identifying and securing illicit assets can provide a practical financial foundation for satisfying restitution claims while preventing offenders from transferring or concealing property.

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LICS 2026

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

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