

## Enhancing Legal Safeguards for Human Trafficking Victims in Indonesia

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### Abstract

Human trafficking constitutes one of the most egregious forms of human rights violations, characterized by extensive criminal networks operating at both individual and group levels. This phenomenon is not new, and certain countries, including Indonesia, report high incidences of human trafficking-related crimes. The purpose of this research is to provide an evaluation and understanding of the legal protections available to victims of human trafficking in Indonesia. This study is classified as normative legal research, involving an examination of theories, concepts, legal principles, and relevant statutory provisions pertaining to the topic. Despite significant efforts by the Indonesian government to combat human trafficking, minimum standards for eradication have not been fully met. While there have been notable advancements compared to previous periods, especially in response to the challenges posed by the COVID-19 pandemic, substantial deficiencies remain. Indonesia's upgrade to Tier 2 reflects progress in the investigation, prosecution, and adjudication of human trafficking offenses, including cases of forced labor in palm oil plantations and cyber fraud operations abroad. Additionally, there have been efforts to enhance compensation for victims of human trafficking.

## 1. Introduction

In the history of crime, human trafficking is one of the most organized crimes. This refers to criminal activities that occur within organized networks and are carried out by illicit organizations, where information and communication technology plays an important role. National borders become blurred, especially in border areas or where supervision at immigration checkpoints is less rigorous, making it easier for human trafficking to occur across national borders.<sup>1</sup> This form of human trafficking crime is widespread in the form of criminal networks, which can be made up of individuals or groups. These criminal acts not only involve individuals, but also companies and government institutions that abuse their power and authority.<sup>2</sup> Criminal networks involved in human trafficking not only operate within a country, but also between countries. The practice of human trafficking represents a serious threat to society, the nation and the State, as well as to living standards based on human rights. Therefore, efforts to prevent and control human trafficking, as well as protect and rehabilitate victims, must be carried out at national, regional, and international levels.<sup>3</sup>

<sup>1</sup> Saiharullah, "Prevention of the Crime of Human Trafficking", *Legalita Law Journal* 2, no. 2 (2022): 170-85, <https://doi.org/10.47637/legalita.v2i2.529>.

<sup>2</sup> Mawisi Nur Hidayati, "Efforts to Eradicate and Prevent Human Trafficking through International Law and Indonesian Positive Law", *Al-Azhar Journal of Indonesian Community Organizations, Series 1*, no. 3 (2012): 163-74, The problem of human trafficking is currently a savior for international peace. Because many human rights violations (hereinafter abbreviated as HAM) are considered causes and consequences of territorial norms.

<sup>3</sup> Dadong Abdullah, "Legal Protection for Victims of Child and Women Trafficking", *Al-Adl. : Revista Jurídica* 9, n. 2 (2017): 231, <https://doi.org/10.31602/al-adl.v9i2.945>.

The definition of human trafficking contained in Law number 21 of 2007 on the Eradication of the Crime of Human Trafficking (hereinafter referred to as Law No. 21/2007) is not very different from the definition provided by the UN Protocol. The problem of human trafficking is closely related to the protection of victims. The growth and development of crime is often associated with victims. Victims are not only considered as objects of crime, but also as subjects in need of social and legal protection. In essence, victims are individuals, groups or communities who suffer direct loss because they are the target of a crime. According to the United Nations Declaration of Principles of Justice for Victims of Crime and Abuse of Power, a victim of crime is someone who suffers harm, including physical or mental injury, emotional distress, financial loss, or human rights violations. Claims arising from unlawful acts. Criminal sanctions, including laws prohibiting criminal acts, apply in Member States. According to this definition, Arif means someone who experiences physical and mental pain due to the actions of others who seek personal gain, or the actions of others who conflict with the interests and human rights of the affected person.<sup>4</sup>

Human trafficking is not a new phenomenon in the modern world. There are also countries with the highest levels of human trafficking, one of which is Indonesia. Cases of human trafficking in Indonesia are not only caused by a lack of human and financial resources, but also by the legal crisis. The low level of the economy and the low quality of human resources are factors that cause an increase in cases of human trafficking. Many people with low levels of education and skills are exploited by irresponsible individuals to work with the promise of large profits. However, without realizing it, these promises actually make us victims of human trafficking. Once victimized, many victims are treated inhumanely, creating a form of modern slavery. Additionally, in cases of human trafficking, parents or others sell children to earn money. In terms of law enforcement, Indonesia is still a weak country in handling human trafficking cases.<sup>5</sup>

The government demonstrated several defensive efforts. The government identified victims of foreign trafficking crimes, including those subject to forced labor, in cyber fraud operations. Several key ministries reported slight increases in national identification and referral of victims. However, other relevant government departments reported sharp declines in hospital admissions and victim admissions in 2021. Overly stringent security measures hampered law enforcement efforts. The government does not have a comprehensive system for collecting personal data from victims; Therefore, the data presented is incomplete and may be duplicated. In 2022, the Witness and Victim Protection Agency (LPSK) (Lembaga Perlindungan Saksi dan Korban hereinafter referred to as LPSK) received 239 reports from victims and witnesses of human trafficking. LPSK provided services, including shelter services, to them and 23 other victims and witnesses of human trafficking identified in the previous reporting period, a slight increase from the total of 252

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<sup>4</sup> Ni Putu Rai Uliartini and Dewa Gede Sudika Manku, "Legal Protection of Women Victims of Human Trafficking in Indonesia from an International Human Rights Perspective," *International Journal of Criminology and Sociology* 9 (2020): 1397-1404, <https://doi.org/10.6000/1929-4409.2020.09.160>.

<sup>5</sup> Khufron and Siofian Hadi, "Legal Protection for Victims of Trafficking Crimes," *Journal of Law and Sustainable Development* 11, no. 12 (2023): e1513, <https://doi.org/10.55908/sdgs.v11i12.1513>.

people referred and assisted in 2021. The Ministry of Women's Empowerment and Child Protection (KPPPA) (Kementerian Pemberdayaan Perempuan dan Perlindungan Anak hereinafter referred to as KPPA) received 133 referrals for victims of human trafficking from the police, ministries and departments, international organizations and NGOs, decreased compared to 2021. The Ministry of Social Affairs (Kemensos) (Kementerian Sosial hereinafter referred to as Kemensos) received 1,082 referrals for victims of human trafficking in 2021. It did not indicate how many victims were referred for treatment, compared to the Ministry of Social Affairs which referred 555 people. Victims in government social services, NGO rehabilitation and recreation centers in 2021. The international organization identified and provided assistance to 168 people. victims of human trafficking, including four victims of child sex trafficking and five victims of forced child domestic labor; 98 Indonesian citizens exploited abroad, especially women forced to perform forced labor in Malaysia, Saudi Arabia and Cambodia; and 10 Myanmar nationals were forced to work in the Indonesian fisheries sector. Another agency identified 197 people involved in commercial sex work on social media and live streaming platforms, some of whom may have been victims of sex trafficking. The National Commission for the Protection of Children (KPAI) (Komisi Perlindungan Anak Indonesia hereinafter referred to as KPAI) reported statistics on identified cases of child exploitation, including 150 cases of child financial exploitation, sexual exploitation, abuse and cybercrime, some of which related to human trafficking crimes. KPAI reported 17 cases to the police and oversaw the prosecution, defense and rehabilitation processes, but did not say whether it provided services to victims or referred cases to the police for criminal investigation.<sup>6</sup>

In general, the lack of adequate protection and reintegrative services coupled with low awareness among village and regional leaders increases the risk of victims being caught in TIP again, especially for fisheries crew members who are exploited as forced laborers at sea. The government operates safe houses and service centers for victims of crime, including trafficking, but did not report how many trafficking victims were referred or assisted at these facilities in 2022. The government coordinates assistance for victims of violence, including victims of human trafficking crimes, through the Integrated Service Center for the Empowerment of Women and Children (P2TP2A), which is located in 34 provinces and around 436 districts. These service centers can provide short-term medical care, legal assistance, and reintegration, but services vary depending on local leadership and budgets. LPSK operates an undisclosed number of shelters for victims and witnesses of crime who face threats or intimidation, including victim Criminal act of people-trafficking (Hereinafter referred to as TPPO). LPSK does not allow shelter residents to move freely, withholds their passports, and does not allow shelter residents to look for work due to security concerns. The Ministry of Social Affairs operates 41 shelters that can help victims of crime, including victims of human trafficking. According to the Ministry of Social Affairs' SOP, safe houses can only accept and release victims with approval from the relevant government agency. The government sent therapists to Cambodia to help victims of human trafficking crimes

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<sup>6</sup> U.S. Embassy and Consulates in Indonesia, "2023 Annual Human Trafficking Report," 2024, <https://id.usembassy.gov/id/our-relationship-id/official-reports-id/report-annual-trafficking-orang-2023/2023-annual-report-on-human-trafficking>.

from Indonesia before they were repatriated. The government provided no legal alternatives for repatriating foreign victims to countries where they were likely to face hardship or punishment.<sup>7</sup>

Although the government has placed greater emphasis on eradicating human trafficking, legal challenges remain that hamper better law enforcement efforts. From these facts it can be concluded that there are still signs of weak law enforcement if we look at the level of resolution of human trafficking cases. This shows that the State is still weak in protecting human rights, such as the Declaration of Human Rights and the Constitution of the Republic of Indonesia, which states that everyone has the right to live free from slavery and has the right to live. A state without slaves would still be inadequate and unsuccessful.<sup>8</sup> Provide legal protection to victims of crimes related to human trafficking. This argument can be explained as follows: firstly, the State was unable to prevent its citizens from becoming victims of human trafficking, which is in line with the view of Barda Nawafi, who states that protection Legal means preventing people from becoming victims of criminal acts. Secondly, existing laws and regulations do not provide a sufficient deterrent effect against criminals. This lack of deterrent effect can give rise to a feeling of injustice and dissatisfaction with law enforcement among victims of crime, crimes related to human trafficking.<sup>9</sup>

The government prosecuted and convicted government officials for crimes related to trafficking cases that have attracted much attention, but the government did not report having prosecuted or convicted any government officials involved under specific trafficking laws. Corruption and involvement of officials in human trafficking crimes remains a problem that hampers most law enforcement efforts. NGOs and international organizations report official involvement and corrupt practices in oil palm plantations. The organizations noted that some district heads operated "jails" containing people forced to work on plantations and that the government's stringent requirements for organizations to visit oil palm plantations had hampered efforts by NGOs and international organizations to investigate labor conditions. The court convicted four traffickers under the 2007 PTTPO Law and sentenced them to prison terms of between 24 and 36 months for torturing four victims of forced labor on an oil palm plantation owned by a regent in North Sumatra to death. Law enforcement officers found the victims and 57 other people in cages at the regent's residence, which had been used as an unofficial drug rehabilitation facility. Some victims remain under LPSK protection, while others choose to return to their home provinces. Komnas HAM reported that it planned to carry out inspections of other palm oil plantations, but there was no further information regarding these plans at the end of the reporting period. Although police initially arrested the regent on charges of illegal

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<sup>7</sup> Kedutaan Besar dan Konsulat AS di Indonesia, "Laporan Tahunan PerdaganganOrang 2023," 2023, <https://id.usembassy.gov/id/our-relationship-id/official-reports-id/laporan-tahunan-perdagangan-orang-2023/>.

<sup>8</sup> Takkas Marudut, "Perlindungan Hak Asasi Manusia (HAM) Terhadap Tersangka Dalam Praperadilan" (Universitas Hasanuddin Makassar, 2013).

<sup>9</sup> Kayus Kayowuan Lewoleba and Beniharmoni Harefa, "Legal Protection for Child Victims of Human Trafficking," *International Journal of Multicultural and Multireligious Understanding* 7, no. 2 (2020): 111, <https://doi.org/10.18415/ijmmu.v7i2.1470>.



imprisonment resulting in four deaths, authorities did not charge him with human trafficking or related crimes. The regent was only convicted of criminal acts of corruption and sentenced to nine years in prison. Authorities also convicted his son on charges related to the victim's death and sentenced him to 19 months in prison. During the reporting period, an advocate for eradicating TIP accused officials from East Nusa Tenggara Province of committing fraud in recruitment, falsifying travel documents, and smuggling Indonesian migrant workers abroad. The government did not report any action in response to these allegations. Civil society suspects that some law enforcement officials and politicians organize raids on entertainment venues to force bribes from adult commercial sex workers, some of whom may be victims of sex trafficking. Corrupt officials reportedly continue to facilitate the issuance of fake documents, accept bribes to enable brokers to transport undocumented migrant workers across borders, protect sex trafficking sites, engage in witness intimidation, and intentionally weaken oversight practices to keep these recruitment agencies at bay. from responsibility.

Human trafficking is one of the most serious forms of violation of human rights and human dignity, a form of modern slavery. This involves exploiting financially, physically or emotionally vulnerable victims and using modern methods to control them like slaves.<sup>10</sup>In Indonesia, human trafficking has existed for a long time. However, low public awareness, lack of comprehensive legal provisions in law enforcement and lack of sensitivity on the part of government officials have contributed to the high level of human trafficking crimes in Indonesia.<sup>11</sup>Therefore, the crime of human trafficking is a serious problem that requires special attention from the government and other government institutions. They must operate within a legal framework that specifically addresses the eradication of human trafficking.<sup>12</sup> The protection of victims of human trafficking crimes focuses more on proving the crime than on the victim's right to social, physical and psychological recovery.<sup>13</sup> Ideally, repatriation and recovery of victims should consider the rights of those affected by the crime and return victims to their countries before they became involved in human trafficking. Based on this, the author decided to title this article: "Legal Protection for Victims of Human Trafficking Crimes in Indonesia". Previous research has been carried out by several researchers related to the protection of victims of human trafficking crimes in Indonesia, including: first, Andi Jefri Ardin regarding fulfilling the rights of children who are victims of human trafficking crimes where in the article it is explained what the rights of children who are victims of human trafficking crimes are. efforts made by the government to protect the rights of children who are victims of human trafficking crimes, in this article what is different from the author's article is that the victims

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<sup>10</sup> Edghar Abdullah Albab et al., "Tinjauan Yuridis Terhadap Pelanggaran HAM Dalam Human Trafficking Dari Perspektif Hukum Internasional," *Jurnal Hukum Dan HAM Wara Sains* 1, no. 02 (2022): 136-51.

<sup>11</sup> Albab et al.

<sup>12</sup> Novianti, "Tinjauan Yuridis Kejahatan Perdagangan Manusia (Human Trafficking) Sebagai Kejahatan Lintas Batas Negara," *Jurnal Ilmu Hukum*, 2014, 50-66.

<sup>13</sup> Edi Yunara and Taufik Kemas, "The Role of Victimology in the Protection of Crime Victims in Indonesian Criminal Justice System," *Mahadi: Indonesia Journal of Law* 3, no. 01 (2024): 63-78, <https://doi.org/10.32734/mah.v3i01.15379>.

in this crime are not children but adults.<sup>14</sup>, secondly, carried out by Herlien C. Kamea regarding the enforcement of criminal law against crimes of human trafficking according to law number 21 of 2007 where in the article it is explained about legal actions in this case law enforcement, including the police, public prosecutors, and judges as well as related agencies. The government's efforts to enforce the law against perpetrators of human trafficking crimes, in this article what is different from the author's article is that this article focuses on protecting victims of human trafficking crimes<sup>15</sup>, and thirdly, conducted by Brian Septiadi Daud regarding the implementation of criminal sanctions against perpetrators of human trafficking in Indonesia where in the article it is explained about the implementation of criminal sanctions against perpetrators of human trafficking crimes in Indonesia. In this article what is different from the author's article is that this article focuses on law enforcement in the imposition of criminal sanctions as regulated in the provisions of criminal law legislation in Indonesia.<sup>16</sup>

## 2. Method

This type of research falls under the legal-normative category, namely research carried out through the examination of theories, concepts, legal principles and provisions of relevant laws and regulations related to the research topic. This research uses legislative methods and case study methods. The data obtained was then processed qualitatively and presented in a descriptive form to provide as accurate data as possible on the issues discussed in this article.

## 3. Results and discussion

According to Barda Navai Arif, the meaning of victim protection can be seen in 2 (two) meanings, namely: 1) it can be said that it is legal protection so that someone does not become a victim of a criminal act (prevention); 2) Protection can be interpreted as legal guarantee/compensation for the suffering/loss of victims of criminal acts. The victim's right to compensation is, in fact, an integral part of human rights in the field of social assistance/security (repressive rights ).<sup>17</sup> With regard to human trafficking, the government enacted the Repeal of Law No. 21/2007 and amendments to Law Number 31 of 2014 concerning Amendment to Law Number 13 of 2006 on Witness and Victim Protection (hereinafter referred to as Law 31/2014). This repressive form of legal protection is regulated in Article 44 Law No. 21/2007 on the criminal act of human trafficking, provides: the right to personal integrity of victims of criminal acts of human trafficking and their family members up to the second degree, the right to protection against the threat of crime. The right to self, life and/or property (Article 47) Law No. 21/2007, the right to restitution (Article 48) Law No. 21/2007, the right to restoration of health, social rehabilitation, repatriation and social reconstruction by the State (article 51) Law No. 21/2007. Provide legal protection in the form

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<sup>14</sup> Andi Jefri Ardin and Beniharmoni Harefa, "Pemenuhan Hak Anak Korban Tindak Pidana Perdagangan Orang," *Jurnal Suara Hukum* 3, no. 1 (2021): 174, <https://doi.org/10.26740/jsh.v3n1.p174-196>.

<sup>15</sup> Hilmi 2016, "Penegakan Hukum Pidana Terhadap Kejahatan Perdagangan Orang Menurut Undang-Undang Nomor 21 Tahun 2007" 4, no. August (2016): 30-59.

<sup>16</sup> Brian Septiadi Daud and Eko Sopoyono, "Penerapan Sanksi Pidana Terhadap Pelaku Perdagangan Manusia Di Indonesia (Application of Criminal Sanctions Against Human Trafficking in Indonesia)," *Jurnal Pembangunan Hukum Indonesia* 1, no. 3 (2019): 352-65.

<sup>17</sup> Barda Nawawi Arief, *Masalah Kebijakan & Penegakan Kejahatan* (Bandung: Citra Aditya Bhakti, 2001).

of victims' rights as regulated in Article 5, paragraph (1) Law No. 31/2014, including victims' rights as regulated in Law No. 31/2014 relating to amendments to Law Number 13/2006 relating to the protection of witnesses and victims. Article 6 and Article 7 of Law No. 31/2014.

This report provides priority recommendations for combating human trafficking crimes, including:

- 1) Strengthen efforts to more effectively investigate and prosecute trafficking crimes and punish those responsible for trafficking crimes, including complicit government officials.
- 2) Amends the Law No. 21/2007 to remove the requirement to demonstrate force, fraud, or coercion to justify a case of child sex trafficking.
- 3) Give victims the freedom to carry out activities safely at home, protect travel and work documents.
- 4) Develop and socialize the use of SOP Standard Operating Procedures next in hereinafter referred to as (SOP) for preventive identification of victims and training for law enforcement officers, employees of the Ministry of Foreign Affairs, Ministry of Maritime Affairs and Fisheries and employees of the Ministry of Human Resources.
- 5) Increase resources and proactively provide comprehensive services to all victims, including men.
- 6) Strengthen effective monitoring efforts of labor recruitment agencies, including the fisheries sector; comply with all laws and regulations relating to employment; and through government regulation no.5 of 2013 concerning procedures for assessment and determination of business partners and individual users (hereinafter referred to as Law No. 5/2013) prepare and implement vision 2022 for 22 Indonesian crew (ABK) (Anak Buah Kapal hereinafter referred to as ABK) and employer-sponsored migrants.
- 7) Provide regular training to judges, prosecutors, police and social workers.
- 8) Increase the resources of the working group for the prevention and treatment of PT (TPPO PP Working Group) and improve coordination between ministries.
- 9) Ensure that ministries and departments fulfill their responsibilities in financing and implementing activities to eradicate human trafficking, as described in the National Action Plan for the Prevention and Handling of Human Trafficking Crimes (hereinafter referred to as RAN PPTPPO) 2020-2024.
- 10) Establish a data collection system to monitor efforts to eliminate human trafficking at all levels of law enforcement.
- 11) Raise awareness among village leaders about human trafficking trends and vulnerabilities.
- 12) Create a national protocol that establishes the authority to prosecute human trafficking cases outside the province where the victim lives.
- 13) Identify North Korean workers who show signs of human trafficking and report them to authorities in accordance with United Nations Security Council Resolution 2397.<sup>18</sup>

Various government agencies, including the police, central and regional service centers, as well as Indonesian diplomatic missions, have separate operating procedures to proactively identify or refer victims. Observers have expressed concern that the lack of national standard

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<sup>18</sup> Kedutaan Besar dan Konsulat AS di Indonesia, "Laporan Tahunan Perdagangan Orang 2023."

operating procedures and the prevalence of human trafficking in police and local protection agencies, which often focus on women and children, make it difficult to identify victims in general, particularly men and women. comes from a distant area. For example, Cambodian government officials reported that they did not have adequate standard operating procedures to identify new groups of Indonesian migrant workers vulnerable to human trafficking. The government did not provide specific examples of authorities who arrested, detained, fined, or punished trafficking victims who were forced to commit crimes at the behest of their perpetrators. However, the lack of formal identification and training procedures for frontline workers allowed authorities to detain or deport some unidentified trafficking victims.<sup>19</sup>

Globally, the lack of adequate protection and reintegration services, combined with low awareness among local and regional leaders, increases the risk of re-victimization of human trafficking, especially for the crews of fishing vessels exploited as forced labor at sea. The government operates shelters and service centers for victims of crimes, including human trafficking, but did not report how many trafficking victims were referred to or assisted by these facilities in 2022.<sup>20</sup>The government coordinated work with victims of violence, including trafficking victims of human beings. crime. Through the Center for Integrated Services for the Empowerment of Women and Children (P2TP2A) (Pusat Pelayanan Terpadu Perindungan Perempuan dan Anak hereinafter referred to as P2TP2A), which is spread across 34 provinces and approximately 436 districts. These service centers can provide short-term medical, legal, and reintegration services, but services vary depending on local leadership and budgets. LPSK operates a shelter for victims and witnesses of crimes who face an unknown number of threats or intimidation, including victims of human trafficking. The LPSK does not allow shelter residents to move freely, have passports, and shelter residents are not allowed to look for work for security reasons. The Ministry of Social Affairs runs 41 shelters that help victims of crime, including victims of human trafficking. According to the Ministry of Social Affairs SOP, shelters can only accept and release victims if they receive authorization from the relevant government agency. The government sent therapists to Cambodia to help victims of human trafficking in Indonesia before they were repatriated. The government offered no legal alternative to returning foreign victims to countries where they might face hardship or punishment.

The protection provided by LPSK and KPAI is different, because KPAI is only a supervisor. The results of the research also provide different results regarding the protection of children, from the perspective regarding the provision of restitution and the effectiveness of the implementation of the Law on child protection. The LPSK's view on child protection will be different from the way it protects victims of other crimes, the research results show that the protection of victims will be the same. Although the effectiveness of the law, from Law

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<sup>19</sup> Emilda Kuspraningrum and Haris Retno Susmiyati, "Upaya Kepolisian Dalam Penegakan Hukum Terhadap Tindak Pidana Perdagangan Wanita Dan Anak Di Kota Samarinda Provinsi Kalimantan Timur ( Law Enforcements Against Trafficking in Women and Child by The Police Departement on Samarinda East Kalimantan )," *Upaya Kepolisian Dalam Penegakan Hukum Terhadap Tindak Pidana Perdagangan Wanita Dan Anak Di Kota Samarinda Provinsi Kalimantan Timur* 2, no. 1 (2002): 1-10.

<sup>20</sup> Rebecca Surtees dan Laura S. Johnson, *Pemulihan Dan Reintegrasi Korban Perdagangan Orang*, ed. Millie Soo (Washington States: NEXUS Institute 1440 G Street NW Washington, D.C., United States 20005, 2022).



Number 31 of 2014 concerning Amendment Number 13 of 2006 concerning the Protection of Witnesses and Victims, has been effective in providing protection to victims of criminal trafficking by providing assistance and restitution, it is different from KPAI in that providing restitution is not effective towards the victim. According to KPAI, Law Number 35 of 2014 on Amendments to Law Number 23 of 2002 concerning Child Protection is also ineffective because there are several individuals who provide protection for victims. In implementing child protection, it is necessary to emphasize its implementation by conducting an evaluation every month by authorized institutions such as KPAI, and UPT P2 TP2A, LPSK and institutions authorized to protect children. And the existence of certain ties or individuals involved in wrongful protection needs to be dealt with firmly by dismissal or scoring so that the parties involved or individuals involved can be deterred from protecting something wrong.

The Indonesian government has not met minimum standards in its efforts to eradicate the crime of human trafficking, although it has taken important steps in this regard. Despite an overall increase in efforts compared to the previous period, particularly in the context of the COVID-19 pandemic, there are still significant gaps. Indonesia was upgraded to Level 2, reflecting improvements in the investigation, prosecution and punishment of perpetrators of human trafficking crimes, cases of forced labor on palm oil plantations and cyber fraud operations abroad, as well as efforts to increase compensation for losses suffered by male victims. man. human trafficking. However, the government does not meet minimum standards in several key areas. For example, for the second year in a row, no reports of forced labor in the fisheries sector were identified or investigated, and available funding was insufficient to prioritize human resources and monitor sectors vulnerable to human trafficking crimes. The involvement of government officials in criminal activities related to human trafficking continues to be a problem that has not been adequately addressed.<sup>21</sup>

A judge can order compensation and restitution in whistleblower cases. Article 50 of Law No. 21/2007 allows judges to impose imprisonment as a substitute for restitution if the perpetrator does not have sufficient assets. Some prosecutors have reported that foreign companies and other human traffickers may be hiding assets, and many judges have decided to impose additional prison sentences. However, LPSK submitted a demand for refund of Rs. 5.3 billion (\$309,310) to 209 trafficking victims, compared to \$283,073 to 177 victims in 2021.<sup>22</sup> However, the court only awarded a total of Rs. 1.1 billion (\$70,840), and there are differences between jurisdictions in how often courts grant restitution. KPPPA signed a memorandum of understanding with LPSK and KPAI to increase the number of compensation claims for child victims of crimes, including human trafficking. The Indonesian government is working with foreign governments to implement a victim-centered approach to prosecutors and police in several provinces, as well as restitution requests in criminal cases. The Labor Relations Court (PHI) (Pengadilan Hubungan Industrial hereinafter referred to as PHI) can order the defendant to pay compensation and many victims of human trafficking, especially in the fishing industry,

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<sup>21</sup> Nursiti Iskandar, "PENYELESAIAN PELANGGARAN HAK ASASI MANUSIA TENTANG PERDAGANGAN ORANG DI INDONESIA (Settlement Of Human Rights Violations Regarding Trafficking In Persons In Indonesia)," *E-Journal Balitbangkumham*, n.d.

<sup>22</sup> Nadia Wulandari, *Hak Restitusi Terhadap Korban Tindak Pidana Perdagangan Orang* (Jakarta, 2021).

prefer this type of compensation because the process is faster and the chances of payment are greater. However, employment tribunals do not always award adequate compensation; For example, during the reporting period, victims of forced labor in the fishing industry received compensation less than their unpaid gross wages and spent eight months seeking legal compensation without government assistance. The government did not say whether employment tribunals refer cases potentially containing information to the police.<sup>23</sup>

Presidential Decree number 88 this year 2002 concerning the National Action Plan for Abolition Trafficking in Women and Children. Presidential Decree number 88 of 2002 aims to guarantee improvement and progress efforts to protect victims of human trafficking community, especially women and children. And aims to formulate steps prevention and types of punishment in its efforts to prevent and eradicate human trafficking, especially trafficking in women and children. However, in an effort to eradicate human trafficking There are disadvantages for women and children, namely: ongoing law enforcement weak. One of the reasons is weak consolidation after Law Number 2 of 2002 concerning the Police of the Republic of Indonesia down to the grass root level has not been resolved. as a result Many police officers don't understand tackle the problem of human trafficking well. Because of these weaknesses, socialization is needed intensive efforts by law enforcement officials regarding Standard Operating Procedures (SOP), law enforcement perpetrators (traffickers) and handling victims human trafficking (repatriation, rehabilitation and reintegration).<sup>24</sup>

Law of the Republic of Indonesia Number 21 2007 also regulates eradication Criminal act of people-trafficking. However The crime of human trafficking still remains happen. In this case law enforcement against Criminal Act Eradication Act Human Trafficking is still a bit weak. Condition weak law enforcement can be seen of the few perpetrators who are subject to punishment and light sentences caused by: lack of information from victims; the perpetrator is there abroad; the victim withdrew the lawsuit because there is pressure or bargaining from good actors personal or corporate/PPTKIS; and there is intervention from the person playing. Besides that The factor causing the sentence not to be maximum is because of the articles/provisions imposed not the human trafficking law but other laws such as Criminal Code or Employment. This is caused including: differences in perception between enforcers law (police, prosecutors, judges); lack of understanding related to the human trafficking law from several para law enforcers themselves; and the presence of individuals involved.<sup>17</sup> Based on this description, it is necessary discussion and/or study of First question, how to protect rights women's human rights and legal policies address the crime of trafficking in women. Second, what are the responsibilities and roles state towards victims of trafficking Woman.

Human trafficking occurs due to different conditions and problems. Several factors that cause human trafficking are:

- 1) Poverty

Poverty forces many people to look for work anywhere, no matter how dangerous the work. Lack of awareness when looking for work, ignorance of the dangers of human

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<sup>23</sup> Nadia Wulandari.

<sup>24</sup> Emilda Kuspraningrum dan Haris Retno S, "Upaya Kepolisian Dalam Penegakan Hukum Terhadap Tindak Pidana Perdagangan Wanita Dan Anak Di Kota Samarinda Provinsi Kalimantan Timur," *Risalah Hukum* 2, no. 1 (2007).

trafficking and the methods used to deceive or trap victims. Furthermore, poverty encourages children not to go to school to earn money. Professional skills and job opportunities decline. Commercial sex becomes an easy source of income to solve financial problems. Poverty drives mothers to come because working women can leave their children without protection and risk becoming victims of human trafficking.

2) Education

The desire to live with more dignity, but with minimal knowledge and creativity, as well as a low level of education, makes them fall into the trap and encourages labor suppliers who promise high incomes without certain skills or documents educational. Live a more valuable life. They are easily trusted and easily lured into the world of prostitution.

3) Sociocultural influence

The culture that has long existed in society places women in a vulnerable position and children must obey their parents' wishes, and child marriage is also considered a factor in human trafficking. Victims are often forced to look for work abroad or outside the region due to requests from their family or parents.

4) Poor registration of birth certificates

Unregistered children and adults without birth certificates are particularly vulnerable to exploitation. Low birth registration, especially in rural communities, facilitates human trafficking. Agents and traffickers exploit women's lack of original birth certificates to falsify their ages in order to work abroad.

5) Corruption and weak law enforcement

Corruption plays a significant role in facilitating human trafficking, along with document forgery and other illegal charges. Corruption occurs in the prevention and detection of cases of human trafficking.<sup>25</sup>

Stopping human trafficking requires more than just a regulatory framework effective, but also stronger law enforcement mechanisms and cooperation between government. Apart from that, prevention also focuses on supply, demand and factors address the main causes of human trafficking, including poverty and unemployment. Trafficked persons now have access to adequate remedies and appropriate, including access to justice, the right to be free from threats of reprisal, the right to compensation, the right to legal action and the ability to support oneself and their family.<sup>26</sup>

Recovery and reintegration is a complex process that may take several months or years. Some of the problems and challenges are the role of the victim's experiences, needs and decisions. Other problems arise from structural and institutional problems in the reintegration framework. Understanding the multiple, sometimes competing factors that trafficking victims face is key to ensuring their recovery and reintegration. Problems and challenges also vary considering the victim's age, gender, economic status, education, family background,

<sup>25</sup> Putri Utami, "Upaya Pemerintah Indonesia Dalam Mengatasi Human Trafficking Di Batam," *EJournal Ilmu Hubungan Internasional* 5, no. 4 (2017): 1257-72.

<sup>26</sup> Siti Rumliah, "Upaya Penanganan Korban Human Trafficking Di Indonesia," *JEJAK : Jurnal Pendidikan Sejarah & Sejarah* 1, no. 2 (2022): 91-97, <https://doi.org/10.22437/jejak.v1i2.17771>.

experience, motivation and goals. This also changes as reintegration progresses and in response to the various situations victims face in their lives, families and communities.

Almost all victims rely on family members to help them during recovery and reintegration. Whether family members help or not will also influence reintegration outcomes. Many victims return to a safe environment that supports and protects them, and they rely on their family members for support and assistance. Some victims return to an unhealthy, unsupportive environment, and in some cases commit acts of violence. An unsupportive and unhealthy family environment has a detrimental influence on the reintegration process. It is important to understand the family environment from which the victim comes and how that environment can influence the victim's recovery and reintegration, including the need to support family members and the victim. It is also important to consider the impact of trafficking on family members and the various problems that arise during the reintegration process.

The government must strengthen cooperation with national organizations and friendly countries to international organizations to have more resources to fight Human trafficking has become a transnational organized crime. Government specifically pay attention to the protection of victims, encourage the authorities and the community to seek stricter legal action against traffickers humans to create a deterrent effect. There are also moderate awareness-raising efforts ongoing, campaigns and efforts to increase public awareness to prevent manipulation of vulnerable groups in human trafficking and women's empowerment and children in economics. In assessing the government's efforts to eradicate it, apart from highlighting several actions, namely prosecution, protection and prevention, we must also accompany it with an approach that focuses on women trafficking victims, namely rescue, removal and reintegration, displacement, and reintegration. An effective anti-trafficking strategy, therefore, must cover three aspects of trafficking: the supply side, the traffickers, and the demand side.

- 1) The supply aspect, combating the conditions that trigger trafficking must be directed at programs that educate the public to be aware of the dangers of trafficking, improve educational opportunities and school systems, create economic opportunities, promote equal rights, educate targeted communities about their rights. their legal rights and create better and broader life opportunities.
- 2) Aspects of traffickers, law enforcement programs must focus on efforts to identify and block trafficking routes; clarify legal definitions and coordinate legal implementation responsibilities; prosecute traffickers and those who aid and abet them; and fighting corruption committed by those who facilitate and profit from human trafficking, which erodes the role of the law.
- 3) The demand aspect, law enforcement programs must focus on efforts to identify and then legally prosecute people who traffic in women and exploit them. The names of forced labor employers and perpetrators of exploitation of victims trafficked for sexual exploitation must be named and shamed. Campaigns to raise public awareness should be carried out in



destination countries to make trafficking harder to hide or ignore. People must be withdrawn from situations of slavery and returned to their families and communities.<sup>27</sup>

There must be coordination between local, national and regional programs to combat human trafficking. By drawing public attention to the issue, governments can increase funding allocations to combat human trafficking, improve understanding of the problem, and increase their ability to develop effective strategies. Coordination and cooperation whether nationally, bilaterally or regionally will strengthen the country's efforts to recruit volunteers to combat human trafficking. International standards must be harmonized and nations must cooperate more closely to deny traffickers legal protection.

Public knowledge regarding human trafficking must be improved and the network of anti-trafficking organizations and businesses efforts must be strengthened. Religious institutions, NGOs, schools, community associations, and traditional leaders with its traditional institutions need to be mobilized in its struggle against human trafficking. The victims and their families are in need skills training and opportunities to engage in alternative economics. Anti-trading strategies should be evaluated periodically to ensure that the strategy remains innovative and effective. Finally, government officials must be trained in the techniques anti-human trafficking, and trade routes must be statistics are scrutinized to explain their nature, seriousness and magnitude problems so they can be better understood.

#### 4. Conclusion

The Indonesian government has not met minimum standards in its efforts to eradicate the crime of human trafficking, although it has taken important steps in this regard. Despite an overall increase in efforts compared to the previous period, particularly in the context of the COVID-19 pandemic, there are still significant gaps. Indonesia was upgraded to Level 2, reflecting improvements in the investigation, prosecution and punishment of crimes related to human trafficking, including cases of forced labor on palm oil plantations and cyber fraud operations abroad, as well as efforts to increase compensation for victims of human trafficking.

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#### 6. References

- Abdullah, Dadang. "Perlindungan Hukum Terhadap Korban Trafficking Anak Dan Perempuan." *Al-Adl : Jurnal Hukum* 9, no. 2 (2017): 231. <https://doi.org/10.31602/al-adl.v9i2.945>.
- Albab, Edghar Abdullah, Ahmad Izzul Ramadhani, Eka Sari Nurliana, Reniarti Asma Inayah, and Rizkya Fitri Ananda Hariyanto. "Tinjauan Yuridis Terhadap Pelanggaran HAM Dalam Human Trafficking Dari Perspektif Hukum Internasional." *Jurnal Hukum Dan HAM Wara Sains* 1, no. 02 (2022): 136–51.
- Ardin, Andi Jefri, and Beniharmoni Harefa. "Pemenuhan Hak Anak Korban Tindak Pidana Perdagangan Orang." *Jurnal Suara Hukum* 3, no. 1 (2021): 174. <https://doi.org/10.26740/jsh.v3n1.p174-196>.
- Barda Nawawi Arief. *Masalah Kebijakan & Penegakan Kejahatan*. Bandung: Citra Aditya Bhakti,

<sup>27</sup> T.P Kusmawardhani D, "Human Trafficking," *Pencegahan Dan Penanggulangan Perdagangan Perempuan Yang Berorientasi Perlindungan Korban* 12, no. 2 (2010): 331–62, <https://doi.org/10.1016/j.nwh.2022.09.001>.

- 2001.
- D, T.P Kusmawardhani. "Human Trafficking." *Pencegahan Dan Penanggulangan Perdagangan Perempuan Yang Berorientasi Perlindungan Korban* 12, no. 2 (2010): 331-62. <https://doi.org/10.1016/j.nwh.2022.09.001>.
- Daud, Brian Septiadi, and Eko Sopoyono. "Penerapan Sanksi Pidana Terhadap Pelaku Perdagangan Manusia Di Indonesia (Application of Criminal Sanctions Against Human Trafficking in Indonesia)." *Jurnal Pembangunan Hukum Indonesia* 1, no. 3 (2019): 352-65.
- Emilda Kuspranimgrum dan Haris Retno S. "Upaya Kepolisian Dalam Penegakan Hukum Terhadap Tindak Pidana Perdagangan Wanita Dan Anak Di Kota Samarinda Provinsi Kalimantan Timur." *Risalah Hukum* 2, no. 1 (2007).
- Hidayati, Maslihati Nur. "Upaya Pemberantasan Dan Pencegahan Perdagangan Orang Melalui Hukum Internasional Dan Hukum Positif Indonesia." *Jurnal Al-Azhar Indonesia Seri Pranata Sosial* 1, no. 3 (2012): 163-74. Persoalan perdagangan orang saat ini telah menjadi suatu keprihatinan bagi dunia internasional. Hal ini mengingat sejumlah pelanggaran Hak Asasi Manusia (dan untuk selanjutnya disingkat menjadi HAM) dianggap sebagai penyebab dan sekaligus akibat dari perd.
- Hilmi 2016. "Penegakan Hukum Pidana Terhadap Kejahatan Perdagangan Orang Menurut Undang-Undang Nomor 21 Tahun 2007" 4, no. August (2016): 30-59.
- Hufron, and Syofyan Hadi. "Legal Protection for Victims of Human Trafficking Crimes." *Journal of Law and Sustainable Development* 11, no. 12 (2023): e1513. <https://doi.org/10.55908/sdgs.v11i12.1513>.
- Iskandar, Nursiti. "PENYELESAIAN PELANGGARAN HAK ASASI MANUSIA TENTANG PERDAGANGAN ORANG DI INDONESIA (Settlement Of Human Rights Violations Regarding Trafficking In Persons In Indonesia)." *E-Journal Balitbangkumham*, n.d.
- Kedutaan Besar dan Konsulat AS di Indonesia. "Laporan Tahunan Perdagangan Orang 2023," 2024. <https://id.usembassy.gov/id/our-relationship-id/official-reports-id/report-tahunan-perdagangan-orang-2023/> Annual Report on Trafficking in Persons 2023.
- — —. "Laporan Tahunan PerdaganganOrang 2023," 2023. <https://id.usembassy.gov/id/our-relationship-id/official-reports-id/laporan-tahunan-perdagangan-orang-2023/>.
- Kuspraningrum, Emilda, and Haris Retno Susmiyati. "Upaya Kepolisian Dalam Penegakan Hukum Terhadap Tindak Pidana Perdagangan Wanita Dan Anak Di Kota Samarinda Provinsi Kalimantan Timur ( Law Enforcements Against Trafficking in Women and Child by The Police Departement on Samarinda East Kalimantan )." *Upaya Kepolisian Dalam Penegakan Hukum Terhadap Tindak Pidana Perdagangan Wanita Dan Anak Di Kota Samarinda Provinsi Kalimantan Timur* 2, no. 1 (2002): 1-10.
- Lewoleba, Kayus Kayowuan, and Beniharmoni Harefa. "Legal Protection for Child Victims of Human Trafficking." *International Journal of Multicultural and Multireligious Understanding* 7, no. 2 (2020): 111. <https://doi.org/10.18415/ijmmu.v7i2.1470>.
- Nadia Wulandari. *Hak Restitusi Terhadap Korban Tindak Pidana Perdagangan Orang*. Jakarta, 2021.
- Novianti. "Tinjauan Yuridis Kejahatan Perdagangan Manusia (Human Trafficking) Sebagai Kejahatan Lintas Batas Negara." *Jurnal Ilmu Hukum*, 2014, 50-66.
- Rai Yuliantini, Ni Putu, and Dewa Gede Sudika Mangku. "Legal Protection for Women Victims of Trafficking in Indonesia in an International Human Rights Perspective." *International Journal of Criminology and Sociology* 9 (2020): 1397-1404. <https://doi.org/10.6000/1929-4409.2020.09.160>.
- Rebecca Surtees dan Laura S. Johnson. *Pemulihan Dan Reintegrasi Korban Perdagangan Orang*. Edited by Millie Soo. Wahington States: NEXUS Institute 1440 G Street NW Washington, D.C., United States 20005, 2022.

- Rumlah, Siti. "Upaya Penanganan Korban Human Trafficking Di Indonesia." *JEJAK: Jurnal Pendidikan Sejarah & Sejarah* 1, no. 2 (2022): 91-97. <https://doi.org/10.22437/jejak.v1i2.17771>.
- Syahrullah. "Pencegahan Tindak Pidana Perdagangan Orang (Human Trafficking)." *Jurnal Hukum Legalita* 2, no. 2 (2022): 170-85. <https://doi.org/10.47637/legalita.v2i2.529>.
- Takkas Marudut. "Perlindungan Hak Asasi Manusia (HAM) Terhadap Tersangka Dalam Praperadilan." Universitas Hasanuddin Makassar, 2013.
- Utami, Putri. "Upaya Pemerintah Indonesia Dalam Mengatasi Human Trafficking Di Batam." *EJournal Ilmu Hubungan Internasional* 5, no. 4 (2017): 1257-72.
- Yunara, Edi, and Taufik Kemas. "The Role of Victimology in the Protection of Crime Victims in Indonesian Criminal Justice System." *Mahadi: Indonesia Journal of Law* 3, no. 01 (2024): 63-78. <https://doi.org/10.32734/mah.v3i01.15379>.