

EFFECTIVENESS OF VICTIM PROTECTION IN HUMAN TRAFFICKING CRIMES: A REVIEW OF INTERNATIONAL CRIMINAL LAW

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Abstract

Human trafficking as a transnational crime requires legal responses aligned with international standards, particularly the Palermo Protocol. Victim protection is a critical aspect considering the vulnerability of victims' positions. This study aims to analyze the effectiveness of victim protection in human trafficking cases in Indonesia and assess its compliance with international criminal law principles. The research method employs a normative legal approach through legislative studies, conceptual analysis, and literature review of national and international legal frameworks. Data were collected through document studies, doctrinal analysis, and interviews with legal practitioners to deepen understanding of implementation issues. The research findings indicate that although victim protection has been normatively regulated under Law No. 21 of 2007 and the authority of the Witness and Victim Protection Agency (LPSK), its implementation remains ineffective. Challenges include limitations in ongoing assistance, minimal asset tracing mechanisms, weak fulfillment of restitution rights, and suboptimal inter-agency coordination. Compared to international standards, protection in Indonesia remains procedural and does not yet reflect a holistic approach in accordance with the 3P principles (prevention, protection, prosecution). The study concludes that there is a gap between legal norms and the implementation of victim protection.

Keywords: Human Trafficking, Victim Protection, International Criminal Law, Palermo Protocol, Restitution

INTRODUCTION

Trafficking in persons is one form of transnational crime that continues to evolve along with increasing human mobility, uneven economic conditions, and the operationalization of cross-border criminal networks (Ali & Farhana, 2023). International organizations classify human trafficking as a serious crime involving the exploitation of individuals in vulnerable positions due to socio-economic pressures or imbalanced power relations. Indonesia itself occupies a complex position as a source, transit, and destination country, making the challenges of its eradication intertwined with both national and international dimensions (Cahyadi & Rasji, 2024). Normatively Indonesia has formulated a legal framework for

combating human trafficking through Law Number 21 of 2007, which comprehensively regulates prevention, prosecution of perpetrators, and the fulfillment of victims' rights. Wahyudi & Kushartono (2020) note that Indonesia has ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol) as an international criminal law instrument emphasizing the principles of prevention, protection, and prosecution. Purwata (2023) observe that the implementation of victim protection in practice often faces obstacles such as limited legal assistance, budgetary constraints, and suboptimal coordination among law enforcement institutions.

Various studies indicate a significant gap between normative regulations and the implementation of victim protection in the field (Fathullah, 2024). For instance, the victim's right to restitution is normatively guaranteed but is empirically almost never fully fulfilled. This barrier is exacerbated by the absence of an integrated monitoring mechanism and inconsistent victim recovery services across regions. This condition indicates that the effectiveness of victim protection remains far from the standards desired by international criminal law (Maria et al., 2025). The approach of international criminal law, through instruments like the Palermo Protocol and the 4R standards (rescue, recovery, reintegration, rehabilitation), requires states to actively guarantee comprehensive and sustainable victim protection (Nugraha & Andraini, 2023). However, studies linking international criminal law theory with a critical assessment of the effectiveness of victim protection in the Indonesian context are still very limited. Most previous research has focused more on aspects of law enforcement against perpetrators or analysis of offense elements in Law Number 21 of 2007 (Indrashwara & Yasa, 2022).

Thus, there is a research gap in the scarcity of studies that integrate the perspective of international criminal law with an evaluation of the effectiveness of victim protection in the national context (Kurniawan & Priadarsini, 2025). This research attempts to fill this void by analyzing international standards, national legal frameworks, and implementation barriers through a normative and analytical approach based on literature studies and practical data. Efforts to eradicate trafficking in persons cannot be separated from global dynamics related to migration, economics, and the increasing sophistication of criminal networks. Idris & Permatasari (2023) and Azhari & Setyowuni (2024) state that international criminal law places the state as the main actor responsible for exercising due diligence to prevent, investigate, and prosecute human trafficking effectively. This responsibility includes the positive obligation to protect victims from further exploitation threats, provide access to justice mechanisms, and ensure adequate recovery through restitution, compensation, and rehabilitative services.

As part of the international community, Indonesia has adopted these obligations through the ratification of various international instruments and the establishment of national policies. Hartana & Pradnyandari (2021) note that several studies mention that the success of law enforcement in the context of Trafficking in Persons (TPPO) is determined not only by criminal sanctions against perpetrators but also by the effectiveness of the victim protection system. In many cases, victims still face risks of revictimization, lack of legal assistance, and difficulties in obtaining adequate psychosocial services. This condition indicates that victim protection is not yet fully integrated into the criminal justice system. International standards require cross-sectoral coordination in victim protection efforts. The Palermo Protocol emphasizes the importance of collaboration among countries, law enforcement institutions,

non-governmental organizations, and local communities to create an integrated response (Syahputra & Ibrahim, 2024). In Indonesia, such coordination efforts have been facilitated through the establishment of a national task force. However, in practice, overlapping authority, capacity gaps, and varying service standards across regions are still found. These problems directly impact the non-uniform quality of protection and victim handling in various areas.

Ayunda & Rusdianto (2021) note that the effectiveness of victim protection is also often linked to the modern victimology approach, which views victims not merely as legal objects but as subjects with fundamental rights and interests that must be protected by the state. This approach emphasizes the importance of providing participatory space for victims in legal processes, including the right to convey the psychological, social, and financial impacts experienced due to the crime. However, the application of this perspective in Indonesia's criminal justice system is relatively still limited and not yet fully oriented towards victims' needs. There is an urgent need to reassess the effectiveness of victim protection in human trafficking cases in Indonesia, both through normative review and implementation analysis. This research intends to contribute to academic discourse and public policy by examining the effectiveness of victim protection based on international criminal law standards and practices within the national legal system. This focus is expected to offer a new perspective for strengthening TPPO eradication policies in the future.

Protection of TPPO victims must be understood not only as a moral obligation but as a legal mandate stemming from international obligations adopted by the state (Aprita & Adhitya, 2020). Strengthening victim protection is an integral part of effective law enforcement because the success of the judicial process heavily depends on the physical and psychological condition of victims as key witnesses. Assessment of the effectiveness of victim protection cannot be separated from the extent to which the state provides adequate support, including legal aid, trauma recovery, security guarantees, and access to reparative justice. Furthermore, the balance between enforcing criminal norms and protecting victims is a central issue in modern criminal law. Several literatures state that a criminal justice system that is too "perpetrator-centric" tends to neglect the victim's experience and fails to meet substantive justice standards (Patahuddin et al., 2022). The absence of such an approach not only weakens the victim's position but also reduces the state's ability to investigate criminal networks comprehensively.

Structural barriers also reinforce the challenges of implementing victim protection. Reports from national and international institutions indicate that investigators, prosecutors, and other officials often face competency and resource limitations in handling victims with a trauma-informed approach. Minimal inter-agency coordination causes victim handling processes to be slow and inconsistent across regions. As a result, most victims do not receive adequate restitution or compensation, even though normative regulations regarding these rights are available in national law. A rights-based approach provides a clear framework on how the state must ensure that victims are treated with dignity, receive recovery support, and have space to participate in legal processes. Therefore, examining the effectiveness of victim protection from an international criminal law perspective becomes a crucial step in assessing the extent to which national policies and practices align with global standards (Andrianti et al., 2025).

Based on the above, this research is directed towards providing an in-depth analysis of

the effectiveness of TPPO victim protection through a normative-international review and an evaluation of its implementation within the context of the Indonesian legal system. This research is expected to enrich Indonesian legal literature by providing a comparative and evidence-based perspective, as well as offering recommendations for policy strengthening that align with the principles of international criminal law and the real needs of victims in the field.

IMPLEMENTATION METHOD

This study employs a normative juridical and conceptual approach, with the primary focus on the analysis of norms, doctrines, principles, and national and international legal instruments related to the protection of victims of Trafficking in Persons (TPPO) (Pratiwi & Saraswati, 2021)). Primary legal materials such as Law Number 21 of 2007, the Palermo Protocol, and related regulations are examined alongside secondary legal materials in the form of academic literature and international reports. The study also integrates theories of victimology, restorative justice, and legal implementation principles to construct an analytical framework for assessing the effectiveness of applying victim protection standards.

A qualitative analysis method is applied through grammatical, systematic, and teleological interpretation of legal regulations, as well as a comparison with international standards. The results of limited interviews with legal practitioners are used to complement the field perspective, enabling the research though normative in nature to comprehensively identify the gaps between regulation and the implementation of TPPO victim protection in Indonesia (Tarigan et al., 2025).

RESULTS AND DISCUSSION

The analysis results indicate that the protection of TPPO victims in Indonesia still faces fundamental challenges, both in normative, implementative, and institutional aspects (Mas'adi, 2025). Normatively, Law No. 21 of 2007 has regulated victims' rights to restitution, rehabilitation, and social reintegration. However, its implementation remains ineffective due to weak coordination among ministries and law enforcement institutions (Mei- et al., 2024). The Witness and Victim Protection Agency (LPSK) has limited resources, resulting in many victims receiving only initial assistance without long-term recovery. The legal approach is still dominated by the prosecution aspect, while prevention and protection have not received balanced emphasis in accordance with the 3P principles (Ariadne et al., 2021). A proof process that relies heavily on victim testimonies risks causing revictimization and repeated trauma. This imbalance demonstrates that Indonesia has not yet fully met the standards of the Palermo Protocol, which prioritizes recovery (Sale et al., 2025).

The restitution mechanism as a fundamental right of victims also does not function optimally, despite being stipulated in court rulings (Ida & Suryawati, 2023). Its execution is hampered by the absence of a coercive enforcement mechanism and the lack of state advance funds for victims in need of immediate recovery. Furthermore, the minimal integration of policies among law enforcement institutions results in protection services being delivered partially, without integrated case management. The persisting perception among officials that views victims merely as evidence rather than subjects in need of recovery further weakens

their position in the judicial process (Harsya & Triyantoro, 2025). On the other hand, the varying capacities of regional governments create disparities in services between regions, contradicting the principle of non-discrimination in international law.

Socio-economic vulnerability factors such as poverty, low legal literacy, and limited education also increase victims' vulnerability to exploitation. However, psychological recovery efforts for victims have not yet become a priority in the TPPO handling system, given that counseling facilities remain limited and long-term rehabilitation services are rarely provided (Idris & Permatasari, 2023). The approach used is still administrative and has not fully implemented the victim-centered approach principle as mandated by international standards. Access to optimal legal aid is also hindered by the capacity of legal aid organizations and minimal budget allocation. The gap between victims' needs and available facilities further clarifies that the current protection model is not responsive to the complexity of trauma experienced by victims (Sinaga, 2023).

The vital mechanism of asset recovery for fulfilling restitution also does not function optimally due to the weak capacity of officials in tracing fund flows. The absence of adequate structures to seize and manage perpetrators' assets renders the economic deprivation strategy ineffective. Meanwhile, social reintegration programs as a crucial stage in preventing re-exploitation have not become a policy priority (Pamungkas & Sutrisno, 2025). The lack of economic support, job training, and long-term recovery programs causes many victims to be re-exploited. Variations in internal guidelines among institutions also create non-standardization of services, making the sustainability of protection unguaranteed nationwide.

Strong social stigma in society further hampers the reintegration process for victims, where many victims experience rejection and are blamed for the exploitation they endured. Minimal monitoring of protection program implementation also makes the effectiveness of interventions difficult to measure, due to the lack of clear success indicators (Trisista et al., 2023). The integration between the victim protection system and migration policies is also not yet synergistic, often prioritizing administrative considerations over victims' needs. Additionally, available services tend to be generic and not responsive to the variations in exploitation types experienced by victims. The limited availability of professionals such as clinical psychologists and trauma counselors further complicates recovery efforts that meet international standards (Siahaan & Wati, 2025).

From a victimology perspective, the integration of victim recovery principles into the criminal justice system remains incomplete, as recovery is often considered the responsibility of non-judicial institutions (Sutanto, 2024). Rehabilitation funding schemes that rely on temporary funding also threaten the sustainability of long-term recovery programs (Dorisman et al., 2025). The absence of an independent evaluation mechanism for victim protection programs adds to the list of weaknesses in the national system. The trust relationship between officials and victims is often hindered by a traditional investigative approach that lacks sensitivity (Faradila & Harahap, 2023). Limitations in procedural law provisions in providing special protections, such as remote testimony and victim-friendly courtrooms, further weaken victims' positions.

Based on these findings, it can be concluded that the effectiveness of TPPO victim protection is highly dependent on the substantial harmonization between international standards and national implementation (Mulyadi et al., 2024). An interdisciplinary approach

is needed, combining legal instruments, psychosocial support, social policies, and institutional strengthening. Policy priorities should be directed towards enhancing the capacity of officials, providing state compensation funds, and developing a continuous post-trial monitoring system. Only through comprehensive reform can victim protection shift from merely procedural to holistic recovery that substantively respects the dignity and human rights of victims.

CONCLUSION

In conclusion, the protection of victims of human trafficking in Indonesia still faces fundamental challenges between the normative framework and implementation. The retributive approach to law enforcement has not fully adopted the principles of victim-centered justice, resulting in suboptimal protection of victims' rights, such as restitution, rehabilitation, and social reintegration. Barriers to inter-institutional coordination, weak restitution mechanisms, and imbalances in the application of the 3P principle (prevention, protection, and prosecution) further exacerbate this situation. Therefore, an integrative approach is needed that strengthens institutional coordination, ensures effective restitution, provides long-term support, and systematically harmonizes with international criminal law principles to ensure victim protection becomes a substantial part of a just and recovery-oriented criminal justice system.

Based on these findings, this study recommends the need for structured policy reforms to strengthen victim protection, including through harmonization of national regulations with international standards, strengthening the capacity and coordination of the Witness and Victim Protection Agency (LPSK) and law enforcement officials, improving restitution and compensation mechanisms based on victim needs, and integrating long-term assistance and reintegration programs into the criminal justice system to realize victim-centered justice.

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