

Legal Reconstruction of Trafficking Victim Protection Based on Justice Value

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DOI: [10.36348/sijlci.2023.v06i05.005](https://doi.org/10.36348/sijlci.2023.v06i05.005)

| Received: 16.04.2023 | Accepted: 27.05.2023 | Published: 31.05.2023

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Abstract

The development of computer technology and the internet provide implications-the implications are significant in the settings and the establishment of regulations in cyber space and cyber laws as well as to the development of crime in cyberspace or often referred to as cybercrimes. Of the various things that need to be emphasized that the internet was not initially designed for tracking and tracing user behavior, but it is designed for the needs of the military in the face of war the world at that time. Normatively, with the establishment of Law Number 11 Year 2008 On Information and Electronic Transactions as new rules that apply, and all the population is considered to have been knowing. Adoption of the Law on Information and electronic transactions against cybercrime. In the era of industrial Revolution 4.0 is the current utilization of the technology, the more massive the better government agencies, private companies, national banking, center for research and society. Sociological research empirical, then studied at first is secondary data, to then proceeds with the research on primary data lapangan or to the community. The author will give an overview first the definition and the classification of crime is cybercrime, the perpetrators and victims of form and modus operandi as well as how the public reacts to kejahatan cybercrime such. Cybercrime is a criminal activity in the virtual world with a network utilizing the computer as a tool and a network of the internet as a medium. In a broader sense, cybercrime is all the illegal actions committed through a computer network and the internet to get advantage by harming the other party. Then in the narrow sense, cybercrime are all illegal actions that are intended to attack computer security systems and the data processed by a computer system.

Keywords: Application, The Information And Electronic Transaction Law, Cyber Crime.

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INTRODUCTION

New crimes and new modes of old crimes can be found, among others, in narcotics crimes, money laundering, customs and excise, forestry and natural resources, and human trafficking crimes. To anticipate the emergence of various forms and modes of new criminal acts, various criminal legislations outside the Criminal Code (KUHP) were born, one of which is the eradication of criminal acts of trafficking in persons regulated in Law No. 21 of 2007 concerning Eradication of Criminal Acts of Trafficking in Persons (Ikhsan, 2008).

The increasing problem of trafficking in persons in various countries, including Indonesia and other developing countries, has become a concern of Indonesia as a nation, the international community, and members of international organizations, especially the United Nations.

The crime of trafficking in persons is a form of violation against human dignity. Therefore, this action, apart from violating the law, also violates human rights. The 1945 Constitution of the Republic of Indonesia, confirms that; all citizens have the same position before the law and/or government and are obliged to uphold that law and government without exception (Article 27 paragraph (1)). Nowadays in Indonesia trafficking in persons is very rife and worrying even though regulations for eradicating criminal acts of trafficking in persons already exist, namely Law Number 21 of 2007. However, in practice these acts still occur a lot, even not only involving individuals but also involving networks of work syndicates that are hard to know (Julaidin and Miekhel, 2020).

Trafficking in persons is one of the most illegal and fastest growing forms of trafficking in the world, potentially surpassing or surpassing the trade in

illegal drugs such as narcotics, which could make it the world's most extensive criminal activity. In today's technological era, many describe the problem of trafficking or slavery which increases the risk of crime and victimization of women and children. One of them is the Internet which contributed to the emergence of free trade, namely the existence of social media platforms such as Facebook, Twitter, Instagram, Snapchat, etc. which have appealed to free trade (Fitri *et al.*, 2022).

Based on empirical evidence, women and children are the most victims of trafficking in persons. Victims were trafficked not only for prostitution or other forms of sexual exploitation but also included other forms of exploitation, such as forced labor or forced services, slavery, or practices similar to slavery. The perpetrator of the crime of trafficking in persons recruits, transports, transfers, hides, or accepts people for trapping, immersing, or taking advantage of that person in exploitation practices in all their forms with threats of violence, use of violence, kidnapping, falsification, fraud, abuse of power or position vulnerable, or provide payments or benefits to obtain the consent of a person having control over the victim.

Modus the Operandi of the Criminal Act of Trafficking in Persons where children are victims is regulated in Article 5 and Article 6 of Law Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons, namely by adopting a child by promising something or giving something to Chairul Bariah Mozasa. Trafficking Law Rules (Trafficking in Women and Children) exploits and sends children abroad which makes children used (Fadilla, 2016).

The aspect triggering this state namely the existence of hunger and having a weak economic condition and low education. The work methods of human traffickers can be carried out individually or in groups, often even in association with international and regional groups or networks. As well as human rights protection related to legal human trafficking, it is also regulated in international law, treaties, and international custom or customary international law, as stated in The U.N. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women, and Children (Anisah, 2022).

The patriarchal culture and gender bias as well as society's social structure still places women in the second class, making women one of the minority and vulnerable groups. This marginalization occurs since women are considered to have a "nature" that has been determined by the social community for a long time. This has resulted in various consequences for access and fundamental rights that women cannot own, for example, the right to vote or express opinions and views. It is increasingly difficult in practice to enforce women's human rights without distinction of status and

group as women. Ultimately, this discrimination is widely used by certain parties for various interests and to the detriment of women (Nathania, Fransiska, and Saputri, 2022).

As for the definition of victims, as described in Article 1 number 3 of Law no. 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons which explains that "*Victims are someone who experiences psychological, mental, physical, sexual suffering, economy, and/or social, resulting from the criminal act of trafficking in persons*".

Furthermore, what is meant by a child is included in Law no. 21 of 2007 concerning the Eradication of Trafficking in Persons Article 1 point 5 that "*a child is someone who is not yet 18 (eighteen) years old, including children who are still in the womb*".

The purpose of exploitation as emphasized in Law no. 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons Article 1 number 7 which states that: "*Exploitation is an act with or without the consent of the victim which includes but is not limited to prostitution, forced labor or services, slavery or practices similar to slavery, oppression, extortion, use of physical, sexual, reproductive organs, or illegally removing or transplanting organs and/or body tissue or utilizing one's energy or ability by another party to gain material or immaterial benefits*".

Meanwhile, the definition of sexual exploitation is contained in Law no. 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons Article 1 point 8 reads as follows: "*Sexual Exploitation is any form of using the sexual organs or other organs of the victim for profit, including but not limited to all activities of prostitution and obscenity*".

Then from that, the meaning of restitution and rehabilitation is regulated in Article 1 points 13 and 14, which explains that what is meant by restitution is the payment of compensation that is charged to the perpetrator based on a court decision that has permanent legal force for material loss and immaterially suffered by the victim or his heirs. While rehabilitation is recovery from disturbances to physical and psychological conditions and social life so that they can carry out their roles naturally again in the family and society.

Meanwhile, criminal provisions for trafficking in persons are regulated in Law No. 21 of 2007 concerning the Eradication of Trafficking in Persons in Articles 2 to 18 of the Law on the Eradication of Trafficking in Persons. The provision stipulates 14 (fourteen) forms of criminal acts of trafficking in persons, and criminal sanctions that can be imposed are

in the form of imprisonment for a minimum of 1 (one) year and a maximum of imprisonment for life.

If the contents of this law are internalized, one can feel the strong commitment from the state to provide legal protection for citizens, through comprehensive, firm, and strict law enforcement against perpetrators of the crime of trafficking in persons.

If a case of the crime of trafficking in persons is brought forward to the stage of prosecution and then decided by the Panel of Judges, in terms of the penalty that has been regulated in Law Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons, the penalty is not only in the form of imprisonment but also in the form of fines or alternative punishments, and if the victims of the crime of trafficking in persons apply for restitution or compensation, they can submit a request to the court to submit restitution, the provisions regarding this restitution have been regulated in articles 48, 49 and article 50 of Law Number 21 of 2007 Concerning the Eradication of Criminal Acts of Trafficking in Persons.

Article 48 of Law Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons:

- (1) Every victim of the crime of trafficking in persons or their heirs has the right to obtain restitution.
- (2) Restitution, as referred to in paragraph (1), is in the form of compensation for a. loss of wealth or income; b. suffering; c. costs for medical and/or psychological treatment; and/or d. other losses suffered by victims as a result of trafficking in persons.
- (3) Restitution is given and stated at the same time in the court decision regarding the criminal case of trafficking in persons.
- (4) The granting of restitution as referred to in paragraph (1) shall be carried out from the moment the decision of the court of first instance is rendered.
- (5) Restitution, as referred to in paragraph (4), can be deposited in advance at the court where the case was decided.
- (6) Granting of restitution shall be made within 14 (fourteen) days from the notification of the decision which has permanent legal force.
- (7) If the perpetrator is acquitted by a court of appeal or cassation level, the judge orders in his decision that the restitution money deposited be returned to the person concerned.

Each victim or his/her heir has the right to obtain restitution in the form of compensation for 1) loss of wealth or income, 2) suffering, 3) costs for medical and/or psychological treatment, and/or 4) other losses suffered by the victim as a result of trafficking in persons. Other losses referred to by this provision are loss of property; basic transportation costs; attorney's

fees or other costs related to legal proceedings or loss of income promised by the perpetrator.

The restitution is given and stated at the same time in the court decision. The granting of restitution is carried out within 14 days from the notification of the decision which has permanent legal force. In the case of granting restitution in the form of compensation, it is carried out since the decision of the court of first instance was rendered. If the offender is unable to pay restitution, the offender is subject to imprisonment for a maximum of one year.

In this provision, the mechanism for submitting restitution is carried out from the moment the victim reports the case he has experienced to the local Police of the Republic of Indonesia and is handled by the investigator together with the handling of the crime committed. The public prosecutor informs the victim about his right to apply for restitution, then the public prosecutor conveys the number of losses suffered by the victim as a result of the crime of trafficking in persons together with the charges. This mechanism does not eliminate the victim's right to file a claim for his losses.

About the above regarding the provision of restitution stated in Law Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons, it has not supported the spirit of the law to provide victim protection, namely, the provisions regarding the amount of restitution to be obtained by victims of trafficking in persons are not clearly stated in the rules. clear in the Law on the Eradication of the Crime of Trafficking in Persons so that in making his decision the Judge does not have a clear reference regarding the restitution to be given to the victim, which in the end in deciding the case against the convict regarding restitution as mandated in Article 48 of Law No. 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons, Judges are free to determine their decisions without any firm and clear benchmarks, thus, of course, there is no legal certainty and is not fair.

Thus, there is a legal phenomenon in the form of an absence of legal norms (*vacuum of the norm*), in the regulation regarding the criminal act of trafficking persons in Indonesian criminal law, so the Law on the Eradication of the Crime of Trafficking in Persons has not been able to become an effective means of law enforcement.

Based on the explanation above, a study was conducted with the title "Reconstruction of Legal Protection Regulations for Victims of Trafficking in Persons based on the Value of Justice".

This problem is what the author urges to study further in research with the following issues:

1. What are the current weaknesses in the legal protection regulations for victims of trafficking in persons?
2. How is the reconstruction of legal protection regulations for victims of trafficking in persons based on the value of justice?

METHOD OF RESEARCH

The paradigm that is used in the research is the paradigm of constructivism which is the antithesis of the understanding that lay observation and objectivity in finding a reality or scientific knowledge (Faisal, 2010). Paradigm also looked at the science of society as an analysis of systematic against *Socially Meaningful Action* through observation directly and in detail to the problem analyzed.

The research type used in writing this paper is qualitative research. Writing aims to describe a society or a certain group of people or a description of a symptom or between two or more symptoms.

The approach method used in this research is *Empirical-Juridical* (Ibrahim, 2005), which is based on the norms of law and the theory of the existing legal enforceability of a law viewpoint as interpretation.

The source of research used in this study are:

1. Primary Data is data obtained from information and information from respondents directly obtained through interviews and literature studies.
2. Secondary Data is an indirect source that can provide additional and reinforcement of research data. Sources of secondary data in the form of Primary Legal Material and Secondary Legal Materials and Tertiary Legal Material.

In this study, the author uses data collection techniques, namely literature study, interviews, and documentation where the researcher is the key instrument which is the researcher himself who plans, collects, and interprets the data (Moleong, 2002).

The specification of this legal research is in the form of analytical descriptive research. Descriptive means that the researcher in analyzing wants to provide an overview or explanation of the object of his research. Primary data collection was carried out by observation (direct observation) and interviews with several informants in this study. In terms of observation or observation is an activity carried out by researchers in the context of collecting data by observing the phenomenon of a certain community at a certain time as well. This primary data is also through interviews with several sources. Deep interview (in-depth-interview) is the process of obtaining information for research purposes using question and answer while face to face between interviewers and informants or interviewees,

with or without using guidelines (guide) interviews, where interviewers and informants are involved in social life for a relatively long time (Widodo *et al.*, 2023).

RESEARCH RESULT AND DISCUSSION

1. Weaknesses in Current Legal Protection for Victims of Trafficking in Persons

Weaknesses in the regulation of legal protection for victims of the crime of trafficking in persons at this time can be studied by the Legal System Theorist (Lawrence M. Friedman) which can be viewed from 3 (three) components, namely:

a. Legal Structure

This is the process of prosecution in cases of trafficking in persons carried out by the Public Prosecutor at the Attorney General's Office of the Republic of Indonesia. Weaknesses in the regulation on legal protection for victims of the crime of trafficking in persons which are currently felt to be the judge in deciding the size of witnesses Restitution for victims is only based on the considerations of the panel of judges, based on Article 10 of Law Number 48 of 2009 concerning Judicial Power, the problem is if the assembly The judge who decides on the case of the crime of trafficking in persons do not have the ability or expertise to measure or calculate the losses suffered by the victim.

Investigation of the criminal act of trafficking in persons under Law no. 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons, the Criminal Procedure Code is carried out as stated in Article 28, that investigations, prosecutions, and examinations at trial courts in cases of criminal acts of trafficking in persons, are carried out based on the applicable Criminal Procedure Code, except otherwise specified in this Law. This implies that investigators in the crime of trafficking in persons in Indonesia are carried out by the Indonesian National Police.

The powers of investigator officials in the Criminal Procedure Code are as follows:

- 1) Receive a report or complaint from a person regarding a criminal act;
- 2) Take the first action at the scene;
- 3) Ordering a suspect to stop and checking the suspect's identification;
- 4) Arrest, detain, search, and confiscate;
- 5) Examination and confiscation of letters
- 6) Taking fingerprints and photographing a person;
- 7) Call people to be heard and examined as suspects or witnesses;
- 8) Bring in the necessary expert persons in connection with the examination of the matter;
- 9) Carrying out an investigation termination

10) Conducting other actions according to the responsible law

Investigations are carried out immediately after reports or complaints of criminal acts of trafficking in persons whether reported by victims, witnesses, or other parties. Investigators who know, or receive reports or complaints about the occurrence of an event that should be suspected of constituting a criminal act must immediately carry out the necessary investigative actions as stated in Article 106 of the Criminal Procedure Code.

b. Legal Substance

Weaknesses in the legal protection regulations for victims of trafficking in persons are currently not based on the value of justice. Confidentiality of identity is the protection of the victim's personal security and physical and psychological threats from other people. By keeping the victim's identity confidential, avoid using the victim's identity, such as personal history, and present and past work, as an excuse to drop the victim's demands or to decide not to be prosecuted by the perpetrators of the crime. Apart from that, the confidentiality of the identity and history of the victim must not become an open public record so that it can make it difficult for the person concerned to exercise and fulfill his rights as a human being, woman, or child unless the victim allows his identity to be published.

Security protection from threats to self, life, and/or property is needed by the victim, because of the vulnerability of the victim whose testimony is needed, being able to be terrorized and intimidated, etc. has made the victim not interested in reporting important information that he knows. If necessary, the victim is placed in an undisclosed place or called a safe house. Protection for victims is given both before, during, and after the case examination process.

Based on Article 48 of Law no. 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons states that:

- 1) Every victim of the crime of trafficking in persons or their heirs has the right to obtain restitution.
- 2) Restitution, as referred to in paragraph (1), is in the form of compensation for a. loss of wealth or income; b. suffering; c. costs for medical and/or psychological treatment; and/or d. other losses suffered by victims as a result of trafficking in persons.
- 3) The restitution is given and stated at the same time in the court decision regarding the criminal act of trafficking in persons.
- 4) The granting of restitution as referred to in paragraph (1) shall be carried out from the time the decision of the court of first instance is rendered.

- 5) Restitution as referred to in paragraph (4) can be deposited in advance at the court where the case was decided.
- 6) Restitution is granted within 14 (fourteen) days from the notification of the decision that has permanent legal force.
- 7) If the perpetrator is acquitted by the court of appeal or cassation, the judge orders in his decision that the restitution money deposited be returned to the person concerned.

As for the weakness of Article 48 of Law Number 21 of 2007 concerning the Eradication of Trafficking in Persons which regulates the issue of restitution, it does not regulate the minimum and maximum amount of restitution for victims and provisions for imprisonment for convicts who are unable to pay restitution as mandated in Article 50 paragraph (4) of Law Number 21 of 2007 concerning the Eradication of Trafficking in Persons which states that if the perpetrator is unable to pay restitution, then the perpetrator is subject to alternative imprisonment for a maximum of 1 (one) year, this provision is certainly not in line to impose a decision on restitution to perpetrators of criminal acts of trafficking in persons whose purpose is as a form of protection for victims to compensate for material losses suffered by victims and their heirs as mandated in Article 1 number 13 of Law Number 21 of 2007 concerning the Eradication of Trafficking in Persons.

a. Weaknesses in Legal Protection Regulations for Victims of Trafficking in Persons in the Perspective of Legal Culture

Legal Culture popular coined by Lawrence Friedman stated that *Legal Culture* is the intersection between legal culture and popular culture and is interpreted as an opinion formed by the masses, norms, and values related to law and legal people (academicians and practitioners).

The protection of victims in criminal justice is related to the protection of victims as part of community protection policies and welfare policies as part of social policies. The integration between criminal policies and social policies has consequences for the need for attention to victims. Understanding the human rights of victims through legal protection is an integral part of the overall criminal policy.

The procedure for submitting restitution for victims of the crime of trafficking in persons or their heirs is specified in Article 48 paragraph (1) which reads "every victim of the crime of trafficking in persons or their heirs has the right to obtain restitution". Furthermore, in the elucidation of the article, it is stated that "the mechanism for submitting restitution is carried out from the moment the victim reports the case he has experienced to the local Indonesian National Police and is handled by investigators concurrently with the

handling of the crime committed". This means that victims or their heirs can file a claim for restitution against the perpetrator since the victim reports the case that he experienced and must be included in the case file. The implementation of a restitution decision that has permanent legal force is carried out within 14 (fourteen) days from the notification of the decision. The implementation of the granting of restitution is reported to the head of the court that decided the case, accompanied by evidence of the implementation of the granting of restitution. After the chairman of the court receives evidence, the chairman of the court announces the implementation on the announcement board of the court concerned. Then a copy of proof of implementation of the granting of restitution is delivered by the court to the victim or his heirs.

Article 48 paragraph (4) which regulates the granting of restitution handed down by the court of first instance does not specify the minimum and maximum restitution to be given by victims of the crime of trafficking in persons, this illustrates the lack of legal certainty.

The granting of restitution to the victim is not fulfilled until it has passed the 14-day limit, so the victim or his heirs will notify the court about this. The court will issue a written warning to the restitution provider to immediately fulfill the obligation to provide restitution to the victim/his heirs. If the warning letter is not implemented, PU confiscates the convict's assets and auctions off the perpetrator's property. If the offender is unable to pay restitution, the offender is subject to imprisonment for a maximum of 1 year.

Regarding the weak implementation of restitution, the problem is that victims of trafficking in persons or trafficked persons are often prevented from obtaining access to restitution because they do not know about their right to receive restitution and the procedural steps that need to be taken. Therefore, information provided by law enforcement officials or private lawyers is an important prerequisite for such access.

The perpetrators or those who trafficked women often hid the proceeds of their crimes or transferred them abroad, this was intended to prevent claims for compensation or submissions for restitution by victims, as a result, if there was a restitution decision handed down to the criminal perpetrators because the perpetrators of trafficking in persons did not have money or assets to pay for meal restitution, the alternative chosen is a substitute punishment in the form of imprisonment.

2. Reconstruction of Legal Protection Regulations for Victims of Trafficking in Persons Based on the Value of Justice

Reconstruction means building or restoring something based on the original incident, wherein the reconstruction contains primary values that must remain in the activity of rebuilding something according to its original condition, legal reconstruction is interpreted as a process of rebuilding or rearranging ideas, ideas, or concepts of law.

The second precept which reads "*Just and civilized humanity*" contains human values, including the recognition of the existence of human dignity. Human dignity must be recognized because humans as social beings have inherent human rights from birth to death. These human rights must be respected by other human beings as social beings, and fair treatment of fellow human beings. Providing fair treatment of fellow human beings in the sense of fair treatment of one human being with another human being. This attitude of fair treatment regardless of the individual's social status as a social being, the notion of a civilized human being who has creativity, taste, intention, and belief so that there is a clear difference between humans and animals. Recognizing that human beings are social beings who have basic rights in life so that other human beings must be treated by their respective rights and not act arbitrarily, and the value of the second precept is encompassed and imbued with the first precept, includes and animates the third, fourth, and fifth.

The values contained in the just and civilized precepts of humanity are always imbued with the other precepts of Pancasila because Pancasila is a unified whole that cannot be separated. state recognition of the right for every nation to determine its destiny, the state wants Indonesian people not to treat fellow human beings in an arbitrary way as a manifestation of the nature of a highly cultured nation, state recognition of the right to equality and equal treatment for every human being, a guarantee of equal status in law and government as well as the obligation to uphold the existing law and government for every citizen.

The legal reconstruction which is the idea of the researcher regarding restitution as stipulated in Law Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons is as follows:

- a. Before the reconstruction of the Law on the Eradication of the Crime of Trafficking in Persons in Article 48 paragraph (3): "*The restitution is given and included at the same time in the court decision regarding the case of the crime of trafficking in persons*". The weakness of Article 48 paragraph (3) of the Law on the Eradication of the Criminal Act of Trafficking in Persons is that the phrase Article 48 paragraph (3) is by the victim's goal of getting compensation for the losses suffered by the victim, but it is necessary to

add a minimum and maximum limit for granting restitution so that restitution is decided by the Panel of Judges cannot apply arbitrarily and there is legal certainty. Then the results of the recommendation to be reconstructed are as follows: "Article 48 paragraph (3): Sentence phrases need to be added so as to replace: The restitution is given and stated at the same time in the court decision regarding the criminal case of trafficking in persons with a minimum restitution of Rp. 120,000,000.00 (one hundred and twenty million rupiah) with a maximum of Rp. 5,000,000,000.00, - (five billion rupiah)".

- b. Article 50 paragraph (4): "*If the perpetrator is unable to pay restitution, then the perpetrator is subject to imprisonment for a maximum of 1 (one) year*". This article has weaknesses, namely: The phrase Article 50 paragraph (4) is not by the justice principle of the victim because if restitution can be replaced by confinement then the victim's rights regarding restitution are not fulfilled.

Then reconstructed into: "*Restitution must be paid by the perpetrator and if the perpetrator is unable to pay, the restitution will become the debt of the perpetrator and the heirs of the perpetrator which must be paid by the perpetrator to the victim*".

CONCLUSION

Based on the discussion of the problems above, it can be concluded that:

1. Weaknesses in the regulation on legal protection for victims of trafficking in persons are currently not based on the value of justice, because regulations on legal protection for victims of trafficking in persons in the criminal justice system in Indonesia concerning Restitution are regulated in Article 48 paragraph (3) of Law Number 21 of 2007 concerning The Eradication of the Crime of Trafficking in Persons states that restitution is given and included at the same time in the court decision regarding the criminal act of trafficking in persons, but regarding the amount of Restitution that will be obtained by victims of trafficking in persons the rules are not clearly stated in the Law on the Eradication of the Crime of Trafficking in Persons so that in handed down his decision The judge did not have a clear reference regarding the victim's losses, as well as the provisions of Article 50 paragraph (4) which regulates perpetrators of the crime of trafficking in persons who are unable to pay restitution, can be replaced with imprisonment, this is certainly very contrary to the spirit of the Law Law Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons itself.
2. Reconstruction of legal protection regulations for victims of trafficking in persons in Article

48 of Law Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons based on the value of justice, especially paragraph (3) whose initial phrase reads that restitution is given and included at the same time in the court decision regarding the criminal case. crime of trafficking in persons does not explicitly state the limits on the amount of restitution, both the minimum amount and the maximum amount of restitution. Reconstructed into granting restitution as referred to in paragraph (1) is carried out since the decision of the court of first instance was rendered with a restitution penalty of at least Rp. 120,000,000.00 (one hundred twenty million rupiahs) and a maximum of Rp. 5,000,000,000.00 (five billion rupiah). And Article 50 paragraph (4) of Law Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons whose initial phrase is that if the perpetrator is unable to pay restitution, then the perpetrator is subject to alternative imprisonment for a maximum of 1 (one) year, reconstructed into mandatory restitution paid by perpetrators and if the perpetrators are unable to pay, restitution will be owed to the perpetrators and the heirs of the perpetrators that must be paid by the perpetrators to the victims.

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