

Protection of the Fulfillment of Rights of Women Victims of Trafficking from a Human Rights Perspective



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ABSTRACT: Human trafficking remains a significant global issue. The UNODC reports 40.3 million annual cases, with 71% involving women. The National Human Rights Commission monitors and addresses these cases. Research, according to Soerjono Soekanto, involves analyzing and constructing methodology. The research aims to enhance understanding of policy implementation in protecting victims' rights through a human rights perspective. In upholding human rights, governments must prioritize protecting victims' rights. Safeguarding individuals, especially women, from crimes like trafficking is essential for human rights protection, highlighting the crucial role of laws in preventing such offenses. The protection of human rights, especially for victims, is crucial for governments to uphold citizens' rights. Human trafficking is driven by economic, educational, and technological factors. Preventive and repressive measures are required to combat trafficking effectively, including law enforcement, intergovernmental cooperation, and addressing root causes. Restitution is a constitutional right for victims, but enforcement challenges remain. Agencies must ensure victims' rights are upheld.

KEYWORDS: victims; Human Trafficking; Human Rights

I. INTRODUCTION

The crime of *human trafficking* is currently still a concern of the government, where cases of this crime are in the 3rd largest crime in the world according to data from the *United Nations Office on Drugs and Crime (UNODC)*. The National Human Rights Commission has a role in controlling the number of human trafficking cases, which according to one of the representatives of the National Human Rights Commission in 2023 stated that there were 40.3 million cases of human trafficking each year and 71% were women¹. In this journal, it will be referred to as TPPO.

The factor that causes the occurrence of TPPO cases in general is economic, victims will be lured into a job that provides large wages but this is a trap, in the end victims who are generally women will be employed in the field of prostitution to domestic workers with low wages. The offer given by the person is also tempting for the victim so that the victim no longer thinks about the impact on him that this is a hidden crime. In the case of TPPO, there are still many victims who do not realize that they are the target of human trafficking.

TPPO is a serious criminal offense that continues to grow to attract more victims. In addition, cases of TPPO also occur both domestically and abroad. In response to this, many parties are active in efforts to prevent and eradicate this crime, both from international organizations, civil society organizations, and the government. The definition of TPPO itself is contained in Article 1 number 1 of Law Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons.

Article 1 number 1:

"Trafficking in persons is the act of recruiting, transporting, harboring, sending, transferring, or receiving a person by threat of violence, use of force, abduction, harboring, forgery, fraud, abuse of power or vulnerable position, debt bondage or giving payments or benefits, so as to obtain the consent of the person who has control over the other person, whether carried out within the country or between countries, for the purpose of exploitation or resulting in exploitation."

The efforts made to be able to handle human trafficking cases also have obstacles, considering the increasing complexity of the handling that must be done, this is related to TPPO cases that intersect directly with other criminal acts, so that in the settlement itself all parties must pay extra attention to the sustainability of the cases handled. TPPO cases are also not infrequently tied to cross-border crimes, so that the space for movement in handling these criminal acts often gets obstacles and requires time that is not fast to be resolved.

¹ <https://www.komnasham.go.id/index.php/berita/2023/10/18/2434/kasus-tpo-makin-marak-komnas-ham-fokus-pencegahan-dan-penanganan-berbasis-ham.html>

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Ironically, the law, which is a government policy, is often incoherent and unbalanced in applying values in the fabric of society. This is especially true in terms of protecting people's rights against law enforcement and other forms of human rights violations. Law enforcement efforts to clean up the region need to be strengthened, especially in areas where human rights violations have been reported. There are still efforts, both individually and collectively, that support work practices that are contrary to the values and culture of Indonesian society, such as human trafficking and the sending of migrant workers and domestic workers both domestically (within the country) and internationally (abroad). This is a form of contradiction between government policies that are based on legal culture in the form of religious and cultural values.

Based on this, the government then makes a policy which is an effort to support development, especially legal development. Every development in any field requires legal regulations, because every development will be meaningless if it is not followed by the rule of law.²

Women and children are often victimized, this is often expressed in a writing or said directly. The definition of victims according to Muladi is people who either individually or collectively have suffered losses, including physical or mental, emotional, economic, or substantial impairment, to their fundamental rights, through an act or commission that violates criminal law in each country, including abuse of power.³

Hans Von Hentig typologized victims into 13 types using a socio-biological classification based on psychological, social and biological factors, namely:

1. *The Young*
2. *The Female*
3. *The Old*
4. *The Mentally Defective and Other Mentally Deranged*
5. *Immigrants*
6. *Minorities*
7. *Dull Normal*
8. *The Depressed*
9. *The Acquisitive (greedy)*
10. *The Wanton*
11. *The Lonesome and Heartbroken*
12. *Tormentors*
13. *The Blocked, Exempted, and Fighting*

Based on the typology of victims proposed by Hentig, female victims of trafficking are categorized as "*the female*", "*the immigrant*" are 2 types of victims that are often found in cases of Human Trafficking Crimes. This is not without reason, but women are the right target for perpetrators to become trafficking targets against the background of becoming workers abroad without going through legal procedures, when they are sent to become workers, they are employed in prostitution for sexual predators. Being an illegal immigrant, it will be difficult to get legal protection from the country concerned and from Indonesia itself.

The case of a married couple who became victims of trafficking in Myanmar, after reporting and successfully escaping from the company that employed them in Myanmar as online fraud operators with the mode of romance, since 9 months they were successfully evacuated to a special shelter in Chiang Rai, Thailand, but are still detained. The couple who are still detained and have not yet returned to their homeland feel unfair because they feel that the legal process for victims of TPPO has been running for a long time, they think that some victims are imposed quickly but not with them. It is known that a significant cause that makes it difficult for them to be repatriated is that they were caught by immigration officers when they had to cross the Thai border and were imprisoned for 12 days, so that the legal policy of Thailand became applicable to them, which in this case was outside the jurisdiction of the Indonesian Embassy. It is known that they became victims of TPPO because they were tempted by the lure of a large salary to work in a technology company seen through advertisements marketed on social media and online sites.⁴

The TPPO case involved a woman, DM (29), a resident of Citamiang, Sukabumi City and 12 Indonesian citizens who were allegedly victims of TPPO in Cambodia. According to the Sukabumi City Manpower Office, the victims were illegal Indonesian migrant workers (TKI). The alleged TPPO happened to DM who was lured to Kuala Lumpur, Malaysia by a man known through *Facebook*. DM immediately felt suspicious when he saw that there were about 25 people who were taken to Kuala Lumpur and then to Cambodia, and all communication devices were confiscated, at that time DM, who had 2 communication devices, immediately gave information regarding their whereabouts to one of his parents, and it was known that the victims were in the Congkrong area or the Cambodia-Thailand border. In this case, the difficulty faced by the Indonesian Embassy is that it is known that the area is an official industrial office area, but the unofficial ones are people who work and/or people who will be employed there. In the end,

² Satjipto Rahardjo, *Hukum dan Masyarakat*, (Bandung: Angkasa, 1980), hlm. 131

³ Muladi, *HAM dalam Perspektif Sistem Peradilan Pidana*, (Bandung: Refika Aditama, 2005) hlm. 101

⁴ <https://www.bbc.com/indonesia/articles/c6pw3ddlnl2o>

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after establishing communication, about 13 Indonesian citizens were arrested at the police station, and immediately picked up by immigration to be taken to Phnom Penh and are in the process of being returned to their homeland.⁵

Empirical data shows that the most frequent victims of trafficking are women and children. In addition to prostitution and other sexual exploitation, forced labor, bonded labor, slavery, and acts closely related to slavery are other forms of exploitation for which trafficking is intended. In addition, there are many other forms of exploitation, such as forced labor, forced marriage, or acts that resemble slavery.

The act of recruiting, transporting, or moving a person with the intent to entrap, trap, or use that person for the purpose of exploitation is known as trafficking in persons. Exploitation takes many forms, including the use of force, threat of force, abduction, forgery, fraud, abuse of power or a position of vulnerability, or the payment of power or a position of vulnerability or the giving of payments or benefits to obtain the consent of a person having control over the victim.

a) Offender Network

The crime of trafficking in persons has a range of operations not only between domestic regions but also between countries.

The phenomenon of trafficking in persons, especially involving women and children, has developed through organized and unstructured criminal networks. In addition to people, corporations and state authorities who abuse their positions of authority are also involved in trafficking. Trafficking networks engage in a wide range of activities both within and beyond national borders.

Article 20 of Law No. 39/1999 on Human Rights, which intersects with TPPO cases, states that:

Article 20

- (1) "No one should be enslaved or enslaved.
- (2) Slavery or servitude, the slave trade, either spiritual or physical, and therefore should not be the object of research without her consent."

The United Nations (UN) defines human trafficking as: The recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, of the giving or receiving of payments or benefits in order to obtain the consent of persons having authority over others for the purpose of exploitation. (2000 UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; Supplement to the UN Convention on Transnational Crime). The UN Convention, Article 3 point a of the protocol to prevent, suppress and punish trafficking in persons, especially women and children, explains:

"The recruitment, transportation, transfer, harboring, or receipt of persons by means of the use of force of other forms of coercion, of fraud, of deception, of the abuse of power or of a position of vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purposes of exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery of practices similar to slavery, servitude or the removal of organs ..."

The Universal Declaration of Human Rights is proclaimed as a benchmark for the success of nations and states, has the aim that every person and every body in society to keep in mind that this declaration will try to teach and provide education to seek respect for these rights and freedoms, through progressive actions of a national and international nature, ensuring universal and effective recognition and respect, both from nations and member states themselves and by nations and territories under their legal authority. Article 1 of the Universal Declaration of Human Rights, viz:

Article 1

"All men are born free and equal in dignity and rights. They are endowed with reason and conscience and should associate with one another in brotherhood."

In several cases related to human rights violations in this paper, especially human trafficking, it is still a problem that cannot be resolved by government institutions. Because the TPPO case should be the main thing that should be considered is preventive action so that cases like those that occur some of the cases above.

The participation of the government and society requires harmony in tackling crime, the role of legal politics in forming a legal policy that pays attention to victims of human rights violations is needed in an effort to prevent human rights violations. This paper will review the fulfillment of violations of the rights of women victims of Trafficking in Persons.

II. RESEARCH METHODS

According to Soerjono Soekanto, research is an attempt to analyze and construct methodologically, which means that a research is carried out by following certain methods and methods, systematically, which means that it must follow certain steps and consistently, which is carried out in accordance with principles.⁶

⁵ <https://www.detik.com/jabar/berita/d-6740207/awal-mula-wanita-sukabumi-jadi-korban-tpo-disekap-di-kamboja>

⁶ Soerjono Soekanto, *Penelitian Hukum Normatif*, (Jakarta: Rajawali Press, 2011), hlm. 3

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This research method focuses on researching legal norms and documents related to policies in the protection and fulfillment of the rights of victims of human trafficking to better understand and explain the conceptual basis. This descriptive research intends to provide clear knowledge about the policy from a human rights perspective.

By considering human rights considerations, the conceptual method used in this research provides a thorough knowledge of how policies in the protection and fulfillment of victims' rights are implemented in the Criminal Code by considering human rights issues. To conduct this conceptual analysis, legal standards, human rights concepts, and Criminal Code provisions related to existing policies will be reviewed. The findings of this research are expected to provide a crucial and contextual understanding of the fulfillment of victims' rights and their protection within the framework of human rights.

III. RESULTS AND DISCUSSION

A. Protection of Women Victims of Human Trafficking Based on Human Rights

In the protection of human rights, protecting the rights of victims is an issue for the government in fulfilling the rights of its citizens. In Article 28 I paragraph (1) of the 1945 Constitution of the State of Indonesia "the right to life, the right not to be tortured, the right to freedom of thought and conscience, the right to religion, the right not to be enslaved, the right to be recognized as a person before the law and the right not to be prosecuted on the basis of a law that applies susrut are rights that cannot be reduced under any circumstances". These rights are eternal and universal, which means that every state is obliged to protect them without exception. These rights apply to all people, regardless of origin, sex, religion or age. Protecting a woman from the crime of trafficking is also a form of protection of human rights, based on this, the law of a country must be at the forefront in anticipating the occurrence of this crime.

The United Nations Commission on the Status of Women, an organization established by the United Nations to study and create policies that would improve the status of women, took the initiative to recognize women's rights on a global level through the human rights legal system. The Convention on the Political Rights of Women and the Convention on the Married Citizenship of Women are two international treaties drafted by the Commission between 1949 and 1959. Women's rights advocates question the evolution of human rights thinking in the international community, arguing that human rights laws and systems are largely patriarchal and masculine.

Several key human rights instruments do lay down principles of non-discrimination, particularly on the basis of sex. However, the approach taken is that "everyone is equal" especially in the eyes of the law, so people should be "treated equally" (*sameness*). Almost all international human rights instruments implicitly include women in the context of *equality*. Different treatment and special protection are only given to women when they carry out their reproductive functions such as giving birth and breastfeeding, because of the assumption that the differences between men and women are only in biological differences. This approach does not see the root of the problem that violence and discrimination against women are the result of unequal power relations that have been running for a long time. As a result, women are always at a disadvantage in almost all aspects of life.⁷

Law No. 21/2007 on the Eradication of Trafficking in Persons was drafted to prevent and tackle TPPO based on noble values, national and international commitments to make early prevention efforts, prosecution of perpetrators, protection of victims, and increased cooperation. One of the legal umbrellas underlying the criminal act of trafficking in Indonesian immigrant workers is Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers, which states that Indonesian migrant workers must be protected from human trafficking, slavery and forced labor, victims of violence, arbitrariness, crimes against human dignity, and other treatment that violates human rights.

In fulfilling human rights for women victims, Indonesia established an institution, namely the National Commission on Women (Komnas Perempuan), which is categorized as a specific human rights institution. The legal basis for the National Commission on Women is contained in Presidential Regulation (Perpres) Number: 65 of 2005 which states the objectives of the establishment of this commission are:⁸

- a. develop conditions conducive to the elimination of all forms of violence against women and the upholding of women's human rights in Indonesia.
- b. Increase efforts to prevent and overcome all forms of violence against women in Indonesia.

To achieve this goal, the National Commission on Violence Against Women has several tasks to perform, namely:⁹

- a. Disseminate an understanding of all forms of violence against Indonesian women and efforts to prevent and overcome and eliminate all forms of violence.
- b. Conduct studies and research on various applicable laws and regulations as well as various international instruments that apply and are relevant to the protection of women's human rights.

⁷ Rahayu, *Hak Asasi Manusia*, (Semarang: Diponegoro University Publishing Board, 2015), hlm. 151

⁸ *Ibid*, hlm. 244

⁹ *Ibid*, hlm. 245

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- c. Carry out monitoring including fact-finding and documentation of all forms of violence against women and violations of women's human rights, as well as public dissemination of monitoring results and taking steps that encourage accountability and redress.
- d. Providing advice and consideration to the government, legislative and judicial institutions and community organizations in order to encourage the preparation and ratification of a legal and policy framework that supports efforts to prevent and overcome all forms of violence against Indonesian women as well as the protection, enforcement and promotion of women's human rights.
- e. Develop regional and international cooperation to improve efforts to prevent and overcome all forms of violence against Indonesian women, as well as to protect, uphold and promote women's human rights.

In addition to Komnas Perempuan, there are institutions that are tasked and authorized to protect and fulfill the rights of witnesses and victims, namely the Witness and Victim Protection Agency, which is an independent institution and has no interference from other parties. The scope of protection provided by LPSK is for all stages of the criminal justice process. The purpose of the establishment of LPSK is to provide security to witnesses and/or victims in providing information in the criminal justice process. The duties of the LPSK towards victims of crime as mentioned in Law No. 13 of 2006, namely:

- a. Provide protection for victims of crime
- b. Receive applications and conduct an examination of the victim's request for protection
- c. Make decisions on the provision of protection for victims of crime
- d. Apply to the court for the right to compensation and restitution.
- e. Stopping the crime victim protection program.

Victims of human trafficking should have their rights fulfilled, including the right to compensation and restitution. The state itself must guarantee that victims of TPPO get their restitution rights, this is stated in Article 48- Article 50 of Law No. 21 of 2007. In addition to the fulfillment of restitution rights, the law also explains that victims of TPPO are entitled to rehabilitation for the criminal acts that have befallen them. What is meant by restitution is contained in Article 1 number 13 of Law No. 21 of 2007, namely restitution is the payment of compensation imposed on the perpetrator based on a court decision with permanent legal force for material and / or immaterial losses suffered by victims or their heirs, while the definition of rehabilitation is explained in Article 1 number 14 of the same Law, namely what is meant by rehabilitation is physical, psychological and social recovery so that it can carry out its role properly both in the family and in society.

Victim protection can be interpreted as legal protection not to become a victim of criminal acts and also protection to obtain legal guarantees / compensation for the suffering / loss of people who have become victims of criminal acts. In this case, the form of guarantees / compensation can be in the form of restoration of good name, restoration of mental balance, provision of compensation, such as restitution, compensation, and social welfare guarantees.¹⁰

B. FULFILLMENT OF RIGHTS OF VICTIMS OF HUMAN TRAFFICKING

The main challenges related to government policy or law (*legal substance*) are that apart from Presidential Decree No. 88/2002 on the elimination of trafficking in women and children, there is no specific legislation relating to trafficking in women and children, as well as a lack of knowledge about the definition of trafficking and inadequate socialization. The Criminal Code (KUHP), Law No. 21 of 2007 on the Eradication of Trafficking in Persons (TPPO), Law No. 39 of 1999 on Human Rights, Law No. 35 of 2014 on the Amendment to Law No. 23 of 2002 on Child Protection, and other existing regulations that can be used by law enforcers for existing cases of trafficking in women and children, etc., are unable to look at cases of trafficking in children in a comprehensive manner. This has an impact on the protection of victims and the law for the perpetrators involved in the process of child trafficking is not maximized.¹¹

The government's partiality towards the fate of migrant workers, especially Indonesian migrant workers, is still considered not maximally implemented at this time there are still many problems that have not been accommodated by the Government while the government is still not making meaningful efforts in the protection of victims is still a public concern. *The trafficking victim protection art Of 2000* suggests there are 4 minimum standards, namely:¹²

- a. The government needs to ban human trafficking and punish those involved in it.
- b. Governments should impose penalties commensurate with serious crimes involving death, such as sexual violence or coercion or human trafficking in its most heinous forms, such as rape, kidnapping, or other sexual offenses that result in death.
- c. To prevent human trafficking, the government must impose punishments that are severe enough to fit the egregious nature of the offense.
- d. The government must make serious and sustained efforts to eradicate human trafficking.

¹⁰ Barda Nawawi, *Masalah Penegakan Hukum dan Kebijakan Hukum Pidana Dalam Penanggulangan Kejahatan*, (Jakarta, Prenada Media Group, 2018), hlm. 61

¹¹ Beniharmoni Harefa, *Kapita Selekta Perlindungan Hukum Bagi Anak*, (Yogyakarta: Deepublish, 2016), hlm. 89

¹² Farhana, *Aspek Hukum Perdagangan Orang di Indonesia*, (Sinar Grafika: Jakarta, 2010), hlm. 145

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The current KUHP does not provide for punitive damages, either as a principal or additional punishment. Article 14 letter C of the KUHP is the only place where restitution is allowed. This is one of the requirements for "conditional punishment," which means that receiving restitution is not a type of punishment in itself; rather it is only available if the offender completes the main punishment. In other words, the basic principle of compensation in conditional punishment under the KUHP continues to be directed at the offender rather than the victim.

Restitution for victims of TPPO is submitted to the court as stipulated in Article 48 of Law No. 21/2007 on the Eradication of the Crime of Trafficking in Persons, but in this case there are still many victim submissions that are not implemented and are not in accordance with the regulations. Restitution is a constitutional right of victims of criminal acts that must be fulfilled by the perpetrators as a form of responsibility for their actions. If the rights that should be obtained by the victim from the perpetrator cannot be fulfilled by the perpetrator, the perpetrator's responsibility towards the victim cannot be fulfilled, it can be seen where the rights of victims still need attention by Government Institutions, so that the fulfillment of victims' rights can be as regulated by legislation.

In cases of TPPO is a transnational criminal offense where this crime syndicate becomes a state problem that requires the cooperation of international countries in eradicating and also resolving criminal cases of trafficking in persons. International involvement in Human Trafficking Crimes is one of the solutions to protect citizens.

Handling victims of human trafficking and people smuggling is a preventive and repressive effort to prevent the occurrence of criminal acts of human trafficking and people smuggling. This is part of the law enforcement response to the rise of international or transnational crimes such as human trafficking and smuggling. The Minister or immigration officials take preventive and repressive measures to prevent the occurrence of criminal acts of trafficking and smuggling of persons.

Factors causing human trafficking crime occur due to economic problems and lack of education to the community. The rapid development of technology also contributes to the occurrence of TPPO, syndicates that are increasingly widespread and the offers given are increasingly attractive so that many people are trapped in seduction, victims who unconsciously become victims, weak law enforcement and fear of victims in reporting what happened to them are also the reasons why TPPO cases become more difficult to find a solution, repressive and preventive efforts can be made by the Indonesian government by providing broad and equitable employment opportunities, meetings that provide information such as seminars related to the avoidance of TPPO, this is also so that people are not easily caught in the traps made by syndicates of TPPO perpetrators.

Previous research by Abdul Haris and Nyoman Andika which discusses the wave of migration and regional conflicts of interest (from slavery to human trafficking), the phenomenon of migration of Indonesian workers abroad is actually no longer a new problem, in the 1980s history noted that population migration between countries in the Asian region and especially the Southeast Asian region has been going on for centuries. In fact, this humanitarian event occurred before the formation of modern states in the region.¹³

In order to prevent the crime of trafficking in persons, preventive and repressive efforts must be implemented in an organized and integrated manner. Things that can be done are law enforcement against TPPO, legal counseling provided by the ministry of home affairs as well as the ministry of foreign affairs or immigration officials (BP2MI) to the public so as not to become victims. Repressive activities are carried out through immigration investigations and administrative procedures against traffickers and smugglers. Public awareness also plays an important role in preventing the crime of trafficking in persons who make unreasonable offers.

To protect trafficking victims from exploitation and criminality, preventive measures are very important in dealing with these cases. The following are some of the measures that can be taken to prevent TPPO:

1. By the government and/or Institutions:
 - a) Strengthening Regulations and Policies:
By developing and strengthening laws governing trafficking in persons and providing strict penalties for perpetrators of TPPO.
 - b) Border surveillance and protection:
By tightening supervision at borders and entrances to the country as an effort to prevent human smuggling and conducting training for immigration officers and law enforcement officials related to the identification of TPPO cases.
 - c) International cooperation:
By increasing cooperation with other countries regarding information exchange, extradition of perpetrators, and handling of victims, participation in international treaties and conventions relating to the prevention of trafficking in persons as an effort to prevent TPPO can also be carried out.
 - d) Economic empowerment:

¹³ Abdul Haris and Nyoman Andika, *Gelombang Migrasi dan Konflik Kepentingan Regional (Dari Perbudakan Ke Perdagangan Orang)*. (Yogyakarta: LESFI, 2002), hlm. 23

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By increasing employment opportunities and access to education for vulnerable people trapped in TPPO cases, and facilitating skills training and economic assistance for the poor.

2. By the community:

a) Education and public awareness:

By participating in education and counseling campaigns that aim to raise public awareness about the dangers and modus operandi of human trafficking.

b) Information technology:

By using information technology to monitor and track suspicious activities related to human trafficking and report them immediately, and filtering information obtained so as not to easily believe all information received.

With comprehensive and coordinated preventive efforts, it is expected that trafficking cases can be significantly reduced and provide better protection for the community. In addition to preventive efforts, repressive efforts must be made with the aim of dealing with trafficking cases and taking action against perpetrators and providing a deterrent effect. The following are some of the repressive measures that can be taken:

1. Law enforcement:

By arresting, detaining and prosecuting trafficking offenders in accordance with applicable laws and conducting prompt and responsive judicial proceedings to ensure offenders receive appropriate punishment.

2. Capacity building of law enforcement officers:

By facilitating training and capacity building for law enforcement officers such as police, prosecutors, and judges in handling TPPO cases and improving the technical skills of law enforcement officers in investigation and evidence collection.

3. Inter-agency cooperation:

By developing cooperation between the police, prosecutors, and other institutions in order to handle TPPO cases and improve coordination with relevant government agencies and non-governmental organizations.

4. Seizure and return of assets:

By confiscating assets obtained from the proceeds of TPPO and the proceeds of the confiscation are used to provide compensation and/or rehabilitation to victims.

5. Strict supervision and control:

By monitoring and controlling potential trafficking sites, such as employment agencies, entertainment venues, and borders, it is necessary to conduct regular raids and special operations to uncover and dismantle TPPO networks.

6. Witness and victim protection:

By providing protection programs for witnesses and victims of TPPO to ensure their safety during the judicial process and guarantee the confidentiality of the identity of witnesses and victims to avoid intimidation and threats from perpetrators.

7. Recovery and reintegration of victims:

By providing rehabilitation and reintegration services for victims, including medical, psychological and legal assistance, it ensures victims get help to return to society and lead a normal life.

8. Use of information technology:

By maximizing information technology by establishing a special cybercrime unit to handle trafficking cases using digital technology.

Stronger law enforcement procedures, intergovernmental cooperation, and an efficient legal framework are important components of trafficking prevention. In addition, prevention also targets the root causes of trafficking, such as unemployment and poverty, and concentrates on the supply and demand aspects. Today, victims of trafficking have access to adequate and appropriate redress, such as the opportunity to seek justice, the right to a remedy, freedom from fear of reprisal, and the ability to sustain themselves and their families.

In addition to enacting laws and policies and enforcing regulations, the state is also expected to pay more attention to the elimination of Indonesian Migrant Worker Placement Companies (P3MI) that often violate the law. The government is also working with other countries to undertake initiatives to prevent and address these crimes.

The number of migrant workers who choose to work abroad is largely influenced by factors other than the scarcity of employment in the country, such as natural factors that cause nature that cannot be used as a source of income. In addition, there are shortcomings in the expansion of employment opportunities and equitable development throughout Indonesia. This situation eventually led the government to mobilize labor abroad. The government launched a scheme to send Indonesian Migrant Workers (PMI) abroad as an effort to reduce unemployment. In this program, the government's involvement is concentrated on areas such as counseling, protection, and offering various types of services to related parties, especially Indonesian Migrant Workers (PMI) and Indonesian Migrant Worker Placement Companies (PPMI).

Indonesian Migrant Workers (PMI) experience a range of unlawful treatment, including physical exploitation, abuse, sexual harassment, rape, and other crimes. Law No. 39/2004 on the Placement and Protection of Indonesian Migrant Workers and Law

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No. 18/2017 on the Protection of Migrant Workers have been updated, and this marks a number of advances and changes. For example, the government accepted the International Convention on the Rights of Migrant Workers and Members of Their Families, which provides protection, and Law No. 6/2012 reflects this.

The Indonesian government's obstacles in tackling the Indonesian Migrant Worker Placement Company (P3MI) that violates the rules:¹⁴ First, there are many confusing legal provisions (*redundancy*) and duplication of arrangements and multiple interpretations that make it difficult to implement, and second, coordinating institutions in law enforcement:

- a) Overlapping authorities and respective policies.
- b) Weak oversight in line with government structure
- c) Respect for the law is declining,
- d) Injustice to society,
- e) Rampant violations and illegal

CONCLUSIONS

The protection of human rights, including protecting the rights of victims, is essential for governments to uphold the rights of citizens. The UN Commission on the Status of Women champions women's rights globally through international treaties such as the Convention on the Political Rights of Women and the Convention on the Nationality of Married Women. The crime of human trafficking is fueled by economic issues, lack of education, and technological advances. Preventive and repressive measures are needed to effectively combat human trafficking. Preventing trafficking involves strong law enforcement, cooperation between governments, and addressing root causes such as unemployment. Victims have access to redress and countries must abolish offending companies. These efforts are critical to protecting victims and preventing future crimes. Victims of TPPO can apply for restitution under Law 21/2007, but many applications are not implemented. Restitution is a constitutional right of victims, and government agencies need to ensure that victims' rights are fulfilled in accordance with the law.

REFERENCES

- 1) Farhana. 2010. *Aspek Hukum Perdagangan Orang di Indonesia*. Jakarta: Sinar Grafika
- 2) Harefa, Beniharmoni. 2016. *Kapita Selekta Perlindungan hukum bagi anak*. Yogyakarta: Deepublish.
- 3) Haris, Abdul dan Nyoman Andika. 2002. *Gelombang Migrasi Dan Konflik Kepentingan Regional (Dari Perbudakan Ke Perdagangan Manusia)*. Yogyakarta: LESFI.
- 4) Muladi. 2005. *HAM dalam Prespektif Sistem Peradilan Pidana*. Bandung: Refika Aditama.
- 5) Nawawi, Barda. 2018. *Masalah Penegakan Hukum dan Kebijakan Hukum Pidana dalam Penanggulangan Kejahatan*, Jakarta: Prenada Media Group.
- 6) Rahardjo, Satjipto. 1980. *Hukum dan Masyarakat*. Bandung: Angkasa,
- 7) Rahayu. 2015. *Hukum Hak Asasi Manusia*, Semarang: Badan Penerbit Universitas Diponegoro.
- 8) Soekanto, Soerjono. 2011. *Penelitian Hukum Normatif*. Jakarta: Rajawali Press.
- 9) Prihatinah, Tri Lisiani. Asyik, Noor dan Kartono. 2012. Kendala Perlindungan Hukum Terhadap Buruh Migran Di Kabupaten Cilacap. *Jurnal Dinamika Hukum* 2. no. 2: 314.
- 10) <https://www.komnasham.go.id/index.php/berita/2023/10/18/2434/kasus-tpo-makin-marak-komnas-ham-fokus-pencegahan-dan-penanganan-berbasis-ham.html>
- 11) <https://www.bbc.com/indonesia/articles/c6pw3ddl12o>
- 12) <https://www.detik.com/jabar/berita/d-6740207/awal-mula-wanita-sukabumi-jadi-korban-tpo-disekap-di-kamboja>



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¹⁴ Tri Lisiani Prihatinah, Noor Asyik, and Kartono, "Kendala Perlindungan Hukum Terhadap Buruh Migran Di Kabupaten Cilacap" *Journal of Legal Dynamics* 2, no. 2 (2012): pp. 314, <https://doi.org/10.20884/1.jdh.2012.12.2.55>.