

The Urgency of Restitution Payments By Perpetrators of Human Trafficking in Efforts to Realise Justice and Legal Protection for Victims

Guntur Adi Nugraha¹, Beniharmoni Harefa², Slamet Tri Wahyudi³

^{1,2,3}Master of Law, Faculty of Law, UPN "Veteran" Jakarta

ABSTRACT: This study analyses the urgency of restitution payments by perpetrators of human trafficking to achieve substantive justice and legal protection for victims, with a focus on Central Jakarta District Court Decision No. 304/Pid.Sus/2023/PN.Jkt.Pst. Normatively, regulations such as Law No. 21 of 2007, Law No. 31 of 2014, Government Regulation No. 7 of 2018, and PERMA No. 1 of 2022 guarantee victims' rights to restitution for material and immaterial losses. However, judicial practice shows a significant gap, where restitution is often not included in the verdict even though it is requested by the Public Prosecutor and the LPSK, as in the case involving the exploitation of commercial sex workers with losses of Rp207,803,000. Data from the National Police's Criminal Investigation Agency (Pusiknas Polri) (2025) recorded 404 cases of TPPO with 427 victims, while the LPSK received 439 restitution requests worth Rp7.49 billion in 2024. However, implementation remains weak due to a lack of understanding among officials, execution mechanisms, and the prioritisation of *restorative justice*. Using a normative juridical approach with a *statute approach* and *case approach*, this study is supported by Aristotle's theory of corrective justice, John Rawls' *justice as fairness*, Jeremy Bentham's utilitarianism, and the legal protection of Philipus M. Hadjon and Satjipto Rahardjo. The main findings include the reasons judges ignore restitution, disparities in verdicts, and innovations in the form of a reformulated norm model: (1) restitution as an obligation of the perpetrator (not a subsidiary criminal penalty), compensation as an obligation of the state; (2) integration into the New Criminal Code; and (3) mandatory enforcement mechanisms. This study provides policy recommendations for legislators, law enforcement officials, and the LPSK to optimise the recovery of victims of human trafficking.

KEYWORDS: Restitution, Human Trafficking Offences, *Restorative Justice*, Victim Protection, Substantive Justice

I. INTRODUCTION

Indonesian criminal law is based on the principles of justice and the protection of human dignity.¹ In its development, criminal law is no longer understood solely as an instrument of punishment for perpetrators, but also as a means of protection and recovery for victims. This modern paradigm is known as *restorative justice*, which places victims as the main subjects entitled to recovery. *Restorative justice* represents an important shift from a retributive orientation to a more humanistic approach, in which victims are no longer positioned solely as objects in the judicial process, but as subjects who have the right to be restored, both materially and immaterially. This paradigm shift requires that the criminal justice system not only impose penalties on perpetrators, but also ensure that victims' rights to recovery are fulfilled in practice. In this case, TPPO falls under the category of *intermediate crime*, which involves transnational networks and requires a more complex and comprehensive approach.² This complexity is not only related to the prosecution and punishment of perpetrators, but also to the recovery of victims who have suffered multidimensional losses, including economic, physical, psychological and social losses.

Normatively, Indonesia's legal framework has provided adequate mechanisms to guarantee the rights of victims. Law No. 21 of 2007 on the Eradication of Trafficking in Persons explicitly grants victims the right to restitution. In addition, Law No. 31 of 2014, which is an amendment to Law No. 13 of 2006 on the Protection of Witnesses and Victims, also regulates the rights to restitution, compensation, and other forms of assistance for victims of criminal acts. These regulations show that, legally, victim recovery has been recognised as an integral part of the objectives of criminal law enforcement.

The strengthening of victims' rights to recovery is also emphasised in the New Criminal Code through Article 66 letter d, which states that compensation in the provisions of the Criminal Code is equated with restitution as regulated in laws and

¹ Rahmansyah Fadlul Al Karim Rambe, Muhammad Aufa Abdillah Sihombing, Nurhoneyda Winata, "Implications of Human Rights Protection in Criminal Law," *Scientific Journal of Law Enforcement*, Volume 11, Number 1, 2024, pp. 24-31.

² Bambang Waluyo, *The Design of the Prosecutor's Office in Restorative Justice*, 2016, Rajawali Pers, p. 18.

The Urgency of Restitution Payments By Perpetrators of Human Trafficking in Efforts to Realise Justice and Legal Protection for Victims

regulations concerning the protection of witnesses and victims. This provision shows that the concept of restitution now has a normative basis at the national codification level, so that its position does not only depend on sectoral laws, but has become an inherent part of the Indonesian criminal justice system. In addition, the New Criminal Code specifically regulates the crime of human trafficking through Article 455, which formulates the elements of the acts of recruitment, transportation, harbouring, transfer, or receipt of a person for the purpose of exploitation with severe criminal penalties. This regulation emphasises that human trafficking is not only understood as a common crime, but as a serious crime that requires both a criminal justice approach and victim recovery through restitution mechanisms.

In addition, Government Regulation No. 7 of 2018 and Supreme Court Regulation No. 1 of 2022 provide technical guidelines on the procedures for filing for restitution and compensation, including the scope of losses that can be claimed, such as loss of income, material and immaterial losses, medical expenses, transportation costs and legal aid. Ideally, the existence of these regulations demonstrates the state's commitment to delivering substantive justice through the rehabilitation of victims of crime.

However, although victims are normatively entitled to restitution, in practice this right has not been fully realised. There is a clear gap between the law and its implementation at the judicial level. One clear illustration of this can be found in the TPPO case decided by the Central Jakarta District Court No. **304/Pid.Sus/2023/PN.Jkt.Pst**. In this case, the defendants Ridwan alias Dimas and Panji Tri Prasetyo alias Riyan, along with several of their colleagues, recruited young women through the Facebook account "CECE CIKA" with the lure of high-paying jobs. Through their posts, the defendants offered jobs with the narrative, *"Let's work together at the hotel++ (non-halal serving guests) with a salary of 8-20 million per month (net), meals, clothes, accommodation, makeup, and laundry provided..."* In reality, the victims were exploited as commercial sex workers in a number of apartments in Jakarta.

The trial revealed that the victims were forced to serve many guests every day, were not allowed to leave the apartments, and lived in isolated conditions. The Public Prosecutor even submitted a restitution request from the LPSK (Indonesian Legal Aid Foundation) amounting to Rp207,803,000 as part of the claim to recover the losses suffered by the victims. However, the panel of judges only imposed a prison sentence of eight years and a fine of Rp200,000,000 without including an order for restitution in their verdict. As a result, the victims continue to bear economic losses, medical and psychological treatment costs, loss of income, and prolonged trauma. This situation highlights the discrepancy between legal norms that guarantee victim recovery and judicial practices that still focus on punishing perpetrators.

The latest data further emphasises the urgency of reforming the implementation of restitution. According to data from the Indonesian National Police's Criminal Investigation Unit, between 1 January and 14 July 2025, there were 404 cases of human trafficking in Indonesia, with 207 female and 96 male victims, among whom students were the most exploited group. Furthermore, from 1 January to 25 July 2025, the number of TPPO victims reached 427 people.³ Demand for victim protection has also increased. The LPSK noted that from 2020 to 2024, there were 2,373 requests for protection of TPPO victims, while in 2024 alone there were 439 requests for restitution with a total value of Rp7.49 billion. However, these high figures are not directly proportional to the fulfilment of restitution because many requests are not granted, the value of restitution is disproportionate, and there is no mechanism to enforce restitution.⁴

This situation highlights the gap between the existence of norms and their implementation. Restitution, which should be an instrument for victim recovery, is not accommodated in court decisions, causing victims to continue to bear the burden of losses without adequate compensation.⁵ This gap between norms and practice emphasises the importance of reformulating the restitution system so that victims' rights can be upheld more effectively. This is a serious problem in the Indonesian criminal justice system because, ultimately, the goal of substantive justice is not achieved. Victims of TPPO not only lose their property, but also suffer psychological and social distress and a loss of dignity that should be restored.⁶

To understand this urgency, we can use Aristotle's theory of corrective justice, which emphasises the importance of restoring victims to their original position.⁷ Meanwhile, John Rawls, through his concept of *justice as fairness*, emphasises the need to

³ Akbar Ridwan, 427 Indonesian Citizens Victims of Human Trafficking as of July 2025, <https://databoks.katadata.co.id/demografi/statistik/688c43b8e86ef/427-warga-indonesia-jadi-korban-perdagangan-manusia-sampai-juli-2025>

⁴ Agatha Olivia Victoria, "LPSK Receives 2,373 Requests for Protection from Human Trafficking in the Last Five Years", <https://www.antaranews.com/berita/5004473/lpsk-terima-2373-permohonan-perlindungan-tpo-dalam-lima-tahun-terakhir>, accessed on 25 August 2025, at 16:40 WIB.

⁵ Bambang Tri Bawono, "Restitution as a Construction of Justice Referring to the Law on Protection of Witnesses and Victims", *International Journal of Law Reconstruction*, Volume 5, Number 1, 2021, pp. 25-36.

⁶ Sabrina Nurfauziah, Erny Herlin Setyorini, "Legal Protection for Victims of Human Trafficking", *Iuris Studia: Journal of Legal Studies*, Volume 5, Number 3, 2024, pp. 877-890.

⁷ M. Hatta Ali, *Simple, Fast & Low-Cost Justice*, Alumni, Bandung, p. 317.

The Urgency of Restitution Payments By Perpetrators of Human Trafficking in Efforts to Realise Justice and Legal Protection for Victims

protect vulnerable groups.⁸ Victims of TPPO, as a socio-economically disadvantaged group, are entitled to restitution as a manifestation of distributive justice that favours them.⁹ In addition, Philipus M. Hadjon's theory of legal protection, which distinguishes between preventive and repressive legal protection, is also relevant, whereby restitution falls under the category of repressive protection that arises after the loss has occurred.¹⁰ Therefore, restitution is the responsibility of the state as well as the obligation of the perpetrator to guarantee the rights of victims. Satjipto Rahardjo emphasises that the law must side with humanity, so that the application of restitution reflects a living law that is sensitive to the suffering of victims.¹¹ From a *restorative justice* perspective, restitution is not only a financial mechanism, but also a means of material and symbolic recovery. This recovery is not only related to economic losses, but also a form of state recognition of the victims' suffering. Restitution affirms that perpetrators are directly responsible to the victims, so that justice does not stop at the imposition of sanctions, but also includes the restoration of human dignity.¹²

The urgency of this research lies in the use of restitution in TPPO cases, which will be analysed from various perspectives. First, the high number of human trafficking cases in Indonesia shows that this issue is a serious threat to the fulfilment of human rights. Second, the application of restitution in judicial practice is still far from optimal, so that victims do not receive the protection they deserve. Third, despite the issuance of the latest regulations such as Supreme Court Regulation No. 1 of 2022, the implementation of restitution is still inconsistent. Therefore, this study is important to evaluate the effectiveness of restitution as an instrument of justice and legal protection for victims of human trafficking, as well as to formulate operational and applicable legal policy recommendations so that restitution can be carried out effectively in the Indonesian criminal justice system.

II. RESEARCH METHOD

This study is a legal study of a normative juridical type. Normative juridical studies view law as norms, principles, and rules that apply in the legal system.¹³ The focus of the study is on positive legal norms, legal principles, and doctrines relevant to the issue of restitution for victims of human trafficking.

This research is also *policy-oriented legal research*, which is legal research that does not stop at normative analysis alone but is directed at formulating operational and applicable legal policy recommendations. Therefore, the legal analysis in this study is used as a basis for formulating a reformulation of the policy on the responsibility of perpetrators of human trafficking to pay restitution in the Indonesian criminal justice system.

The approaches used in this study include *the statute approach*, *the conceptual approach*, and *the case approach*. The statutory approach is used to examine the normative provisions governing restitution, such as Law No. 21 of 2007 concerning the Eradication of Trafficking in Persons, Law No. 31 of 2014 *in conjunction with* Law No. 13 of 2006 on the Protection of Witnesses and Victims, as well as Supreme Court Regulation No. 1 of 2022 on Procedures for Requesting and Granting Restitution and Compensation for Victims of Criminal Acts. This approach is used to assess the extent to which these norms have clearly regulated the obligation of restitution, binding and providing legal certainty for victims.

The conceptual approach is used to examine legal concepts related to victims of criminal acts, restitution, legal protection, and restorative justice, with reference to legal doctrines and expert opinions. This approach serves to build a theoretical framework for assessing the position of restitution as a substantive right of victims and as a legal obligation of perpetrators in the criminal justice system. Meanwhile, a case approach is used to examine the application of restitution norms in judicial practice through an analysis of Central Jakarta District Court Decision Number 304/Pid.Sus/2023/PN.Jkt.Pst, which has permanent legal force. This approach aims to identify the legal reasons in the verdict, even though the restitution request was submitted by the Public Prosecutor based on calculations by the Witness and Victim Protection Agency.

These three approaches are used in an integrated manner to highlight the gap between legal norms and judicial practice, while also serving as a basis for formulating legal policy recommendations aimed at strengthening the fulfilment of restitution rights for victims of human trafficking.

⁸ Angga Cristian, Ainun Nabilah, Sulthoni Ajie, "The Theory of Justice according to John Rawls", *Quantum Juris: Journal of Modern Law*, Volume 7, Number 1, 2025, pp. 598-611.

⁹ Agus Susanto, Retno Mawarini, Inge Hartini, *Legal Protection for Human Kidney Transplant Donors in Fair Health Services*, Untag Press, Central Java, 2025, p. 236.

¹⁰ Romli SA, et al., *Legal Protection*, Publisher PT. DoKi Course and Training, South Sumatra, 2022, p. 32.

¹¹ Tenriawaru, *Comparison of the Application of Progressive Legal Systems (Plea Bargain vs Restorative Justice)*, Adanu Abimata, West Java, 2022, p. 2.

¹² Swi Wahyuningsih Yulianti, "Policy on Compensation and Restitution for Victims of Crime Based on the Principles of Justice and Humanity from an Inclusive Legal Perspective", *Journal of Political, Legal and Citizenship Education*, Volume 11, Number 2, 2021, pp. 1-22.

¹³ Nanda Dwi Rizkia, Hardi Fardiansyah, *Legal Research Methods (Normative and Empirical)*, Widina Media Utama, West Java, 2023, p. 73.

The Urgency of Restitution Payments By Perpetrators of Human Trafficking in Efforts to Realise Justice and Legal Protection for Victims

III. RESULTS AND DISCUSSION

A. Regulation and Application of Restitution in Human Trafficking Cases in Central Jakarta District Court Decision Number 304/Pid.Sus/2023

Restitution is a restorative instrument that is normatively placed within the Indonesian legal system as a right of victims of crime, including victims of human trafficking.¹⁴ In Aristotle's perspective of corrective justice, restitution is a means of restoring the balance that has been disrupted by the perpetrator's actions, because every action that causes harm must be compensated by the obligation to restore it. This recovery is not only understood as economic compensation, but is also a manifestation of substantive justice that restores the victim's condition as close as possible to what it was before the crime occurred.¹⁵ This basic principle places restitution as an integral component of the state's efforts to protect and restore victims of crime comprehensively.

However, in criminal court practice, including in Central Jakarta District Court Decision No. 304/Pid.Sus/2023 (Ridwan–Panji case), restitution was not included in the verdict even though it had been formally requested by the Public Prosecutor based on the recommendation of the Witness and Victim Protection Agency. This situation creates a significant gap between legal norms and judicial practice, which ultimately calls into question the effectiveness of the implementation of restitution as an instrument for victim protection. This discrepancy is not merely an administrative issue, but touches on fundamental aspects of substantive justice, especially when the victims are children who are in a highly vulnerable position.

Provisions regarding restitution are contained in Law No. 21 of 2007 on the Eradication of Criminal Acts of Trafficking in Persons. Article 48 grants victims the right to seek restitution from perpetrators or third parties responsible for the losses. This regulation emphasises that restitution covers both material and immaterial damages. The law explicitly recognises that human trafficking has multidimensional consequences for victims, ranging from economic losses and loss of educational opportunities to psychological trauma. Therefore, restitution should be a key component in the enforcement of laws against human trafficking, not merely a supplement.

As reinforcement, the New Criminal Code also codifies human trafficking crimes through Article 455, which defines the acts of recruiting, transporting, harbouring, transferring, or receiving a person by various means such as violence, threats, abuse of a position of vulnerability, or debt bondage for the purpose of exploitation, with severe criminal penalties. This codification affirms that human trafficking is a serious crime in the national criminal justice system, so that victim recovery, including restitution, should be an integral part of law enforcement.

In line with this, Law No. 31 of 2014 in conjunction with Law No. 13 of 2006 on the Protection of Witnesses and Victims strengthens the legitimacy of restitution through more detailed regulations on the types of losses suffered by victims. Article 7A covers direct economic losses, loss of income, medical and psychological care costs, and immaterial losses such as suffering or mental distress. The Witness and Victim Protection Agency is authorised to calculate the losses suffered by victims, assess their proportion, and submit recommendations to investigators, public prosecutors, or judges.¹⁶ The existence of the LPSK within the legal structure aims to ensure that restitution is based on professional, objective, and legally accountable calculations. Furthermore, the New Criminal Code, through Article 66 letter d, emphasises that compensation in the provisions of the Criminal Code is equated with restitution as regulated in legislation concerning the protection of witnesses and victims. This provision provides a codified basis that restitution is not merely a sectoral mechanism, but an inherent part of the national criminal justice system.

To ensure legal certainty in practice, Supreme Court Regulation No. 1 of 2022 was issued as technical guidelines on the procedures for requesting and granting restitution and compensation. This PERMA explicitly requires judges to consider restitution requests if they have been submitted legally and supported by evidence of loss. The PERMA also stipulates that restitution requests can be submitted by the victim directly, through the LPSK, or through the Public Prosecutor. Thus, as long as the recommendation document and evidence of loss have been submitted, judges have an obligation to assess and weigh them legally. This PERMA is an important instrument designed to reduce judges' doubts in applying restitution provisions.

Furthermore, the New Criminal Code provides significant philosophical and legal reinforcement by establishing victim recovery as one of the orientations of criminal punishment. The New Criminal Code expands the objectives of criminal punishment from mere retribution and prevention to an approach oriented towards the restoration of social relations and victim

¹⁴ Henny Saida Flora, "Restorative Justice as an Effective Approach to Victim Protection: Prioritising Justice and Recovery", *Justice Law Journal*, Volume 2, Number 2, 2025, pp. 78-89.

¹⁵ Asafita Benzelina Salhuteru, A. A Ngurah Oka Yudistira Darmadi, "Protection of Victims of Human Trafficking from the Perspective of Humanitarian Principles and Non-Discrimination", *Academic Media Journal*, Volume 3, Number 11, 2025, pp. 1-18. <https://doi.org/10.62281/pb11f230>

¹⁶ Muhammad Bagus Setiawan, Andika Wijaya, Rizki Setyobowo Sangalang, "The Role and Authority of the Witness and Victim Protection Agency (LPSK) in the Implementation of Court Decisions," *Innovative: Journal of Social Science Research*, Volume 5, Number 2, 2025, pp. 2541-2556. <https://doi.org/10.31004/innovative.v5i2.18662>

The Urgency of Restitution Payments By Perpetrators of Human Trafficking in Efforts to Realise Justice and Legal Protection for Victims

recovery. This is in line with Rawls' theory of justice, particularly the principle of difference, which demands that legal policies provide the greatest benefit to the least fortunate groups. Meanwhile, from Bentham's utilitarian perspective, restitution contributes to broader social happiness because recovered victims can return to playing a role in social and economic life without the burden of losses that are not borne by the state.

From all of these normative provisions, restitution is understood as the personal obligation of the perpetrator, not the state. The state is only obliged to provide compensation if the perpetrator is unable to do so and the victim's losses fall into a certain category.¹⁷ This separation is important to ensure that the primary responsibility lies with the perpetrator as the party who caused the loss. In practice, this understanding is often not realised because judges make assumptions about the perpetrator's inability without examining their assets or economic capacity.

Procedurally, the filing of restitution in TPPO cases begins at the investigation stage through the recording of the victim's losses.¹⁸ This data is then reinforced by the LPSK's recommendation, which includes the value of the losses and an analysis of the causal relationship with the crime. The Public Prosecutor who receives this recommendation should explicitly include the restitution request in the indictment. In many cases, including the Ridwan–Panji case, the Public Prosecutor has fulfilled this obligation. However, the inclusion of the request in the indictment does not guarantee that restitution will be considered by the judge.

Proving losses is a classic obstacle that often arises. Many victims of TPPO, especially children, do not have administrative documents to prove medical expenses, loss of income, or immaterial losses. Meanwhile, the standard of proof used by some judges is still very rigid, resembling the standard of proof in criminal cases. In fact, restitution is a remedy that should be assessed using a more flexible approach to proof. PERMA No. 1 of 2022 has provided this mechanism, but its implementation is still inconsistent.

In addition to technical issues of evidence, there are also structural obstacles such as weak coordination between law enforcement agencies. Inconsistencies in data between investigators, public prosecutors, and the LPSK can result in incomplete or late submission of restitution requests.¹⁹ The authorities' lack of understanding of the PERMA mechanism also contributes to the failure to include restitution in verdicts. Central Jakarta District Court Verdict No. 304/Pid.Sus/2023 illustrates concretely how these structural and technical weaknesses directly impact victims. The facts of the trial show that children were recruited and exploited for commercial purposes. The LPSK has calculated the victims' losses, including material and immaterial losses. These losses include loss of potential income, medical recovery costs, psychological counselling costs, and immaterial losses such as trauma or loss of educational opportunities. All these documents were submitted to the public prosecutor, who then included the restitution request in the indictment.

However, at the verdict stage, the judge only imposed a prison sentence and a fine on the defendant without including restitution in the verdict. This shows that the restitution request, which was procedurally valid and supported by the LPSK's recommendation and loss analysis, did not receive the attention it deserved from the panel of judges. Furthermore, the verdict did not provide an in-depth analysis of the reasons for not including restitution, even though PERMA Number 1 of 2022 requires judges to assess requests legally and provide reasons if the request is not granted.

An analysis of the Ridwan–Panji ruling reveals several possible reasons behind the judges' decision. First, the judges may have set a very strict standard of proof for immaterial losses, thereby rejecting the calculations prepared by the LPSK without sufficient analysis. Second, it is possible that the judges viewed restitution as a discretionary aspect that could be disregarded even though a request had been submitted. This understanding clearly contradicts the provisions of PERMA and Law No. 21 of 2007. Third, the judge appears to have considered the perpetrator's financial capacity without verifying the perpetrator's assets or sources of wealth that could actually be seized. Fourth, the absence of consideration of the principle of victim protection indicates that the decision is still focused on punishing the perpetrator rather than rehabilitating the victim.

From the perspective of justice theory, the ruling has a fundamental flaw. In Aristotle's corrective justice perspective, judges should ensure that victims' losses are compensated through restitution by the perpetrators.²⁰ The decision not to order restitution means a failure to fulfil the basic principles of corrective justice. In Rawls' theory, the verdict does not support the most

¹⁷ Mahanda Purnifa Nesa, Hesti Septianita, "Reformulation of the Policy on Criminal Sanctions for State Compensation for Losses Caused by Persons with Mental Disorders," *Unes Law Review*, Volume 8, Number 1, 2025, pp. 280-291.

¹⁸ Ursula Andriani Bui, Saparudin Efendi, Opan Satria Mandala, "Comparative Study of the Implementation of Restitution Rights for Victims of Human Trafficking in Indonesia", *Fundamental Justice Journal*, Volume 5, Number 2, 2024, pp. 127-136.

¹⁹ David Ricardo, Ismail, Dewi Iryani, "Optimising the Execution of Restitution for Children who are Victims of Sexual Violence Crimes in Realising Legal Certainty", *Prima Law Journal*, Volume 7, Number 1, 2024, pp. 27-38. <https://doi.org/10.34012/jihp.v7i1.4994>

²⁰ Putu Gde Nuraharja Adi Partha, Bayu Dwi Anggono, Fanny Tanuwijaya, "Application of the Principle of Equality Before the Law based on Restorative Justice in Judicial Decisions", *Jendela Hukum Journal*, Volume 11, No. 2, 2024, pp. 250-279.

The Urgency of Restitution Payments By Perpetrators of Human Trafficking in Efforts to Realise Justice and Legal Protection for Victims

disadvantaged group, namely victims of trafficking who have experienced exploitation and trauma.²¹ The absence of restitution means that the court did not provide the appropriate benefits to the most disadvantaged parties. From a utilitarian perspective, the failure to provide restitution reduces social benefits because victims who are not compensated tend to experience obstacles in performing their social and economic functions.²²

In terms of indicators of the effectiveness of restitution, the request for restitution in the Ridwan–Panji case was actually submitted in accordance with the correct procedure. However, because restitution was not included in the verdict, it could not be implemented or executed. Thus, the second and third indicators of the effectiveness of restitution were not achieved. As a result, victims lose their right to recovery, both in financial terms and in terms of the psychological support needed to overcome post-crime trauma.

The impact of the failure to include restitution is multidimensional. Victims not only lose their financial rights but also lose formal recognition that the state is restoring their losses. Furthermore, the failure of restitution has the potential to cause revictimisation because victims once again bear the burden of losses that have been identified by law enforcement officials. Addressing issues such as those in the Ridwan–Panji ruling requires an approach that is not only technical but also normative. One strategic step is to implement the concept of "mandatory restitution", which is the obligation of judges to include restitution if a request has been submitted and supported by minimal evidence.²³ This approach is important to ensure that restitution truly functions as a victim's right, not just an additional consideration that can be easily overlooked.

In addition, the enforcement mechanism needs to be strengthened. Mechanisms such as asset seizure, instalment payments, or the involvement of guarantee institutions should be considered to ensure that the perpetrator's inability to pay does not automatically cancel the victim's right to restitution. In this context, the state does not take over the restitution obligation, but provides an administrative mechanism so that the perpetrator's obligation can still be enforced. The asset seizure mechanism is in line with the principle of corrective justice because the perpetrator remains directly responsible for bearing the losses they have caused. Instalment payments are a realistic alternative when the perpetrator does not have the financial capacity to pay immediately but still acknowledges their obligations. Such schemes are also applied in other jurisdictions that allow for long-term payments but do not remove the perpetrator's responsibility.

Strengthening the role of the LPSK is also very important. In addition to calculating losses, the LPSK needs to be given broader authority to monitor the implementation of restitution and assist victims in the administrative process. The LPSK can also facilitate the execution process through coordination with the prosecutor's office and the police.²⁴ Coordination between institutions needs to be made more systematic through derivative regulations so that there are no gaps in the roles of investigators, prosecutors and judges. To date, administrative obstacles have often arisen due to differences in perception regarding who is responsible at certain stages of the restitution application process.

Training for judges is also a very important aspect. Many judges still have a limited understanding of the standards for proving immaterial losses, even though this aspect is most often the core of restitution in TPPO cases.²⁵ Losses such as trauma, loss of security, and loss of future opportunities cannot always be proven mathematically. For example, TPPO victims often experience prolonged mental stress, anxiety disorders, or loss of self-confidence. All of these are real losses that must be recovered through restitution. Training for judges can help build a broader perspective on the proof of non-economic losses.

From a policy perspective, regulators need to consider drafting new regulations, either in the form of government regulations or revisions to the Supreme Court Regulation (PERMA), which emphasise the obligation of judges to include restitution in their verdicts when a valid request is submitted. These additional regulations also need to regulate the accountability mechanism if judges do not provide adequate reasons for rejecting restitution requests. In addition, regulations are also needed regarding the seizure of perpetrators' assets for restitution payments, including mechanisms for managing seized assets.

²¹ Puspita Sandra Dayana, Vieta Imelda Cornelis, Noenik Soekorini, Sri Astutik, "A Juridical Review of the Application of Criminal Sanctions for Prostitution Service Users based on the Theory of Justice", *Sentri: Scientific Research Journal*, Volume 4, Number 9, 2025, pp. 2198-2213.

²² Ibnu Rahmat, "Integration of Moral Ethics in the Principles of Restorative Justice", *Sua Journal of Law*, Volume 2, Number 1, 2024, pp. 7-18.

²³ Muchamad Iksan, Natangsa Surbakti, Marisa Kurnianingsih, Arief Budiono, Sholahuddin Al-Fatih, Tomas Mateo Ramon, "Fulfilling the Restitution Rights of Crime Victims: the Legal Practice in Indonesia", *Academic Journal of Interdisciplinary Studies*, Volume 12, Number 4, 2023, pp. 152-160.

²⁴ Devi Vanessa Armi Putri, Khanza Aoera Dievana, Aida Jihannisa Haidar, Triantono, Astrid Calista Saraswati Sejahtera, Eka Permana Sakti Irwanto, Zakia Sofi Salsa Bela Laili, "Analysis of Restitution Constraints in the Implementation of Legal Protection for Victims of Criminal Acts (Case Study: Magelang District Attorney's Office)", *Jurnal Penelitian Nusantara*, Volume 1, Number 4, 2025, 1014.

²⁵ Lukman Hakim, "Analysis of the Ineffectiveness of Restitution Rights Settlement Procedures for Victims of Human Trafficking Crimes", *Scientific Review Journal*, Volume 20, Number 1, 2020, pp. 43-58.

The Urgency of Restitution Payments By Perpetrators of Human Trafficking in Efforts to Realise Justice and Legal Protection for Victims

It is also important to develop indicators to evaluate the effectiveness of restitution. These indicators can be used to measure the extent to which restitution is actually implemented, in terms of the number of cases that include restitution in the verdict, the success rate of execution, and the impact of recovery on victims. Periodic evaluations can help identify obstacles to implementation and provide a basis for policymakers to make improvements.

All of the above shows that restitution in the practice of Indonesian criminal justice still faces many unresolved challenges. The Ridwan–Panji ruling shows that although legal norms provide for restitution, its implementation is still far from ideal. In fact, restitution is not only the right of victims but also part of the goal of modern criminal justice, which is oriented towards the recovery of victims. Restitution also reflects the application of corrective justice, distributive justice, and social justice theories that place victims as subjects whose rights must be restored. Moreover, in the context of substantive justice, restitution is a means of restoring the condition of victims, whether economically, socially, or psychologically.²⁶ The absence of restitution in court decisions can lead to revictimisation because victims again bear the losses that have been proven.²⁷ This contradicts the principle of victim protection, which is the main orientation of the modern legal system, including in the New Criminal Code.

From Rawls' perspective, restitution is part of the application of the principle of justice that prioritises the interests of the most disadvantaged parties.²⁸ In cases of human trafficking, victims are the parties who suffer the greatest losses, physically, psychologically, and socially. When the court does not include restitution, the principle of "justice as fairness" is not fulfilled because the state fails to provide the benefits that should be received by the most vulnerable groups.

From a utilitarian perspective, restitution generates social benefits because it reduces the burden on the state in providing recovery and helping victims return to functioning in society.²⁹ When restitution is not granted, victims remain in a vulnerable condition, thereby increasing the burden on the state in the form of long-term rehabilitation needs, social intervention, or even the risk of revictimisation. Thus, the inclusion of restitution in the verdict also has a dimension of public benefit.

From Aristotle's perspective, restitution is part of corrective justice, which aims to redress imbalances caused by unlawful acts.³⁰ In the Ridwan–Panji case, the exploitation of children clearly caused social and moral imbalances that must be redressed through the recovery of the victims. By not ordering restitution, this recovery did not occur and corrective justice was not achieved.

Improving the restitution system requires harmonisation between legal norms, structures and culture.³¹ Norms need to be clarified through more explicit regulations, the judicial structure needs to be strengthened through coordination mechanisms, and legal culture needs to be improved through education and training for officials to understand the orientation of victim protection.³² These three aspects must work simultaneously for restitution to function effectively. In conclusion, restitution has a strategic position in the Indonesian criminal justice system as an instrument for victim recovery, particularly victims of human trafficking. However, its implementation still faces significant challenges, including weak evidence, inconsistent interpretations by judges, administrative barriers, and a lack of synchronisation between institutions. The Ridwan–Panji ruling reflects the system's failure to provide full protection to victims even though the normative basis is already in place.

Reformulating norms, strengthening enforcement mechanisms, increasing the capacity of law enforcement officials, and harmonising policies are steps that must be taken to ensure that restitution truly becomes an effective instrument of recovery. With a comprehensive approach, restitution can function not only as a formal fulfilment of victims' rights but also as a manifestation of substantive justice, social justice, and public benefit, which are the main objectives of the criminal justice system in Indonesia.

²⁶ Budi Suhariyanto, "Quo Vadis Legal Protection for Victims through Restitution (Perspectives on Philosophy, Theory, Norms and Practical Application)," *Journal of Law and Justice*, Volume 2, Number 1, 2013, pp. 109-130.

²⁷ Mahrus Ali & Ari Wibowo, "Compensation and Restitution Oriented towards Victims of Criminal Acts", *Yuridika*, Volume 33, Number 2, 2018, pp. 260-289.

²⁸ Barnabas Obiora Idoko, Emmanuel Kenechukwu Okeke, "Moral Defence of John Rawls' Theory of Justice as Fairness", *Trinitarian: International Journal of Arts and Humanities*, Volume 1, Number 1, 2025, pp. 22-30.

²⁹ Nugroho Ahadi, Ali Masyhar Mursyid, Cahya Wulandari, "Restitution in Sexual Violence Crimes in Indonesia from a Utilitarian Perspective", *Jurnal Esensi Hukum*, Volume 5, Number 2, 2023, pp. 57-69.

³⁰ Geri Tanduk Manurun Geri, Hendri Jayadi Pandiangan, Armunanto Hutahean, "Juridical Analysis of the Implementation of Restorative Justice in the Legal Process of Fraud and Embezzlement Criminal Acts", *Journal of Social Issues in the Digital Age: Dialectics*, Volume 23, Number 2, 2025, pp. 23-33.

³¹ Hasudungan Sinaga, "Restitution in Social Reintegration of Human Trafficking Victims: An Islamic and Indonesian Criminal Law Perspective", *Fikri: Journal of Religious, Social, and Cultural Studies*, Volume 9, Number 2, 2024, pp. 182-199. <https://doi.org/10.25217/jf.v9i2.4918>

³² Muh. Apriyadi P Hiola, "Legal Protection for Victims of Sexual Violence in the Criminal Justice System", *Law & Social Justice Journal*, Volume 3, Number 1, 2025, pp. 44-56. <https://doi.org/10.61121/crhn7268>

The Urgency of Restitution Payments By Perpetrators of Human Trafficking in Efforts to Realise Justice and Legal Protection for Victims

B. Reformulation of the Policy on Restitution Payment Responsibility by Perpetrators to Realise Justice and Legal Protection for Victims

Restitution is a restorative instrument designed to restore the victim's situation as closely as possible to what it was before the crime occurred.³³ In the context of modern criminal law, restitution is not only interpreted as compensation for losses, but as a form of direct accountability of the perpetrator to the victim. The New Criminal Code (KUHP) has provided normative reinforcement through Article 66 letter d, which confirms that compensation in the Criminal Code is equivalent to restitution as regulated in legislation concerning the protection of witnesses and victims. This reinforcement is further emphasised by Article 455 of the KUHP, which codifies human trafficking as a crime that gives rise to an obligation to provide restitution to victims.

However, despite this normative reinforcement, judicial practice still does not provide adequate certainty, as seen in Central Jakarta District Court Decision No. 304/Pid.Sus/2023, which did not include restitution even though a valid request had been submitted. The gap between the codification of the Criminal Code and its implementation shows that the regulation of restitution is still not functioning as intended by the legislators, making the reformulation of norms regarding restitution liability an urgent necessity.

The current regulatory framework for restitution is scattered across Law No. 21 of 2007, Law No. 31 of 2014, and PERMA No. 1 of 2022. Although Law No. 21 of 2007 provides a basis for victims of TPPO to obtain restitution from perpetrators, the provisions do not explicitly regulate the obligation of judges to include restitution in their verdicts when a request has been submitted. Law No. 31 of 2014, which regulates the role of the LPSK in calculating the value of restitution, also does not provide normative consequences for judges who do not consider these recommendations. On the other hand, PERMA No. 1 of 2022 does formulate the procedure for requesting restitution, but it is not imperative in obliging judges to impose restitution if the element of loss has been proven.

This normative weakness results in the inclusion of restitution in verdicts often depending on the subjective assessment of judges.³⁴ The absence of *mandatory* provisions places restitution as an aspect that is highly dependent on the judge's interpretation of the proof of loss.³⁵ In the Ridwan–Panji case, the judge did not include restitution even though a request had been submitted and the damages had been calculated by the LPSK. This inconsistency demonstrates a disharmony between the norm of the perpetrator's obligation to compensate the victim and the proof mechanism required in practice.

In addition to normative weaknesses, there are also problems with the mechanism for proving damages. The losses suffered by victims of TPPO are often immaterial and cannot be calculated mathematically. Psychological impacts, loss of educational opportunities, and disruption of the victim's future are forms of multidimensional losses that are difficult to prove through administrative documents. However, the current proof mechanism still demands a relatively high standard of evidence, which does not accommodate the specific characteristics of the losses suffered by victims of TPPO.

The reformulation of restitution norms must be based on a strong philosophical and theoretical foundation. In Aristotle's perspective, restitution is a manifestation of corrective justice that aims to restore balance when one person harms another. Legal provisions that are too flexible and allow judges to disregard restitution are contrary to the principle of corrective justice, because the perpetrator's obligation to restore the victim is not fulfilled.

Rawls' theory of justice also provides an important philosophical basis. Rawls' principle of difference requires that legal rules provide the greatest benefit to those who are in the most disadvantaged position. Victims of TPPO are a highly vulnerable group because they experience physical, psychological and economic exploitation. If restitution is not included in the verdict, then the legal system has failed to apply the Rawlsian principle of justice. Therefore, the reformulation of norms must ensure that the recovery of victims is a priority in the judicial process.

From a utilitarian perspective, restitution has significant social benefits. Restitution not only restores the condition of individual victims, but also supports social recovery and stability. Victims who receive restitution can resume their social functions and reduce the burden on the state in providing rehabilitation services. Thus, clear and effective restitution norms provide collective benefits to society.

In the context of Pancasila social justice, restitution is a manifestation of the principles of "fair and civilised humanity" and "social justice for all Indonesian people". Ambiguous restitution norms that cannot be effectively implemented contradict the

³³ Muhammad Athaillah Akbar, Indang Sulastris, Yurika Fahliany Dewi, "The Application of Restorative Justice to Fraud Cases in the Palangkaraya District Attorney's Office". *Journal of Law, Politics, and Humanities*, Volume 6, Number 1, 2025, pp. 658-667. <https://doi.org/10.38035/ijlph.v6i1.2579>

³⁴ Roy Riady, Febrian Febrian, Nashriana Nashriana, M Yusuf, "Reformulating the Reversal of the Burden of Proof in Corruption Cases: Integrating Positive Law and Islamic Legal Principles", *Nurani: Journal of Sharia and Society Studies*, Volume 25, Number 2, 2025, pp. 514-528. <https://doi.org/10.19109/nurani.v25i2.30483>

³⁵ Fendi Nugroho, Hartiwiningsih Hartiwiningsih, I Gusti Ayu Ketut Rachmi Handayani, "Rethinking Subsidiary in Corruption Cases: Indonesian Experiences", *Journal of Human Rights, Culture and Legal System*, Volume 5, Number 2, 2025, pp. 686-713.

The Urgency of Restitution Payments By Perpetrators of Human Trafficking in Efforts to Realise Justice and Legal Protection for Victims

constitutional mandate to provide protection to victims. Therefore, reformulating restitution norms is an urgent need to create substantive justice for victims of TPPO.

One reformulation model that can be applied is *mandatory restitution*, which is the obligation for judges to include restitution in their verdicts if a request has been submitted and the losses can be proven to a minimum extent. This model limits the discretion of judges so that restitution is no longer seen as an additional element that can be ignored. Mandatory restitution is a direct reflection of the principle of corrective justice, which places the restoration of victims as the primary obligation of perpetrators.

Strengthening the role of the Public Prosecutor is an important element in this reformulation. The Public Prosecutor must be required to file a restitution request whenever a victim suffers losses and actively collect and submit relevant evidence. Cooperation between the Public Prosecutor and the LPSK must be strengthened so that the calculation of the victim's losses can be presented completely and objectively. This strengthening supports the transformation of a judicial system that is more responsive to the rights of victims.

The role of judges must also be clarified through a normative obligation to consider and assess restitution requests substantively. Judges should not ignore requests without justifiable reasons. In addition, the state needs to provide administrative support to ensure that restitution can be implemented, for example through collection mechanisms, asset seizure management, or payment monitoring.

Another important instrument in the reformulation is the mechanism for asset seizure and *asset recovery*. Many perpetrators of TPPO derive economic benefits from the crimes they commit. Seizing assets derived from criminal acts and transferring them to pay restitution is an effective and fair measure. This mechanism supports the principle of utilitarianism because it produces maximum benefits for victims and society. The execution of restitution is the most crucial phase in the realisation of victims' rights.³⁶ Without a clear enforcement mechanism, restitution will only be a declarative norm without coercive power.³⁷ A phased payment scheme, asset seizure, or third-party involvement can be solutions to overcome the perpetrator's inability to pay. This mechanism upholds the principle of corrective justice without burdening the state as the party not responsible for the crime.

At this stage, the LPSK plays a strategic role as a facilitator and supervisor of restitution enforcement. The LPSK can conduct periodic monitoring, assist victims, and ensure that perpetrators fulfil their obligations. Improved coordination between investigators, prosecutors, the LPSK, and the courts is key to the success of enforcement. Without good coordination, the implementation of restitution can be hampered or even fail. At the policy level, it is necessary to draft new regulations, both in the form of government regulations and revisions to PERMA, which in detail regulate the obligations of judges, asset seizure mechanisms, and restitution enforcement procedures. The standard of proof of victim losses also needs to be adjusted to be more realistic given the characteristics of TPPO victims, who often do not have complete documentary evidence. Simplifying the standard of proof is also a manifestation of Rawlsian justice and Pancasila social justice principles.

The effectiveness of restitution needs to be evaluated periodically to ensure that the policy is working as intended. Indicators such as the number of restitution claims granted, the success of enforcement, and the rate of victim recovery can be used to measure the success of the system. Such evaluations are important so that the legal system can be continuously improved to meet the needs of victims. Ultimately, the reformulation of restitution norms is not merely a formal fulfilment of legal provisions, but an effort to achieve substantive justice for victims of TPPO. Effective restitution norms will uphold the rights of victims, strengthen a victim-oriented criminal justice system, and create a more just social order in line with the ideals of national law.

CONCLUSIONS

The regulation and implementation of restitution in human trafficking cases has not been effective, despite having a clear legal basis through Law No. 21 of 2007, Law No. 31 of 2014 in conjunction with Law No. 13 of 2006, Supreme Court Regulation No. 1 of 2022, and the orientation of punishment in the New Criminal Code. This ineffectiveness is mainly due to the gap between legal norms and judicial practice, where restitution requests submitted by the Public Prosecutor and supported by loss calculations from the Witness and Victim Protection Agency do not always receive adequate legal consideration from judges. This is reflected in Central Jakarta District Court Decision No. 304/Pid.Sus/2023, which did not include restitution in the verdict even though the formal and material requirements had been met. This situation shows that restitution is still treated as a discretionary power of judges, not as a legal obligation, so that the goal of victim recovery has not been optimally realised. The absence of adaptive standards of proof for immaterial losses, weak coordination between law enforcement agencies, and the lack of imperative norms

³⁶ Siti Hudzaifah Miftahul Jannah, Ernita Rahmadhani Bym, Muh. Chaerul Anwar, "Perma 1/2022: A Solution or Merely a Formality in Fulfilling Restitution for Victims of Criminal Acts?", *Innovative: Journal of Social Science Research*, Volume 5, Number 2, 2025, pp. 2842-2854. <https://doi.org/10.31004/innovative.v5i2.18645>

³⁷ Fatih Arif Mutaqin, M. Nassir Agustiawan, Mohammad Hifni, "Legal Study of Worker Protection Against Unilateral Termination of Employment", *Al-Zayn: Journal of Social Sciences and Law*, Volume 3, Number 5, 2025, pp. 7453-7469. <https://doi.org/10.61104/alz.v3i5.2349>

The Urgency of Restitution Payments By Perpetrators of Human Trafficking in Efforts to Realise Justice and Legal Protection for Victims

requiring judges to include restitution further emphasise the disconnect between the normative goal of victim protection and criminal court practice.

Reformulating the policy on the responsibility of TPPO perpetrators to pay restitution is an urgent necessity to ensure substantive justice and legal protection for victims. The Ridwan–Panji ruling shows that the broad discretion of judges, evidentiary standards that are unresponsive to the characteristics of TPPO victims' losses, and the absence of a normative obligation to include restitution in court rulings are structural obstacles to the fulfilment of victims' rights. Therefore, policy reformulation must be directed at affirming restitution as a legal obligation through the application of mandatory restitution, strengthening the obligation of the Public Prosecutor to consistently file and prove restitution claims, and establishing effective enforcement mechanisms, including asset seizure and coordinated instalment payments between institutions. This reformulation is based on the principle of corrective justice, which demands compensation for victims' losses, and the principle of justice as fairness, which prioritises protection for the most disadvantaged parties, so that restitution is not merely a declarative norm but truly functions as an instrument of recovery that substantively restores the rights, dignity and conditions of victims of human trafficking.

REFERENCES

- 1) Agatha Olivia Victoria, "LPSK Receives 2,373 Requests for Protection from Human Trafficking in the Last Five Years", <https://www.antaranews.com/berita/5004473/lpsk-terima-2373-permohonan-perlindungan-tpo-dalam-lima-tahun-terakhir>, accessed on 25 August 2025, at 16:40 WIB.
- 2) Agus Susanto, Retno Mawarini, Inge Hartini, *Legal Protection for Human Kidney Transplant Donors in Fair Health Services*, Untag Press, Central Java, 2025, p. 236.
- 3) Akbar Ridwan, 427 Indonesian Citizens Victims of Human Trafficking as of July 2025, <https://databoks.katadata.co.id/demografi/statistik/688c43b8e86ef/427-warga-indonesia-jadi-korban-perdagangan-manusia-sampai-juli-2025>
- 4) Angga Cristian, Ainun Nabilah, Sulthoni Ajie, "The Theory of Justice according to John Rawls", *Quantum Juris: Journal of Modern Law*, Volume 7, Number 1, 2025, pp. 598-611.
- 5) Asafita Benzelina Salhuteru, A. A Ngurah Oka Yudistira Darmadi, "Protection of Victims of Human Trafficking from the Perspective of Humanitarian Principles and Non-Discrimination", *Academic Media Journal*, Volume 3, Number 11, 2025, pp. 1-18. <https://doi.org/10.62281/pb11f230>
- 6) Bambang Tri Bawono, "Restitution as a Construction of Justice Referring to the Law on Protection of Witnesses and Victims", *International Journal of Law Reconstruction*, Volume 5, Number 1, 2021, pp. 25-36.
- 7) Bambang Waluyo, *The Design of the Attorney General's Office in Restorative Justice*, 2016, Rajawali Pers, p. 18.
- 8) Barnabas Obiora Idoko, Emmanuel Kenekchukwu Okeke, "Moral Defence of John Rawls' Theory of Justice as Fairness", *Trinitarian: International Journal of Arts and Humanities*, Volume 1, Number 1, 2025, pp. 22-30.
- 9) Budi Suhariyanto, "Quo Vadis Legal Protection for Victims through Restitution (Perspectives on Philosophy, Theory, Norms and Practical Application)," *Journal of Law and Justice*, Volume 2, Number 1, 2013, pp. 109-130.
- 10) David Ricardo, Ismail, Dewi Iryani, "Optimising the Execution of Restitution for Children who are Victims of Sexual Violence in Realising Legal Certainty", *Prima Law Journal*, Volume 7, Number 1, 2024, pp. 27-38. <https://doi.org/10.34012/jihp.v7i1.4994>
- 11) Devi Vanessa Armi Putri, Khanza Aoera Dievana, Aida Jihannisa Haidar, Triantono, Astrid Calista Saraswati Sejahtera, Eka Permana Sakti Irwanto, Zakia Sofi Salsa Bela Laili, "Analysis of Restitution Constraints in the Implementation of Legal Protection for Victims of Criminal Acts (Case Study: Magelang District Attorney's Office)", *Jurnal Penelitian Nusantara*, Volume 1, Number 4, 2025, 1014.
- 12) Fatih Arif Mutaqin, M. Nassir Agustawan, Mohammad Hifni, "Legal Study of Worker Protection Against Unilateral Termination of Employment", *Al-Zayn: Journal of Social and Legal Sciences*, Volume 3, Number 5, 2025, pp. 7453-7469. <https://doi.org/10.61104/alz.v3i5.2349>
- 13) Fendi Nugroho, Hartiwiningsih Hartiwiningsih, I Gusti Ayu Ketut Rachmi Handayani, "Rethinking Subsidiary in Corruption Cases: Indonesian Experiences", *Journal of Human Rights, Culture and Legal System*, Volume 5, Number 2, 2025, pp. 686-713.
- 14) Geri Tanduk Manurun Geri, Hendri Jayadi Pandiangan, Armunanto Hutahean, "Juridical Analysis of the Implementation of Restorative Justice in the Legal Process of Fraud and Embezzlement Criminal Acts", *Journal of Social Studies in the Digital Age: Dialectics*, Volume 23, Number 2, 2025, pp. 23-33.
- 15) Hasudungan Sinaga, "Restitution in Social Reintegration of Human Trafficking Victims: An Islamic and Indonesian Criminal Law Perspective", *Fikri: Journal of Religious, Social, and Cultural Studies*, Volume 9, Number 2, 2024, pp. 182-199. <https://doi.org/10.25217/jf.v9i2.4918>

The Urgency of Restitution Payments By Perpetrators of Human Trafficking in Efforts to Realise Justice and Legal Protection for Victims

- 16) Henny Saida Flora, "Restorative Justice as an Effective Approach to Victim Protection: Prioritising Justice and Recovery", *Justice Law Journal*, Volume 2, Number 2, 2025, pp. 78-89.
- 17) Ibnu Rahmat, "Integration of Moral Ethics in the Principles of Restorative Justice", *Sua Journal of Law*, Volume 2, Number 1, 2024, pp. 7-18.
- 18) Lukman Hakim, "Analysis of the Ineffectiveness of Restitution Rights Settlement Procedures for Victims of Human Trafficking", *Scientific Review Journal*, Volume 20, Number 1, 2020, pp. 43-58.
- 19) M. Hatta Ali, *Simple, Fast & Low-Cost Justice*, Alumni, Bandung, p. 317.
- 20) Mahanda Purnifa Nesa, Hesti Septianita, "Reformulation of the Policy on Criminal Sanctions for State Compensation for Losses Caused by Persons with Mental Disorders," *Unes Law Review*, Volume 8, Number 1, 2025, pp. 280-291.
- 21) Mahrus Ali & Ari Wibowo, "Compensation and Restitution Oriented Towards Victims of Criminal Acts", *Yuridika*, Volume 33, Number 2, 2018, pp. 260-289.
- 22) Muchamad Iksan, Natangsa Surbakti, Marisa Kurnianingsih, Arief Budiono, Sholahuddin Al-Fatih, Tomas Mateo Ramon, "Fulfilling the Restitution Rights of Crime Victims: the Legal Practice in Indonesia", *Academic Journal of Interdisciplinary Studies*, Volume 12, Number 4, 2023, pp. 152-160.
- 23) Muh. Apriyadi P Hiola, "Legal Protection for Victims of Sexual Violence in the Criminal Justice System", *Law & Social Justice Journal*, Volume 3, Number 1, 2025, pp. 44-56. <https://doi.org/10.61121/crhn7268>
- 24) Muhammad Athaillah Akbar, Indang Sulastri, Yurika Fahliany Dewi, "The Application of Restorative Justice to Fraud Cases in the Palangkaraya District Attorney's Office". *Journal of Law, Politics, and Humanities*, Volume 6, Number 1, 2025, pp. 658-667. <https://doi.org/10.38035/jlph.v6i1.2579>
- 25) Muhammad Bagus Setiawan, Andika Wijaya, Rizki Setyobowo Sangalang, "The Role and Authority of the Witness and Victim Protection Agency (LPSK) in the Implementation of Court Decisions", *Innovative: Journal of Social Science Research*, Volume 5, Number 2, 2025, pp. 2541-2556. <https://doi.org/10.31004/innovative.v5i2.18662>
- 26) Nanda Dwi Rizkia, Hardi Fardiansyah, *Legal Research Methods (Normative and Empirical)*, Widina Media Utama, West Java, 2023, p. 73.
- 27) Nugroho Ahadi, Ali Masyhar Mursyid, Cahya Wulandari, "Restitution in Sexual Violence Crimes in Indonesia from a Utilitarian Perspective", *Jurnal Esensi Hukum*, Volume 5, Number 2, 2023, pp. 57-69.
- 28) Puspita Sandra Dayana, Vieta Imelda Cornelis, Noenik Soekorini, Sri Astutik, "A Legal Review of the Application of Criminal Sanctions for Prostitution Service Users based on the Theory of Justice", *Sentri: Scientific Research Journal*, Volume 4, Number 9, 2025, pp. 2198-2213.
- 29) Putu Gde Nuraharja Adi Partha, Bayu Dwi Anggono, Fanny Tanuwijaya, "The Application of the Principle of Equality Before the Law based on Restorative Justice in Judicial Decisions", *Jurnal Jendela Hukum*, Volume 11, No. 2, 2024, pp. 250-279.
- 30) Rahmansyah Fadlul Al Karim Rambe, Muhammad Aufa Abdillah Sihombing, Nurhoneyda Winata, "Implications of Human Rights Protection in Criminal Law," *Scientific Journal of Law Enforcement*, Volume 11, Number 1, 2024, pp. 24-31.
- 31) Romli SA, et al., *Legal Protection*, Publisher PT. DoKi Course and Training, South Sumatra, 2022, p. 32.
- 32) Roy Riady, Febrian Febrian, Nashriana Nashriana, M Yusuf, "Reformulating the Reversal of the Burden of Proof in Corruption Cases: Integrating Positive Law and Islamic Legal Principles," *Nurani: Journal of Sharia and Society Studies*, Volume 25, Number 2, 2025, pp. 514-528. <https://doi.org/10.19109/nurani.v25i2.30483>
- 33) Sabrina Nurfauziah, Erny Herlin Setyorini, "Legal Protection for Victims of Human Trafficking", *Iuris Studia: Journal of Legal Studies*, Volume 5, Number 3, 2024, pp. 877-890.
- 34) Siti Hudzaifah Miftahul Jannah, Ernita Rahmadhani Bym, Muh. Chaerul Anwar, "Perma 1/2022: Solution or Merely a Formality in Fulfilling Restitution for Victims of Criminal Acts?", *Innovative: Journal of Social Science Research*, Volume 5, Number 2, 2025, pp. 2842-2854. <https://doi.org/10.31004/innovative.v5i2.18645>
- 35) Swi Wahyuningsih Yulianti, "Policy on the Provision of Compensation and Restitution for Victims of Crime Based on the Principles of Justice and Humanity from an Inclusive Legal Perspective", *Journal of Political, Legal and Citizenship Education*, Volume 11, Number 2, 2021, pp. 1-22.
- 36) Tenriawaru, *Comparison of the Application of Progressive Legal Systems (Plea Bargain vs Restorative Justice)*, Adanu Abimata, West Java, 2022, p. 2.
- 37) Ursula Andriani Bui, Saparudin Efendi, Opan Satria Mandala, "Comparative Study of the Implementation of Restitution Rights for Victims of Human Trafficking in Indonesia", *Journal of Fundamental Justice*, Volume 5, Number 2, 2024, pp. 127-136.