

Legal Protection for Girl Victims of Human Trafficking for Prostitution

Debila Majesa Yuda^{1*}, Kayus Kayouan L²

¹E-mail: 2010611055@mahasiswa.upnvj.ac.id

²E-mail: kayusklewoleba@upnvj.ac.id

^{1,2}Universitas Pembangunan Nasional Veteran Jakarta, Indonesia

*corresponding author

Article history:

Submission: 02 July 2025

Received in revised form: 27 October 2025

Acceptance date: 13 November 2025

Available online: 19 November 2025

Keywords:

Legal Protection; Female Victims; Human Trafficking; Prostitution; Victims.

How to Cite:

Yuda, D. M., & Kayus Kayouan L. (2025). Legal Protection for Girl Victims of Human Trafficking for Prostitution. *Al-Risalah Jurnal Ilmu Syariah Dan Hukum*. <https://doi.org/10.24252/al-risalah.vi.58925>

License:

Copyright (c) The authors (2025)



This work is licensed under a [Creative Commons Attribution 4.0 International License](https://creativecommons.org/licenses/by/4.0/).

Abstract

Human trafficking for prostitution is a form of transnational crime that has serious impacts, especially for girls as the most vulnerable group. This study aims to examine the form of legal protection provided to female victims of human trafficking for prostitution, both within the scope of national law and international law. The research method used is normative juridical with a regulatory approach, contextual approach, and case approach. The data used is secondary qualitative data, obtained through a literature review of regulations, legal literature, and court decisions. The results of the study indicate that although normatively there have been various legal instruments that regulate the protection of children from human trafficking practices, implementation in the field still faces a number of challenges, such as weak law enforcement, minimal recovery for victims, and suboptimal relations between institutions. Therefore, it is necessary to strengthen protection policies, increase the capacity of law enforcement officers, and recovery based on victim rights so that legal protection for female victims of human trafficking for prostitution can be realized effectively.

INTRODUCTION

Several recent years have seen increasingly sophisticated patterns and modes of child trafficking. One of the most prevalent forms is human trafficking conducted through online media, where perpetrators exploit social media platforms to target victims. In addition, schemes such as marriages that are misused for purposes of sexual or economic exploitation have become more frequently discovered. This situation is worsened by economic pressures that push many women and children into trafficking practices. Limited employment opportunities—unable to keep pace with population growth and economic development—also drive communities to take risky shortcuts in meeting their basic needs.¹

The 1945 Constitution of the Republic of Indonesia, in Article 28B paragraph (2), states: “Every child has the right to survival, to grow and develop, and to be protected from violence and discrimination.” The guarantee of protection and fulfillment of children’s rights is embedded in the 1945 Constitution and reinforced by various national and international legal provisions. This protection is strengthened by the ratification of international conventions on children's rights, particularly Presidential Decree No. 36 of 1990 concerning the Ratification of the Convention on the Rights of the Child.²

As its implementation, the Government enacted Law No. 23 of 2002 on Child Protection, which was later amended by Law No. 35 of 2014 concerning Amendments to Law No. 23 of 2002 on Child Protection. Article 76F of Law No. 35 of 2014 stipulates a prohibition against child trafficking, stating that: “Every person is prohibited from placing, allowing, committing, ordering to commit, or participating in the abduction, sale, or trafficking of children.”

To provide legal protection for victims of child and women trafficking, the government has issued various legal regulations aimed at suppressing and eradicating such crimes. This can be seen in several statutory provisions, including Article 27 paragraph (2) of the 1945 Constitution, which affirms that “every citizen has the right to work and to a livelihood that is decent for humanity.”

Crimes involving the trafficking of women and children also violate Article 297 of the Indonesian Criminal Code (KUHP),³ Law No. 39 of 1999 on Human Rights, Law No. 4 of

¹ Moh Hatta, *Tindak Pidana Perdagangan Orang : Dalam Teori Dan Praktek*, Liberty , Yogyakarta.

² Keterangan Dari Undang-Undang Nomor 35 Tahun 2014 Tentang Perubahan Atas Undang -Undang Nomor 23 Tahun 2002 Tentang Perlindungan Anak.

³ Undang- Undang No 1 Tahun 1946 Tentang Peraturan Tentang Hukum Pidana.

1979 on Child Welfare, Law No. 23 of 2002 on Child Protection, Law No. 21 of 2007 on the Eradication of the Crime of Human Trafficking, as well as several international conventions such as the International Convention for the Suppression of the Traffic in Women and Children, the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography, and Law No. 13 of 2006 on the Protection of Witnesses and Victims, among others. Nevertheless, these regulations generally place greater emphasis on imposing criminal sanctions on perpetrators of human trafficking.⁴

From the explanation above, it becomes clear that significant problems remain concerning legal protection for girl children. Accordingly, this issue becomes the central problem addressed in this study. This raises further questions about the factors that cause the trafficking of girls for prostitution and the forms of legal protection available for girl victims of human trafficking for prostitution.

METHODS

This study employs a normative juridical method, which focuses on examining the norms of positive law⁵ related to the protection of girl children as victims of human trafficking for purposes of prostitution. The main approach used is the statute approach, which serves to analyze various legal provisions – both national and international – that regulate child protection, human trafficking, and prostitution-related criminal acts. The data collection technique used is library research, conducted through an examination of various sources of literature, including secondary data such as books, jurisprudence, academic writings, legal journals, and articles directly connected to the subject matter, as well as other relevant legal sources related to the issues under study.

The data sources in this research consist of a range of legal and academic references. Primary data include statutory regulations such as the 1945 Constitution of the Republic of Indonesia, Law No. 35 of 2014 on Child Protection, Law No. 21 of 2007 on the Eradication of the Crime of Human Trafficking, and Law No. 31 of 2014 on the Protection of Witnesses and Victims. In addition, jurisprudence in the form of court decisions on trafficking cases is also used to provide a concrete picture of how legal protection is implemented in practice. Secondary data are obtained through academic literature such as books, journal articles, research reports, and documents issued by international

⁴ Undang Undang No. 13 Tahun 2006 Tentang Perlindungan Saksi Dan Korban.

⁵ Kornelius Benuf, Siti Mahmudah, dan Ery Agus Priyono, 2020, Metodologi Penelitian Hukum sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer, Jurnal Gema Keadilan, Vol. 7, No. I, hlm. 20–33, <http://dx.doi.org/10.24246/jrh.2019.v3.i2.p145-160>.

organizations (UNICEF, ECPAT, IOM) relevant to child trafficking and sexual exploitation issues.

Data collection is carried out through literature review and document analysis. The literature review is used to identify, examine, and assess legal concepts relevant to the protection of child trafficking victims. Meanwhile, document analysis is applied to statutory regulations, international conventions, court decisions, and official reports issued by national and international institutions. This technique aims to construct a comprehensive understanding of the existing legal framework and to explore the strengths and weaknesses of the current system of legal protection. Data collection also includes actual case reports obtained from court decisions and legal news, enabling an assessment of how child protection is practiced within Indonesia's law enforcement context.⁶

The data analysis technique used in this study is a qualitative approach combined with normative analysis. The researcher interprets the content and meaning of applicable laws and regulations, including examining the relationship between relevant legal provisions, principles, and doctrines. Analysis is also conducted on court decisions in child trafficking cases to identify how the law is applied in practice. The analytical focus is directed toward understanding how the legal system provides protection at three stages: at the time the crime occurs, during judicial proceedings, and after the final verdict. This process also involves examining whether restitution, rehabilitation, and recovery are properly provided to the victims. The objective of this analytical technique is to explore both the normative and practical implications of existing regulations and to identify areas in need of legal reform to ensure that the protection of girl children who are victims of human trafficking can be realized effectively and equitably.

RESULTS AND DISCUSSION

1. Factors Contributing to the Trafficking of Girls for Prostitution

The phenomenon of trafficking girls for prostitution is a serious and complex issue. According to data from UNICEF and ECPAT, millions of children in Asia, including Indonesia, are victims of trafficking for sexual exploitation.⁷ In Indonesia alone, it is estimated that tens of thousands of children are involved in prostitution, both domestically and abroad, with the majority of commercial sex workers being children.⁸

⁶ Muhaimin, M.Hum Dr., SH., *Metode Penelitian Hukum*, Mataram University Press, Mataram, 2020

⁷ Yanuar Farida Wismayanti, 2009, *Perdagangan Anak sebagai Bentuk Pelanggaran Hak-Hak Anak*, Jurnal, Vol. 14, No. 03, hlm. 17-24.

⁸ Kementerian Pemberdayaan Perempuan dan Perlindungan Anak RI, *Isu Utama: Anak, Kemiskinan, dan Prostitusi*, [kemenpppa.go.id](https://kemenpppa.go.id/page/view/NjAx#), 2016, diakses dari: <https://kemenpppa.go.id/page/view/NjAx#>.

This issue is further complicated by a lack of public awareness, weak law enforcement, and the ineffectiveness of existing legal protections. Although regulations such as the Child Protection Law and the Human Rights Law are in place, in practice law enforcement officials more often use the Criminal Code, which is considered to not yet accommodate optimal protection for children, resulting in high rates of trafficking of girls for prostitution in Indonesia, most of which go undetected.⁹

Perpetrators of human trafficking crimes generally begin their actions by establishing personal relationships. The methods used are often simple, such as offering a service or job to potential victims. These offers are accompanied by persuasion in the form of promises of high wages and lucrative financial gains, which tempt many people. This strategy has proven to be particularly effective against women, who are more often targeted for manipulation and ultimately fall victim to human trafficking crimes.¹⁰ The modus operandi involved recruiting victims with promises of decent work, but instead exploiting them sexually and even exposing them to infectious diseases. This phenomenon indicates that there are various contributing factors that need to be analysed thoroughly.¹¹ Social and economic inequality in various countries, particularly developing countries, contributes significantly to the prevalence of human trafficking.¹²

There are also causes related to government policy, such as low budget allocations for education and health, scarcity of identity documents such as birth certificates, and limited access to adequate information.¹³ At the family level, unequal relationships and domestic violence, as well as economic pressures that make children obedient to their parents' decisions, exacerbate children's vulnerability to human trafficking.¹⁴

⁹ Yudhya Prasetya, 2021, *Perdagangan Perempuan dan Anak sebagai Kejahatan Transnasional*, Yustitia, Vol. 7, No. 2, hlm. 185–195, <http://dx.doi.org/10.31943/yustitia.v7i2.126>.

¹⁰ Kayus Kayowuan Lewoleba et al., 2022, *Analisis Sosio-Legal Perdagangan Orang di Kabupaten Indramayu, Provinsi Jawa Barat*, *Jurnal Media Bina Ilmiah*, Vol. 17, No. 5, hlm. 849. Kayus Kayowuan Lewoleba et al., "ANALISIS SOSIO-LEGAL PERDAGANGAN ORANG DI KABUPATEN INDRAMAYU, PROVINSI JAWA BARAT," *Jurnal Media Bina Ilmiah* 17, no. 5 (2022): 849.

¹¹ Sayid Muhammad Rifqi Noval, Soecipto Soecipto, dan Ahmad Jamaludin, 2022, *Modus Operandi dan Strategi Pencegahan Kejahatan Perdagangan Seksual Anak secara Daring, Undang: Jurnal Hukum*, Vol. 5, No. 2, hlm. 419–451, <http://dx.doi.org/10.22437/ujh.5.2.419-451>.

¹² Cathy Zimmerman dan Ligia Kiss, 2017, *Human Trafficking and Exploitation: A Global Health Concern*, *PLoS Medicine*, Vol. 14, No. 11, hlm. 1–11, <http://dx.doi.org/10.1371/journal.pmed.1002437>.

¹³ M. Yogi Bahtiar dan Bagus Saebani, 2025, *Faktor Penyebab Terjadinya Tindak Pidana Perdagangan Orang di Indonesia, Causa: Jurnal Hukum dan Kewarganegaraan*, Vol. 12, No. 2, <http://doi.org/10.3783/causa.v2i9.2461>.

¹⁴ Cahya Wulandari dan Sonny Saptioajie Wicaksono, 2014, *Tindak Pidana Perdagangan Orang (Human Trafficking) Khususnya terhadap Perempuan dan Anak: Suatu Permasalahan dan Penanganannya di Kota Semarang*, *Yustisia*, Vol. 3, No. 3, hlm. 15–26, <https://jurnal.uns.ac.id/yustisia/article/view/29272>.

In addition, it is also influenced by the desire to earn money quickly, social culture, minimal birth registration, weak law enforcement, and media influence.¹⁵ One of the factors that makes human trafficking difficult to eradicate is the involvement of various parties, ranging from individuals, organised crime networks, to government officials who abuse their authority. Human trafficking activities generally take place outside the control of the law, exploiting the vulnerable conditions of community groups that do not receive adequate legal and social protection.¹⁶

The data shows that there are a number of factors behind child prostitution. Although each region has different conditions, in general these factors can be grouped into push factors and pull factors. Based on data from ECPAT, the following are risk factors that contribute to child prostitution (see table).¹⁷

Table 1: Table of Factors Driving and Attracting High Levels of Trafficking of Girls for Prostitution

Driving Factors	Attraction Factors
Rural poverty worsened due to economic policies and the collapse of the agricultural sector.	Rural poverty worsened due to economic policies and the collapse of the agricultural sector.
Urbanisation due to industrial growth in cities.	Corruption among officials involved in child trafficking.
Gender inequality and discrimination against women.	Exploitation of children through forced labour.
Economic burdens that force children to earn a living.	A culture that legalises prostitution and normalises the exploitation of girls.
The shift to a cash-based economy.	Demand from sex tourists and paedophiles.
Increasingly consumptive lifestyles.	Promotion of the child sex industry through media and technology.
Family breakdown, which removes protection for children.	Trafficking of children for the global sex industry.

¹⁵ Mancur Sinaga et al., 2025, *Korban Trafficking untuk Prostitusi di Kota Medan*, Jurnal, Vol. 2, No. 2, hlm. 134–149.

¹⁶ Andi Aina Ilmih and Luvita Yuli Yanti, “Perlindungan Hukum Dalam Kejahatan Perdagangan Manusia Sebagai Kejahatan Lintas Negara Media Hukum Indonesia (MHI)” 2, no. 3 (2024): 580–86.

¹⁷ Andi Aina Ilmih dan Luvita Yuli Yanti, 2024, *Perlindungan Hukum dalam Kejahatan Perdagangan Manusia sebagai Kejahatan Lintas Negara, Media Hukum Indonesia (MHI)*, Vol. 2, No. 3, hlm. 580–586.

Increasing numbers of street children.	Forced marriages that lead to the sale of children into prostitution.
Lack of access to education.	Fear of AIDS that drives customers to seek younger children.
Increasingly consumptive lifestyles.	Promotion of the child sex industry through media and technology.
Family breakdown, which removes protection for children.	Child trafficking for the global sex industry.
Increasing numbers of street children.	Forced marriages that lead to the sale of children into prostitution.
Lack of access to education.	Fear of AIDS that drives customers to seek younger children.

The factors outlined in the table above indicate that child prostitution does not occur in isolation, but is the result of the interaction of various structural and social conditions. Poverty, gender inequality, weak law enforcement, and permissive cultural norms are part of a chain of mutually reinforcing causes. In addition, globalisation and technological advances have expanded the reach of child sexual exploitation to a transnational level.¹⁸ Therefore, efforts to prevent and address child prostitution must be comprehensive, involving various parties ranging from the state, international institutions, civil society, to families, with an integrated approach covering legal, social, economic, and educational aspects.¹⁹

2. Legal Protection Instruments for Girl Victims of Trafficking for Prostitution

Victims of human trafficking, particularly young girls exploited as commercial sex workers, generally suffer severe physical and psychological trauma, accompanied by profound fear due to coercion and threats. Consequently, they require comprehensive legal protection to ensure recovery and justice for the violations of their rights.²⁰ Based on the 1945 Constitution of the Republic of Indonesia, Article 28D paragraph (2) and Article 28I paragraph (2), every citizen is guaranteed fair and non-discriminatory protection of their rights and is treated equally before the law. These provisions align

¹⁸ Ulfiah Ulfiah, 2017, *Prostitusi Remaja Putri dan Ketahanan Keluarga di Cianjur Jawa Barat*, Penelitian, hlm. 1-127.

¹⁹ Supriyadi Widodo Eddyono, Rio Hendra, dan Adhigama Andre Budiman, 2017, *Melawan Praktik Prostitusi Anak di Indonesia dan Tantangannya*, Paper: Institute for Criminal Justice Reform, hlm. 1-38.

²⁰ Yustina Sari, "Penanganan Terhadap Anak Korban Tindak Pidana Perdagangan Orang," 2025.

with human rights principles, which affirm that every individual is entitled to protection and the right to life that cannot be arbitrarily taken away.

In addition to the 1945 Constitution, regulations on child protection are further outlined in Law Number 35 of 2014, which amends Law Number 23 of 2002 concerning Child Protection. Article 59 stipulates that the central government, regional governments, and other state institutions have the obligation and responsibility to provide special protection for children who are victims of economic and/or sexual exploitation, as well as children who are victims of abduction, sale, and/or trafficking.

Furthermore, the forms of protection for such child victims are elaborated in Article 68, which states that special protection is carried out through various measures, including supervision, prevention, protection, care, and rehabilitation.

Additionally, Law Number 31 of 2014 concerning Witness and Victim Protection, particularly Article 5, provides that victims are entitled to personal security protection from all forms of pressure and have the right to access information regarding the progress of their case. During judicial proceedings, victims are also granted the right to be accompanied by an interpreter to facilitate their understanding of decisions and other case-related information.²¹

3. Forms of Legal Protection for Girl Victims of Trafficking for Prostitution

Legal protection for children who become victims of human trafficking in Indonesia is regulated through three main stages as set out in Law Number 21 of 2007 on the Eradication of Human Trafficking and Law Number 35 of 2014 amending Law Number 23 of 2002 on Child Protection. These stages include: protection during the commission of the crime, protection during the judicial process, and protection after the court's verdict.

a. Protection During the Commission of the Crime

At this stage, the state provides protection for children from all forms of exploitation, both economic and sexual. The law imposes criminal sanctions on anyone who knows of exploitation practices but deliberately allows them to occur. This is emphasized in Article 78 of Law No. 35 of 2014, which explicitly prohibits allowing children to be exploited or trafficked, whether directly or indirectly. This stage serves as an important preventive measure to break the initial chain of child trafficking practices.

²¹ Undang-Undang Nomor 31 Tahun 2014 Tentang Perlindungan Saksi Dan Korban.

b. Protection During the Judicial Process

When the case enters the judicial process, children as victims possess special rights that must be protected by the state. Protection at this stage is regulated in Law No. 21 of 2007 and includes several important aspects, such as:

- 1) The investigation, prosecution, and trial must be carried out based on the principle of the best interests of the child, including the prohibition of using official attributes such as robes or uniforms by law enforcement officers to create a non-intimidating atmosphere.
- 2) Trials involving child victims must be conducted behind closed doors to maintain the confidentiality of their identity and psychological condition.
- 3) During examination, child victims must be accompanied by parents, guardians, legal counsel, or other support personnel who can provide a sense of safety and confidence.
- 4) Children may not be examined in the presence of the defendant to avoid psychological pressure.
- 5) In specific conditions, with the judge's permission, examination of child victims may be conducted outside the courtroom through officially recorded procedures by authorized officials.

These policies aim to establish a child-friendly justice system focused on the physical and psychological recovery of victims.

c. Protection After the Court's Verdict

After the perpetrator is convicted, child victims of human trafficking are entitled to restitution, which is compensation borne by the perpetrator. The right to restitution is regulated in Article 71D of Law No. 35 of 2014 in conjunction with Articles 48–50 of Law No. 21 of 2007. Restitution is defined as compensation for losses suffered by victims, both material and immaterial, as determined by a final and binding court decision (Article 1 point 13 of Law No. 21 of 2007).

However, in practice, the fulfillment of restitution still faces various obstacles. Protection at this stage is not yet fully effective because restitution can only be granted if the victim or their heirs actively file a request with the court. Additionally, there are two legal avenues available for claiming restitution:²²

a. Through Criminal Courts

Victims may submit a request to combine criminal and civil claims as regulated in Article 99 of the Criminal Procedure Code (KUHAP). However, under this mechanism,

²² Nelsa Fadilla, 2016, Upaya Perlindungan Hukum terhadap Anak sebagai Korban Tindak Pidana Perdagangan Orang, Jurnal Hukum dan Peradilan, Vol. 5, No. 2, hlm. 181, <http://doi.org/10.25216/jhp.5.2.2016.181-194>.

victims may only claim compensation for actual expenses incurred (material losses) resulting from the perpetrator's actions.

b. Through Civil Courts

Victims may file a civil lawsuit based on Article 1365 of the Civil Code to claim full compensation, including immaterial damages. However, immaterial damages may only be claimed in cases involving the victim's death (Article 1370 BW) or injury/disability (Article 1371 BW). Although this route allows broader compensation, the process often requires significant time and resources.

The police are typically the first institution to interact with victims after their rescue, responsible for ensuring safety and investigating perpetrators. The Prosecutor's Office then prosecutes the case in court, while the judiciary ensures that the legal process proceeds fairly and transparently. Coordination among these institutions is crucial to ensure effective victim protection.

In addition to government agencies, NGOs such as ICMW and KARINA play an important role in supporting trafficking victims by providing shelters, healthcare services, counseling, legal assistance, and reintegration support. However, implementation still faces challenges due to limited budgets, lack of specialists, and inadequate facilities within both government bodies and NGOs. Coordination among institutions also remains suboptimal, resulting in many victim rights being overlooked. Social stigma toward victims – especially those who have experienced sexual violence – further hinders their reintegration efforts.²³

The Ministry of Social Affairs plays a significant role in the rehabilitation process by providing skills training and physical and psychological recovery support. Nevertheless, limited institutional capacity remains a major challenge to achieving comprehensive rehabilitation.

At the global level, international cooperation is also necessary, given the transnational nature of human trafficking. Indonesia participates in conventions such as the Palermo Protocol and engages in cross-border information sharing and training initiatives.

Overall, protecting trafficking victims requires a comprehensive approach involving synergy between the state, civil society, and the international community. Strengthening institutional capacity, improving rehabilitation systems, and enhancing coordination are essential to ensure the fulfillment of victims' rights in an optimal and sustainable manner.

²³ Alfian Alfian, 2015, *Upaya Perlindungan Hukum terhadap Korban Tindak Pidana Perdagangan Orang* (Legal Protection against Crime Victims of Human Trading), *Fiat Justisia: Jurnal Ilmu Hukum*, Vol. 9, No. 3, hlm. 331–339.

Child trafficking is a complex crime driven by multiple multidimensional factors. There is no single cause that can fully explain its occurrence; rather, it results from the interaction of various social, economic, cultural, and institutional conditions that are deeply interconnected. Children—especially girls—constitute the most vulnerable group, particularly those from poor and marginalized communities. Several major factors contribute to child trafficking, including low public awareness of trafficking schemes, structural poverty that forces children to earn a living or even be used as collateral for family debts, and the pursuit of instant prosperity that drives unprotected mobility without adequate legal safeguards.²⁴

Lack of access to education, poverty, and patriarchal norms further intensify the vulnerability of girls to sexual exploitation. These realities highlight the state's failure to fully uphold its constitutional mandate to protect all citizens, especially children. When children are trafficked due to structural inequality and the neglect of social protection systems, the root of the problem lies in the state's inability to deliver distributive justice. This underscores the need for anti-trafficking measures to address not only the perpetrators but also the broader structural context that perpetuates exploitation.

The trafficking of girls for prostitution is not merely the result of individual criminal acts, but a reflection of systemic failure in state protection. Data and risk-factor analyses—spanning poverty, gender inequality, corruption, weak education, and ineffective law enforcement—demonstrate that repressive legal measures alone are insufficient without accompanying socio-economic policies that reduce community vulnerability.

Although many national legal instruments guarantee child protection, such as the 1945 Constitution, Law No. 35 of 2014, Law No. 21 of 2007, and Law No. 31 of 2014, their ineffective implementation reveals a significant gap between legal norms and societal realities. This indicates that the legal system has not fully functioned as an instrument of justice for victims. Even though the regulations have adopted progressive child-protection principles, law enforcement authorities often fail to apply them in practice. This means that laws alone cannot guarantee protection unless supported by institutional capacity, committed personnel, and adequate oversight. This highlights an essential point: the effectiveness of legal protection depends not only on written provisions but also on the quality of implementation and the legal culture that governs society.

Indonesia has numerous regulations governing the protection of child trafficking victims, yet their effectiveness depends heavily on implementation at the ground level.

²⁴ Kayus Kayowuan Lewoleba dan Beniharmoni Harefa, 2020, *Legal Protection for Child Victims of Human Trafficking*, *International Journal of Multicultural and Multireligious Understanding*, Vol. 7, No. 2, hlm. 111, <https://doi.org/10.18415/ijmmu.v7i2.1470>.

The findings confirm that while the legal framework is sufficiently comprehensive, its enforcement remains suboptimal. Many officers still rely on the Criminal Code (KUHP), which offers limited protection for children, and do not fully apply the Child Protection Law or the Anti-Trafficking Law when handling cases. This demonstrates the validity of the assumption that the primary weakness lies not in regulation but in poor implementation, insufficient training, and weak monitoring and accountability systems. Institutional reform, therefore, is urgently needed to strengthen the capacity for legal enforcement.

Legal protection for child victims of human trafficking is divided into three stages: protection during the crime, protection during the judicial process, and protection after the court's verdict. However, rights such as restitution remain difficult to access, indicating that victim recovery has not yet become a priority within the criminal justice system. Ideal legal protection should not only punish offenders but also ensure justice and meaningful recovery for victims.

When victims are required to actively prove their losses in a system that is not child-friendly, they risk being re-victimized during the legal process. This demonstrates that the criminal justice system remains offender-centric and insufficiently responsive to the special needs of child victims. Restitution and recovery represent the core principles of restorative justice, yet the fact that they remain difficult to obtain shows that victim recovery has not been institutionally embedded.

Indonesia's legal protection system has not fully prioritized child victims, particularly concerning post-verdict recovery and restitution. Research findings reinforce this conclusion. Although the law guarantees victims' rights to restitution, implementation is hindered by legal bureaucracy, limited access to legal assistance, and victims' lack of awareness of their rights. Courts also tend not to proactively award restitution unless explicitly requested by victims. Moreover, the procedural complexities of pursuing civil claims further indicate that the legal system prioritizes criminal resolution over victim recovery.²⁵

CONCLUSION

This study demonstrates that the legal protection of girl victims of human trafficking for prostitution in Indonesia has been comprehensively regulated through various legal instruments, both national and international. However, there remains a significant gap between the written legal norms and their implementation in practice. Child trafficking –

²⁵ Dewi Asri Puannandini, Lucky Darmawan Turyadi, dan Muhamad Alfin Saputra, 2024,.

particularly for the purpose of prostitution—results from a combination of structural factors such as poverty, gender inequality, weak education systems, and inadequate law enforcement and oversight. These practices operate within organized systems that exploit the social vulnerabilities of girls as the most disadvantaged group in society.

Normatively, legal protection covers three key stages: during the commission of the crime, throughout the judicial process, and after the court's decision. Nevertheless, the enforcement of victims' rights—especially regarding restitution, rehabilitation, and social reintegration—has not yet become a priority within Indonesia's criminal justice system. In practice, victims often do not receive adequate recovery due to limited access, insufficient legal assistance, and a system that remains largely offender-oriented rather than victim-centered.

The failure of law enforcement agencies to optimize existing legal instruments—such as Law No. 35 of 2014, Law No. 21 of 2007, and Law No. 31 of 2014—indicates that the core problem does not lie in the regulatory framework, but in weak implementation and insufficient inter-agency coordination. Therefore, institutional reform is needed, focusing on enhancing the capacity of law enforcement personnel, strengthening legal awareness among communities, and reinforcing victim-centered approaches within the justice system. Only through a holistic approach that prioritizes the rights and needs of children can legal protection for victims of trafficking for prostitution be realized fairly and effectively.

REFERENCES

- Alfan Alfian, 2015, Upaya Perlindungan Hukum terhadap Korban Tindak Pidana Perdagangan Orang (Legal Protection against Crime Victims of Human Trading), *Fiat Justisia: Jurnal Ilmu Hukum*, Vol. 9, No. 3, hlm. 331–339.
- Andi Aina Ilmih dan Luvita Yuli Yanti, 2024, Perlindungan Hukum dalam Kejahatan Perdagangan Manusia sebagai Kejahatan Lintas Negara, *Media Hukum Indonesia (MHI)*, Vol. 2, No. 3, hlm. 580–586.
- Cahya Wulandari dan Sonny Saptoajie Wicaksono, 2014, Tindak Pidana Perdagangan Orang (Human Trafficking) Khususnya terhadap Perempuan dan Anak: Suatu Permasalahan dan Penanganannya di Kota Semarang, *Yustisia*, Vol. 3, No. 3, hlm. 15–26, <https://jurnal.uns.ac.id/yustisia/article/view/29272>.
- Cathy Zimmerman dan Ligia Kiss, 2017, Human Trafficking and Exploitation: A Global Health Concern, *PLoS Medicine*, Vol. 14, No. 11, hlm. 1–11, <http://dx.doi.org/10.1371/journal.pmed.1002437>.

- Dewi Asri Puannandini, Lucky Darmawan Turyadi, dan Muhamad Alfin Saputra, 2024, Peran Lembaga Penegak Hukum dalam Pemberantasan Tindak Pidana Perdagangan Orang di Indonesia, *Jurnal Penegakan Supremasi Hukum*, Vol. 3, No. 1, <https://doi.org/10.59818/jps.v3i3.1096>.
- D Tiara dan Y Indawati, 2023, Implementasi Perlindungan bagi Anak Korban Tindak Pidana Prostitusi Online oleh Dinas Pemberdayaan Perempuan, Perlindungan Anak, dan Kependudukan Provinsi Jawa Timur, *Bureaucracy Journal: Indonesia Journal of Law and Social-Political Governance*, Vol. 3, No. 2, hlm. 1889–1901, <http://dx.doi.org/10.53363/bureau.v3i2.297>.
- Falni Luthfiyyah Tontoigon, Max Sepang, dan Jeany Anita Kermite, Perlindungan Hukum terhadap Anak Korban Tindak Pidana Perdagangan, *Skripsi, Universitas Sam Ratulangi (UNSRAT)*.
- Gede Agus Sukawantara, Anak Agung Sagung Laksmi Dewi, dan Luh Putu Suryani, 2020, Anak Sebagai Korban Tindak Pidana Perdagangan Orang Menurut Undang-Undang No. 35 Tahun 2014, *Jurnal Konstruksi Hukum*, Vol. 1, No. 1, <http://doi.org/10.22225/jkh.1.1.2138.220-226>.
- Kayus Kayowuan Lewoleba dan Beniharmoni Harefa, 2020, Legal Protection for Child Victims of Human Trafficking, *International Journal of Multicultural and Multireligious Understanding*, Vol. 7, No. 2, hlm. 111, <https://doi.org/10.18415/ijmmu.v7i2.1470>.
- Kayus Kayowuan Lewoleba et al., 2022, Analisis Sosio-Legal Perdagangan Orang di Kabupaten Indramayu, Provinsi Jawa Barat, *Jurnal Media Bina Ilmiah*, Vol. 17, No. 5, hlm. 849.
- Kementerian Pemberdayaan Perempuan dan Perlindungan Anak RI, 2016, Isu Utama: Anak, Kemiskinan, dan Prostitusi, [Kemenpppa.go.id](https://kemenpppa.go.id), <https://kemenpppa.go.id/page/view/NjAx#>.
- Kornelius Benuf, Siti Mahmudah, dan Ery Agus Priyono, 2020, Metodologi Penelitian Hukum sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer, *Jurnal Gema Keadilan*, Vol. 7, No. 1, hlm. 20–33, <http://dx.doi.org/10.24246/jrh.2019.v3.i2.p145-160>.
- M. Yogi Bahtiar dan Bagus Saebani, 2025, Faktor Penyebab Terjadinya Tindak Pidana Perdagangan Orang di Indonesia, *Causa: Jurnal Hukum dan Kewarganegaraan*, Vol. 12, No. 2, <http://doi.org/10.3783/causa.v2i9.2461>.
- Mancur Sinaga et al., 2025, Korban Trafficking untuk Prostitusi di Kota Medan, *Jurnal*, Vol. 2, No. 2, hlm. 134–149.
- Mayang Sari, Firda Anggrainy, dan Ansye Awinda Kanety, 2022, Perlindungan Hukum terhadap Anak yang Menjadi Korban Prostitusi Online oleh Germo di Kota Balikpapan, *Jurnal Lex Suprema*, Vol. 4, hlm. 1032–1049.

- Moh Hatta, *Tindak Pidana Perdagangan Orang: Dalam Teori dan Praktek*, Liberty, Yogyakarta.
- Muhaimin, M.Hum Dr., SH., 2020, *Metode Penelitian Hukum*, Mataram University Press, Mataram.
- Nelsa Fadilla, 2016, *Upaya Perlindungan Hukum terhadap Anak sebagai Korban Tindak Pidana Perdagangan Orang*, *Jurnal Hukum dan Peradilan*, Vol. 5, No. 2, hlm. 181, <http://doi.org/10.25216/jhp.5.2.2016.181-194>.
- Sayid Muhammad Rifqi Noval, Soecipto Soecipto, dan Ahmad Jamaludin, 2022, *Modus Operandi dan Strategi Pencegahan Kejahatan Perdagangan Seksual Anak secara Daring*, *Undang: Jurnal Hukum*, Vol. 5, No. 2, hlm. 419-451, <http://dx.doi.org/10.22437/ujh.5.2.419-451>.
- Supriyadi Widodo Eddyono, Rio Hendra, dan Adhigama Andre Budiman, 2017, *Melawan Praktik Prostitusi Anak di Indonesia dan Tantangannya*, Paper: Institute for Criminal Justice Reform, hlm. 1-38.
- Ulfiah Ulfiah, 2017, *Prostitusi Remaja Putri dan Ketahanan Keluarga di Cianjur Jawa Barat*, *Penelitian*, hlm. 1-127.
- Undang-Undang Dasar Negara Republik Indonesia Tahun 1945.
- Undang-Undang Nomor 1 Tahun 1946 tentang Peraturan Tentang Hukum Pidana.
- Undang-Undang Nomor 13 Tahun 2006 tentang Perlindungan Saksi dan Korban.
- Undang-Undang Nomor 31 Tahun 2014 tentang Perlindungan Saksi dan Korban.
- Yanuar Farida Wismayanti, 2009, *Perdagangan Anak sebagai Bentuk Pelanggaran Hak-Hak Anak*, *Jurnal*, Vol. 14, No. 03, hlm. 17-24.
- Yudhya Prasetya, 2021, *Perdagangan Perempuan dan Anak sebagai Kejahatan Transnasional*, *Yustitia*, Vol. 7, No. 2, hlm. 185-195, <http://dx.doi.org/10.31943/yustitia.v7i2.126>.
- Yustina Sari, 2025, *Penanganan Terhadap Anak Korban Tindak Pidana Perdagangan Orang*.