



Legal Protection for Children as Victims of Human Trafficking (Study of Decision Number 98/Pid.Sus/2020/Pn.Kot)

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ABSTRACT

Criminal acts are a significant concern for the surrounding community and require swift and appropriate handling to overcome them. The crime of human trafficking is a form of denial of the fundamental human status as a legal subject. It also results in cases of humanism that certainly degrade the dignity of humans as social beings. Indonesian law has a complex framework in protecting children from all forms of exploitation and crime, including the Crime of Human Trafficking (TPPO). Within the Indonesian legal system, there are various regulations designed to protect children's rights and provide protection against crimes that threaten their safety. This study uses a normative legal method with a statute approach, a fact approach, and a case approach. Based on the problem in this study, which discusses the Implementation of Legislation in the Protection of Child Victims of Trafficking, the Judge's Consideration in Imposing Sentences in Decision Number 98/Pid.Sus/2020/PN.Kot. Further analysis is needed to understand the judge's considerations and the application of the principle of justice in the decision.

INTRODUCTION

Crime is a significant concern for the local community, requiring swift and appropriate action to address it. Crime can be defined as an unlawful act resulting from failure to comply with laws and regulations established by the government. Perpetrators of such crimes are subject to the sanctions stipulated therein.

Human trafficking denies the fundamental human right to be a legal subject. It also results in cases of humanism, which degrades the dignity and worth of human beings as social beings. Human trafficking is a crime against humanity faced by almost every country. For example, the child trafficking case in Bogor City. The Bogor City Police uncovered a case of human trafficking (TPPO) involving minors. Not only the victim, but two perpetrators were also identified as minors. The perpetrators ensnared the victims through friendships on Facebook. Other victims claimed to have known the perpetrators. However, in practice, they were forced to serve sex-seeking men. The Head of the Bogor Police Criminal Investigation Unit, Commissioner Rizka Fadhila, continued, explaining that the two perpetrators, SL (17) and SPS (16), were involved in human trafficking due to economic pressure. They were ultimately tempted by prostitution and became involved in human trafficking because of the potential for quick money.

In cities, especially in Indonesia, the prevalence of human trafficking is increasing day by day. This is due to high poverty and unemployment rates in Indonesia. Several cases of human trafficking have occurred in several countries. The 2023 US Department of State report estimates that more than 40 million people worldwide are victims of human trafficking, including sexual exploitation and forced labor. In Indonesia, 147 cases of human trafficking were recorded in 2021, the majority of which involved children.



Figure 1. Child Trafficking and Exploitation Case (2016-2021)

The bar chart shows data on child trafficking and exploitation cases in Indonesia from 2016 to 2021. In 2016, 340 cases were recorded, increasing to 347 cases in 2017. This number then decreased to 329 cases in 2018 and 244 cases in 2019. In 2020 and 2021, the number of cases decreased again to 149 and 147 cases, respectively.

High unemployment rates contribute to the rise in human trafficking cases, driven by the high demand for jobs for a prosperous life. Child trafficking is often a very complex issue and is inextricably linked to factors such as economic factors, which are driven by poverty and limited job opportunities, which are key drivers of human trafficking (TPPO) in Indonesia. Poverty makes individuals vulnerable to promising job offers, even if they involve exploitation. The lack of job opportunities also encourages people to seek employment abroad, despite the high risks. Social, cultural, and political factors are also key factors, as a lack of job opportunities and low levels of education make individuals more vulnerable to exploitation. Meanwhile, political factors such as weak law enforcement and corruption provide opportunities for human traffickers to operate freely. This is closely linked to child trafficking, even becoming part of the "cheap labor" policy, which is exploited to reduce production costs, leading to increased exploitation. Human trafficking is one route through which human trafficking occurs, with victims typically below the poverty line, particularly women and children, often kidnapped.

Children are the hope of parents, the state, and the nation, as they are the future generation. Therefore, it is crucial for children to have the right to life, including the guarantee of proper growth and development. Indonesian law has a complex framework for protecting children from all forms of exploitation and crime, including human trafficking. Within the Indonesian legal system, various regulations are designed to protect children's rights and provide protection against crimes that threaten their safety.

Child protection is an effort to safeguard children so they can exercise their rights and obligations. Protection for child victims of human trafficking, as mandated by Law of the Republic of Indonesia Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, states that child victims of human trafficking receive special protection that must be provided by the Government, Regional Governments, and other State Institutions (Article 59 of Law Number 35 of 2014).

This protection aims to ensure that children can live, grow, develop, and participate optimally in accordance with their dignity as human beings. Furthermore, they also have the right to protection from all forms of violence and discrimination. Child protection also embodies justice in a society. Therefore, child protection must be pursued to the greatest extent possible in all areas of national and social life.

One major challenge in child protection is the increasing number of cases of Human Trafficking (TPPO), which often targets vulnerable groups, particularly children. Human Trafficking (TPPO) is defined as an act involving the recruitment, transportation, transfer, harboring, or receipt of a person through the use of violence, threats, deception, or abuse of power for the purpose

of exploitation. TIPPO is a highly complex and damaging transnational crime, resulting in profound impacts on victims, especially children trapped in these situations.

Poverty and economic inequality are key factors that make children vulnerable to trafficking. Limited access to education and information makes them easily deceived by promises of employment or a better life. A lack of education and counseling in the community exacerbates this situation, as children and their families do not understand the risks and modus operandi of human trafficking. Weak law enforcement is also a serious problem. Although Law Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons was passed, its implementation still faces various obstacles. Human trafficking cases are often not handled seriously, and perpetrators do not receive appropriate punishment. In addition, organized human trafficking with extensive and sophisticated networks makes it difficult for law enforcement officials to uncover and eradicate this crime effectively.

The social stigma against victims of human trafficking, especially children, also hinders their recovery. Society often blames victims, leaving them ashamed and reluctant to report or seek help. The exploitation experienced by child victims of human trafficking, whether physical, sexual, or psychological, leaves serious long-term impacts on their development and well-being. An analysis of Decision Number 98/Pid.Sus/2020/PN.Kot shows that even though perpetrators are sentenced, restitution or compensation for victims has not been optimally implemented. This demonstrates the need for a more progressive legal approach oriented toward restoring victims' rights, including providing adequate restitution and rehabilitation.

Child victims of human trafficking are often subjected to sexual exploitation, forced labor, or used as tools for criminal purposes. Child trafficking is a serious violation of human rights and one of the most cruel forms of exploitation. Children, as the most vulnerable group in society, are often victims of this immoral and illegal act, which can have long-term impacts on their physical and mental health. In Indonesia, child protection is a crucial issue, particularly in the context of Human Trafficking (TPPO). Cases involving child victims of TPPO demonstrate their vulnerability to exploitation, both physical and emotional. An example of the lack of attention to the protection of victims' rights in human trafficking can be seen in District Court Decision Number 98/Pid.Sus/2020/Pn.Kot.

In this case, Defendants I and II were involved in bringing the child victim, Reni Rania Tri Zelia, to the home of Brother Fauzi, also known as Pao, for the purpose of sexual exploitation. They planned to give the child to Fauzi for sexual intercourse in exchange for Rp 300,000. Of this amount, Defendants I and II each received Rp 50,000.

This action is clearly detrimental to children and meets the definition of child trafficking, where children are subjected to a highly inhumane transaction. In this case, the defendants not only disregarded the child's rights but also engaged in a transaction that severely harmed Reni. They transported the child for sexual intercourse in exchange for money, with the defendants profiting

financially from this heinous act. This situation demonstrates how children can be treated as objects in transactions that demean human dignity.

This case not only reflects an unlawful criminal act but also illustrates the complexity of the social problems faced by child victims. Although various laws and regulations govern legal protection for children exist, such as Law No. 35 of 2014 concerning Child Protection and Law No. 21 of 2007 concerning the Crime of Human Trafficking, their implementation in practice still faces many challenges. Effective legal protection is crucial to preventing child trafficking and providing justice for victims.

Based on the description above, the author feels the need to conduct more in-depth research into the extent of existing legal protection for child trafficking victims, identify obstacles faced in law enforcement, and analyze the basis for judges' considerations in sentencing perpetrators. Therefore, the researcher is interested in conducting a study entitled "LEGAL PROTECTION OF CHILDREN AS VICTIMS OF TRAFFICKING (STUDY OF DECISION NO. 98/PID.SUS/2020/PN.KOT)."

The research problem concerns the implementation of existing laws and regulations in providing legal protection to child trafficking victims and the basis for judges' considerations in sentencing perpetrators of child trafficking based on Decision Number 98/Pid.Sus/2020/PN.Kot. And this study aims to determine the implementation of existing laws and regulations in providing legal protection to children as victims of trafficking and to determine the basis for the judge's considerations in sentencing perpetrators of child trafficking crimes based on Decision Number 98/Pid.Sus/2020/Pn.Kot

LITERATURE REVIEW

The Concept of Legal Protection

Legal protection is an effort undertaken by the state or government to provide legal guarantees and certainty to its citizens, as well as to protect their rights and interests from arbitrary actions or violations of the law. This encompasses various aspects, from the creation of legislation to effective law enforcement. Philipus M. Hadjon defines legal protection as all efforts undertaken by legal subjects, both individuals and institutions, to obtain legal guarantees and justice from the state through statutory instruments and judicial institutions. According to Hadjon, legal protection is divided into two main types: preventive and repressive. In the context of sexual crimes, legal protection is viewed not only from the perspective of protecting the perpetrator, but also, and especially, the victim. Hadjon emphasizes the importance of regulations that provide protection before the violation occurs (preventive), as well as post-violation measures (repressive) to ensure the restoration of the victim's rights (Bediona et al., 2024).

Satjipto Rahardjo views legal protection as part of the mission of humanizing law. In his progressive view, law should be positioned as a tool to protect human dignity and rights. Rahardjo criticized overly formalistic laws and emphasized that legal protection must be contextual, oriented toward substantive justice values, and protect vulnerable groups in society, including children, women, and minorities. According to him, legal protection is not

merely a normative product, but rather a process of siding with victims of injustice (Rahardjo, 2024). Lily Rasyid added that legal protection implies a guarantee of security and legal certainty against the potential and impacts of legal violations. She emphasized the need for the state to play a role in establishing a legal system that is inclusive and responsive to the needs of society. Meanwhile, Prasetyo (2023) highlighted legal protection in the digital realm, particularly against privacy violations. In the digital era, forms of legal protection evolve with technology, requiring the state to adapt legal instruments to remain effective and adaptive. These concepts demonstrate that legal protection is a dynamic and contextual construct.

In the realm of criminal law and human rights, legal protection plays a dual role: as a safeguard against repressive state action and as a guarantee of the fulfillment of citizens' basic rights. Legal protection for victims of sexual crimes, for example, must consider the rights to justice, truth, and reparation. Chemical castration, as a form of repression against perpetrators of sexual crimes, must also be placed within a framework of victim protection to prevent new human rights violations against the perpetrators (Bediona et al., 2024). Criminal law, as the *ultimum remedium*, must ensure proportionality between legal protection and retribution.

Legal protection primarily aims to guarantee and uphold human rights as enshrined in the constitution and international instruments. The state is obligated to ensure that every citizen receives fair legal treatment without discrimination. This protection is manifested not only in the form of regulations, but also through access to justice, strengthening judicial institutions, and public participation in the legal process. In the context of sexual violations, legal protection for victims is a concrete manifestation of the state's commitment to fulfilling the right to security and human dignity (Rahardjo, 2024).

The concept of justice in law cannot be separated from the function of legal protection, which rests on three pillars: fairness, certainty, and benefit. Legal protection must be able to bridge the gap between applicable regulations (positivistic) and the values of substantive justice that exist in society. Hadjon states that ideal legal protection must guarantee legal certainty for all parties, while remaining adaptive to social dynamics (Bediona et al., 2024). Therefore, the function of law is not merely a coercive tool, but also an instrument that brings social benefits, such as preventing crime and rehabilitating victims. Children are a highly vulnerable group to legal violations, both as victims and perpetrators. Loemnanu and Shantika Devi (2025) state that the juvenile criminal justice system must prioritize the principle of restorative justice, which prioritizes rehabilitation and social reintegration. Furthermore, child victims of sexual crimes require comprehensive legal protection, ranging from psychological support and child-friendly legal processes to the restoration of their rights. The state has a special responsibility to protect children from exploitation, violence, and inhumane treatment, in accordance with the principles of non-discrimination and the best interests of the child.

Legal protection can be divided into two main types: preventive and repressive. Preventive protection aims to prevent violations through clear

regulations, legal outreach, and monitoring of potential violations. Examples include education about sexual crimes and the establishment of strict regulations. Meanwhile, repressive protection arises once a violation has already occurred, manifested in the form of legal proceedings, punishment of the perpetrator, and restitution for the victim. In the context of children, these two forms must be integrated so that protection is not merely reactive but also proactive and comprehensive (Indonesian Legal Media, 2024).

Human Trafficking

Human Trafficking (TPPO) is a complex and damaging transnational crime, defined by both national and international law. According to Law of the Republic of Indonesia Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons (Law No. 21/2007), TIP is defined as "the recruitment, transportation, harboring, sending, transfer, or receipt of a person by means of threat or use of force, abduction, confinement, forgery, fraud, abuse of power or a position of vulnerability, debt bondage, or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, whether committed within the country or across borders, for the purpose of exploitation or resulting in the exploitation of a person" (Law No. 21/2007, Article 1, point 1). This definition demonstrates that TIP is a series of acts that ultimately harm the victim.

This definition also aligns with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (Palermo Protocol), which Indonesia has ratified. The Palermo Protocol defines TIP as the recruitment, transportation, transfer, harboring, or receipt of persons by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation (UNODC, 2004). This shared definition underscores Indonesia's commitment to eradicating this crime in accordance with international standards.

The key elements of TIP are often referred to as the "act, means, purpose" model. The "act" element encompasses the recruitment, transportation, transfer, or harboring of victims. The "means" element refers to the method used to control the victim, such as threats, force, deception, or the abuse of a position of vulnerability. Meanwhile, the "purpose" element is the exploitation itself, which can be in the form of sexual exploitation, forced labor, slavery, organ removal, or other forms of exploitation.

Children as Victims of Human Trafficking

Protection of children as victims of human trafficking (TPPO) has significant specificities in Indonesian law. Children are considered vulnerable legal subjects and require special protection. This is reflected in Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection (Law No. 35/2014), which expressly states that every child has the right to protection from violence, exploitation, and other forms of abuse (Law

No. 35/2014, Article 59). Children are the primary targets of exploitation because they are easily influenced, helpless, and lack knowledge of their rights.

Child exploitation in TIP encompasses various cruel and destructive forms. These forms of exploitation include commercial sexual exploitation, forced labor, slavery, involvement in criminal networks, and organ removal. These cases are often difficult to uncover because child victims are afraid to speak out or are unaware that they are being exploited. Therefore, the law provides stronger protections for children to ensure they receive justice and rehabilitation.

One important specificity in child trafficking cases is the removal of the "means" element. According to Law No. 21/2007, in cases of trafficking involving children under 18, proof of "threats, use of violence, abduction, confinement, forgery, fraud, abuse of power, or position of vulnerability" is not required (Law No. 21/2007, Article 2 paragraph 2). Simply demonstrating the act and the purpose of exploitation is sufficient for the perpetrator to be punished. This provision is designed to simplify the legal process and provide maximum protection for children, given that children cannot always understand or resist the actions taken against them.

Regulations regarding trafficking in Indonesia are supported by a comprehensive legal framework, both at the national and international levels. At the national level, the primary legal basis is the 1945 Constitution, specifically Articles 28B and 28I, which guarantee children's rights and the right to be free from slavery and degrading treatment. Furthermore, Law No. 35 of 2014 concerning Child Protection is a vital instrument, providing a special protection framework for children from all forms of exploitation.

The most specific legal instrument for addressing human trafficking is Law No. 21 of 2007 concerning the Eradication of the Crime of Human Trafficking, which serves as the primary legal basis for law enforcement to prosecute perpetrators of human trafficking. Furthermore, the Criminal Code (KUHP) and the Criminal Procedure Code (KUHAP) are also used as complementary legal bases in the law enforcement process against perpetrators and in the treatment of victims. This strong legal framework demonstrates the Indonesian government's serious commitment to eradicating human trafficking crimes in a holistic and structured manner.

METHODOLOGY

In line research, the method used to collect data is the normative method which refers to legal norms contained in laws and regulations, journal reference books and decisions that are related to the problem being solved and the data analysis used in line research is the descriptive data analysis method. The descriptive data analysis method is the approach used to describe and summarize the data collected in the research. The goal is to simplify the data so that it can provide a clear picture of the main characteristics of the data.

RESEARCH RESULT

Implementation of Laws and Regulations for the Protection of Child Victims of Human Trafficking

Legal protection for child victims of human trafficking in Indonesia is expressly regulated by law. The legal basis for this is Article 28, paragraph 2 of the 1945 Constitution, which stipulates that every child has the right to live, grow, and develop, and to be protected from violence and discrimination. Based on Law No. 35 of 2014 concerning Child Protection, Article 59 stipulates that the Government, Regional Governments, and other state institutions are obliged to provide special protection to exploited children. Law No. 35 of 2007 concerning the Eradication of Criminal Acts of Human Trafficking also regulates legal protection for child victims of human trafficking, including protection of the identity of the victim and their family from public disclosure. Children who are exploited must also have the right to rehabilitation, both within and outside institutions, as well as protection.

The implementation of laws and regulations for the protection of child victims of human trafficking in Indonesia encompasses various aspects, from prevention to law enforcement. Prevention is carried out through various outreach programs promoted by the Ministry of Women's Empowerment and Child Protection (KPPPA) to raise public awareness of the dangers of child trafficking. Furthermore, international organizations such as UNICEF play a role in supporting anti-child trafficking campaigns through education in schools, training for law enforcement officers, and capacity building of child protection agencies. These prevention efforts aim to reduce the risk of children becoming victims of trafficking through community empowerment and strengthening social protection systems.

In terms of victim management, regulations stipulate various forms of protection for child victims of human trafficking. Article 51 of Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking affirms that victims have the right to physical, psychological, and social rehabilitation services to recover from the trauma they have experienced. These services include medical care, psychosocial support, and social reintegration through education and job training programs. Furthermore, the Witness and Victim Protection Agency (LPSK) is responsible for providing free legal aid to victims to ensure their rights are upheld in the judicial process. However, in practice, there are still obstacles in implementing rehabilitation services, especially related to limited facilities and a lack of professional staff who have expertise in handling child trafficking victims.

From a legal perspective, the courts play a key role in imposing severe penalties on perpetrators of child trafficking, particularly those involving elements of exploitation. Article 88 of Law Number 35 of 2014 concerning Child Protection stipulates the maximum penalty for perpetrators found to have exploited children in human trafficking cases. Furthermore, within the judicial system, restoring victims' rights is a top priority, including the right to receive restitution from the perpetrator and guaranteed legal protection during the judicial process. Although these provisions are clearly stipulated in legislation, challenges remain in their implementation, such as weak coordination between

agencies in handling cases and a lack of understanding among law enforcement officials regarding the special needs of child trafficking victims.

Some of the main obstacles to implementing protection for child trafficking victims include a lack of coordination between government and non-government agencies involved in case prevention and handling. Furthermore, the social stigma against child trafficking victims often hinders their rehabilitation and reintegration into society. Many victims struggle to reintegrate into their communities due to negative public perceptions of them. Another obstacle is limited access to justice for child victims, primarily due to their lack of awareness of their rights. This results in many victims not receiving the legal protection they deserve.

To improve the effectiveness of child trafficking protection, various strategic solutions are needed that can be implemented by the government and relevant institutions. One step that can be taken is to increase training for law enforcement officers on handling child trafficking cases, including approaches based on child rights and trauma psychology. Furthermore, the government needs to establish integrated assistance centers in every district/city that can provide rehabilitation services, legal assistance, and social reintegration programs for victims. International cooperation must also be strengthened to track and dismantle child trafficking networks, which often operate across borders. With these steps, it is hoped that the protection of child trafficking victims can be implemented more effectively and have a real impact on victims' access to their rights and proper justice.

The Judge's Considerations in Sentencing in Decision Number 98/Pid.Sus/2020/PN.Kot

Based on Decision Number 98/Pid.Sus/2020/PN.Kot, the judge considered several aspects in sentencing the defendants, including legal facts, legal considerations, and non-legal considerations. This decision revealed that defendants Wahyu Waldi bin Joni and Siti Hayatunisah binti Hajar Hakim jointly engaged in child trafficking with the victim, Reni Rania Tri Zelia binti Hasri Zahrin, who was 16 years old. According to the chronology of events, the defendants first communicated with the victim through a witness named Dendi Septiandre. The defendants then took the victim to the home of the second defendant, who then contacted a man named Fauzi alias Pao (a fugitive). The victim was taken to Fauzi's home and forced to engage in sexual intercourse in exchange for Rp 300,000. The money was then divided among the defendants, with Defendant I receiving Rp 40,000 and Defendant II receiving Rp 50,000.

In this case, the judge applied legal provisions regarding child trafficking, referring to Article 76F of Law Number 35 of 2014 concerning Child Protection, which states: "Everyone is prohibited from placing, allowing, committing, ordering, or participating in the abduction, sale, and/or trafficking of children." The sanctions for violating this article are regulated in Article 83 of the same law, which states that perpetrators of child trafficking can be sentenced to a minimum of 3 years and a maximum of 15 years in prison and a maximum fine of Rp 300,000,000.00. In this decision, the judge determined that the elements contained in this article had been met based on the evidence presented at trial. The

following is an analysis of the fulfillment of the elements of the crime committed by the defendants:

1. The Element "Every Person"

This element refers to a legal entity that can be held criminally responsible. In this case, the judge confirmed that defendants Wahyu Walidi bin Joni and Siti Hayatunisah binti Hajar Hakim are legal subjects who can be held criminally responsible because they meet the legal requirements to be punished for the crime of child trafficking. In criminal law, a person can be punished if they have *dolus* (intention) in committing their act. The trial evidence shows that the defendants knowingly brought the victim to a place of exploitation with the intention of profiting. This demonstrates the presence of intent (*mens rea*) in the crime.

2. The Element of "Placing, Allowing, Carrying Out, Ordering to Carry Out, or Participating in Carrying Out"

This element encompasses various forms of involvement in the crime of child trafficking. In this case, the defendants' active role is evident in their actions, directly bringing the victim to the home of an individual named Fauzi alias Pao (a fugitive) for sexual exploitation. The judge deemed that the defendants' actions fall under the category of "participating in" as stipulated in Article 55 of the Criminal Code, which states that any party who assists or plays a role in a crime can be subject to the same punishment as the main perpetrator. In this case, the defendant not only acted as an intermediary but also received a portion of the proceeds from the victim's exploitation. Therefore, this element has been fulfilled.

3. Elements of "Kidnapping, Sale, and/or Trafficking of Children"

In human trafficking law, the term "child trafficking" encompasses a variety of acts that lead to the exploitation of children for economic gain. The judge in this ruling referred to Article 1 Paragraph (1) of Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking, which defines human trafficking as: "The act of recruiting, transporting, harboring, sending, transferring, or receiving a person by means of threat or use of force, abduction, confinement, forgery, deception, abuse of power or a position of vulnerability, or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, whether within the country or between countries, for the purpose of exploitation or resulting in the exploitation of that person."

In this case, the defendant took the victim to the home of someone who then raped her in exchange for Rp 300,000.00. This act fulfills the elements of child trafficking because:

- a. The victim was a minor. The trial evidence indicates that the victim was 16 years old, meaning any form of consent within the context of the trafficking transaction is considered legally invalid.
- b. There was a financial transaction; the defendant received a portion of the proceeds from the victim's exploitation, indicating that the act was committed for economic gain.

- b) Sexual exploitation: The victim was forced to engage in sexual intercourse, a form of exploitation as regulated in Article 2 of Law Number 21 of 2007.

Exploitation in this case refers to forcing a child to perform an act that benefits the perpetrator in a way that is detrimental to the victim. The sexual exploitation experienced by the victim in this case meets the provisions of Article 2 of Law Number 21 of 2007, which states that exploitation in the crime of human trafficking can take the form of sexual exploitation, forced labor, or slavery. In judicial practice, fulfilling the elements of exploitation is often critical in determining the severity of the perpetrator's sentence. In this decision, the judge considered that the exploitation experienced by the victim was severe because it involved coercion of the child, which impacted the victim's psychological and social well-being. In sentencing, the judge considered not only the legal aspects but also the psychological and social impacts experienced by child trafficking victims. Victims often experience emotional and physical trauma, high levels of fear and anxiety, depression, low self-confidence, and suicidal tendencies. Furthermore, victims face difficulties adjusting to their social environment, which can hinder reintegration into society. The judge recognized that child trafficking is not only a crime against individuals but also has a broad impact on the victim's family and society. Therefore, the trauma experienced by the victim was one of the reasons for the increased sentence in this decision.

In this case, the legal process reflected the application of the law to perpetrators of child trafficking. The court, in handing down the verdict, referred to applicable provisions, particularly Article 88 of Law Number 35 of 2014 concerning Child Protection, which states that perpetrators who exploit children can be sentenced to a maximum of 10 years' imprisonment and/or a maximum fine of Rp200,000,000.00. The element of exploitation was the primary basis for the increased sentence, given that the victim in this case experienced sexual exploitation through financial transactions involving the defendant and a third party. In the juvenile criminal justice system, restoring the victim's rights is a top priority. The court focuses not only on punishing the perpetrator but also on restoring the victim's condition so that they can return to a normal life. Based on the principle of restorative justice, which is often applied in child exploitation cases, victims are entitled to legal protection, psychological and social rehabilitation assistance, and restitution from the perpetrator. However, in this decision, there is no explicit provision regarding the restoration of the victim's rights in the form of restitution or compensation from the defendant. This indicates that although there are legal provisions governing victims' rights, their implementation in court is still suboptimal. In terms of evidence, the court considered various pieces of evidence presented by the public prosecutor, including witness testimony, the defendant's confession, and evidence supporting the fact that the victim had experienced sexual exploitation. The judge also considered that there were no excuses or justifications that could erase the defendants' criminal responsibility, so the sentence imposed was in accordance with applicable provisions.

In considering the sentence, the judge also evaluated the defendant's aggravating and mitigating factors. The aggravating factors include:

1. The victim was a minor, who is legally entitled to special protections.
2. The defendant played an active role in trafficking the victim, including transporting the victim to the site of exploitation and receiving a share of the proceeds.
3. The defendant's actions disturbed the community and had the potential to negatively impact child protection in general.

Meanwhile, the mitigating factors include:

1. The defendant admitted his actions at trial and expressed regret for his actions.
2. The defendant was cooperative throughout the legal process, which was taken into consideration in handing down the sentence.
3. In his verdict, the judge sentenced defendant Wahyu Walidi bin Joni to three years in prison and defendant Siti Hayatunisah binti Hajar Hakim to four years in prison, along with a fine of Rp 60,000,000, with a subsidiary sentence of three months in prison. Compared to other verdicts in similar cases, these sentences are considered lenient considering the significant impact on the victims. Although the judge considered various factors in imposing the sentence, there is room for improvement in stricter law enforcement to provide a deterrent effect for perpetrators and optimal protection for victims of child trafficking.

Although the element of exploitation in the crime of child trafficking has been met, the sentence imposed in this decision is relatively light compared to the maximum penalty under applicable law. This decision still leaves room for further evaluation in the application of stricter penalties for perpetrators of child trafficking to provide a deterrent effect and ensure maximum protection for victims. Furthermore, the aspect of victim recovery should receive greater attention in court decisions. The court may consider granting restitution to the victim as a form of accountability for the perpetrator's losses, as stipulated in Supreme Court Regulation (PERMA) No. 1 of 2022 concerning Procedures for Resolving Criminal Cases Using a Restorative Justice Approach. Therefore, the application of the law in this case is expected to not only impose sanctions on the perpetrator but also ensure that the victim receives their full rights.

CONCLUSIONS AND RECOMMENDATIONS

Based on the analysis of Decision Number 98/Pid.Sus/2020/PN.Kot, it can be concluded that the implementation of the law in the child trafficking case has been carried out in accordance with applicable laws and regulations, specifically Article 76F in conjunction with Article 83 of Law No. 35 of 2014 concerning Child Protection and Article 2 of Law No. 21 of 2007 concerning the Eradication of the Crime of Human Trafficking. In this decision, the judge considered the legal facts revealed during the trial, the psychological and social impact on the victim, and the aggravating and mitigating factors for the

defendant. However, although the elements of the crime were met, the sentence imposed was relatively light compared to the maximum penalty under the law.

Furthermore, the restoration of the victim's rights was not a primary focus of this decision. The judge did not issue a decision regarding restitution or rehabilitation for the victim, which should be an integral part of resolving child trafficking cases in accordance with the principles of restorative justice and the provisions of Supreme Court Regulation No. 1 of 2022 concerning Procedures for Resolving Criminal Cases Using a Restorative Justice Approach. Thus, although this ruling meets formal legal requirements, there is still room for improvement in victim protection and recovery.

Legal efforts require a comprehensive solution that balances legal and social aspects. From a legal perspective, improving law enforcement is a key priority. Law enforcement officials—including police, prosecutors, and judges—must receive specialized training in handling human trafficking crimes, with a child protection perspective and a victim-centered approach. Firmness in the investigation and prosecution of perpetrators must be a priority to create a deterrent effect and demonstrate the state's commitment to child victims. Regulatory improvements and adjustments are also urgently needed, such as strengthening criminal sanctions in Law Number 21 of 2007 and fully adopting the principles of the Palermo Protocol to make them more relevant in a global context. International cooperation with global institutions and other countries is crucial in breaking the chain of transnational trafficking and encouraging the extradition of perpetrators. Furthermore, legal and social outreach to the community is an important preventative measure to raise awareness and the ability to detect potential human trafficking crimes in their communities.

Furthermore, social approaches also play a crucial role in preventing and addressing child trafficking. Early childhood prevention and education programs in schools, communities, and families are key strategies for equipping children and parents with an understanding of the dangers of human trafficking and how to protect themselves. Economic empowerment of communities, particularly in vulnerable areas, must be encouraged through the development of micro-enterprises, cooperatives, and job skills training. These efforts aim to reduce the economic pressures that are often the primary triggers of child trafficking. For rescued victims, social reintegration and psychosocial recovery must be carried out in an integrated manner through counseling services, skills training, and social support to restore their self-esteem and secure a future. Equally important, social campaigns and the use of mass and social media need to be maximized to shift societal paradigms, eliminate stigma against victims, and shape public opinion in support of the national and global anti-trafficking movement. With this integration of legal and social solutions, protection for child victims of trafficking can be realized in a concrete and sustainable manner.

ADVANCED RESEARCH

Future research should focus on evaluating the effectiveness of restorative justice mechanisms in handling child trafficking cases, particularly in the context of Indonesia's legal framework. While current laws, such as Law No. 35 of 2014 and Law No. 21 of 2007, provide a solid legal basis, there remains a gap in the

practical implementation of victim-centered justice. Studies could explore how restitution and rehabilitation are addressed in court decisions and whether they align with the mandates of Supreme Court Regulation No. 1 of 2022. Comparative research involving other jurisdictions that have successfully integrated restorative justice principles could offer valuable insights and models that Indonesia could adopt to enhance the protection and recovery of child victims.

Additionally, interdisciplinary research involving legal, psychological, and social perspectives is crucial to develop a more holistic approach to combating child trafficking. Future studies might investigate the long-term impact of psychosocial support and economic empowerment programs on survivors of trafficking, and assess the role of community-based prevention initiatives. Researchers should also examine how public awareness campaigns and education can effectively change societal attitudes toward victims and improve early detection of trafficking networks. Through empirical and policy-oriented research, practical recommendations can be developed to strengthen both the legal and social responses, ultimately contributing to a more effective and humane system for addressing child trafficking.

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