

IMPLEMENTATION OF LEGAL PROTECTION FOR VICTIMS OF HUMAN TRAFFICKING AT THE DENPASAR DISTRICT PROSECUTOR'S OFFICE

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Abstract

Legal protection for victims is a state obligation to guarantee human rights, especially for victims of human trafficking who experience physical, psy-chological, and social suffering. The Denpasar District Attorney's Office has a strategic role in providing legal protection to victims of human trafficking during the law enforcement process. This study examines the forms of legal protection for victims of human trafficking at the Denpasar District Attorney's Office and examines how legal protection is implemented for victims of human trafficking at the Denpasar District Attorney's Office. The research method used is empirical legal research with a statutory, conceptual, and so-ciological approach. That the form of legal protection includes identity pro-tection, assistance, examination in a special room, and fulfillment of restitu-tion rights. Its implementation is carried out through a victim-perspective approach and coordination with relevant agencies. Legal protection has been implemented, but still needs strengthening. That it can be directed at opti-mizing coordination and fulfilling victims' rights on an ongoing basis.

Keywords: Legal Protection; Victims; Trafficking.

INTRODUCTION

The introduction should be clear and provide for the issue to be discussed in the manuscript (Bassiouni, 2006). Before the objective, authors should provide an adequate background, and very short literature survey in order to record the existing conditions, to show which is the best of previous re-searches, to show the main limitation of the previous researches, to show what you want to achieve (to solve the limitation), and to show the scientific merit or novelties of the paper (Nurhidayatuloh et al, 2018). At the end of the paragraph, the author (s) should conclude with a comment on the significance concerning the identification of the issue (Yahanan et.al, 2017) and the objective of the research (Yahanan et.al, 2017).

The manuscript written by the author whose English is the second language needs to be proofread. Ignore to this requirement results in the rejection of the manuscript.

The Attorney General's Office of the Republic of Indonesia is a public institution whose primary duties are prosecution as well as the enforcement of law and justice. As a crucial law enforcement institution, the Attorney General's Office is responsible for prosecuting various criminal cases and supervising the implementation of court decisions that have obtained per-manent legal force. The criminal justice system in Indonesia involves various institutional components, including the Police, the Attorney General's Office, the Courts, and community leaders. As one of the principal legal institutions, the Attorney General's Office has the authori-ty as a Public Prosecutor and to conduct investigations into criminal offenses, as stipulated in Law Number 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia (Komang Agus Adi Gunawan, I Made Sepud, and Ketut Adi

Wirawan: 2023: 335–340). The Attorney General's Office acts as *dominus litis*, as it is the only institution authorized to determine whether a case may proceed to court based on concrete evidence in accordance with Criminal Procedural Law. Pursuant to Law Number 11 of 2021 amending Law Number 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia, the Attorney General's Office is granted authority to handle criminal, civil, and administrative state cases. The Attorney General's Office may act for and on behalf of the state or government, both inside and outside the court environment. Specifically in the criminal sphere, the authority of the Attorney General's Office includes investigation, prosecution, and the execution of court decisions. The Attorney General's Office functions as an institution that supports the state and society in achieving the supremacy of law and justice. According to Andi Hamzah, the Attorney General's Office has a crucial role in the administration of criminal justice in Indonesia, considering its exclusive authority to conduct prosecutions and execute criminal judgments that have obtained permanent legal force (Andi Hamzah: 2014: 23). M. Yahya Harahap states that the scope of the Attorney General's Office's authority is not limited to prosecution alone, but also includes the pre-prosecution stage and supervision of the implementation of criminal law (M. Yahya Harahap: 2012: 45). There are several divisions within the Attorney General's Office, namely:

- a. General Criminal Division
- b. Special Criminal Division
- c. Civil and State Administrative Division
- d. Intelligence Division
- e. Evidence Division
- f. Supervision and Development Division

The Attorney General's Office is involved in the prosecution process and the execution of judicial decisions. After investigators submit case files, prosecutors evaluate the feasibility of the case to be prosecuted in court. In addition, the Attorney General's Office has the responsibility to provide protection to witnesses and victims, particularly in cases of serious crimes such as the criminal offense of trafficking in persons. This is carried out through collaboration with related institutions, including social service agencies and the Witness and Victim Protection Agency. The functions of the Attorney General's Office encompass juridical, administrative, and social aspects, including the prosecution of offenders as well as efforts to restore justice and protect victims (Muladi & Barda Nawawi Arief: 2010: 102). The Bali High Prosecutor's Office and the Denpasar District Prosecutor's Office are institutions within the Indonesian justice system that are responsible for carrying out prosecutions and supervising criminal law processes. One of the crucial functions of the Bali High Prosecutor's Office includes handling or coordinating special criminal cases, which are subsequently delegated to the Denpasar District Prosecutor's Office for trial proceedings at the competent District Court (Lilik Mulyadi: 2016: 42). Based on Article 30 paragraph (1) letter d of Law Number 11 of 2021 concerning the Attorney General's Office of the Republic of Indonesia, this institution has the authority to prosecute criminal offenses regulated under specific legislation. The categories of special criminal offenses generally delegated from the Bali High Prosecutor's Office to the Denpasar District Prosecutor's Office are as follows:

1. Corruption Crimes

2. Money Laundering Crimes
3. Human Trafficking Crimes
4. Narcotics Crimes
5. Immigration and Customs Crimes

The Denpasar District Prosecutor's Office handles criminal cases related to the criminal offense of trafficking in persons. In addition to carrying out its function as a public prosecutor, prosecutors also have the obligation to safeguard the rights of victims, including the fulfillment of restitution, protection guarantees, and adequate rehabilitation. The Denpasar District Prosecutor's Office is the only law enforcement institution authorized to undertake legal measures against individuals involved in human trafficking crimes while simultaneously providing legal protection to victims. This function aims to safeguard the rights of victims as regulated under Law Number 21 of 2007 concerning the Eradication of the Criminal Offense of Trafficking in Persons. This study is also crucial to assess the effectiveness of legal protection provided to victims of human trafficking within the scope of the Prosecutor's Office, particularly because such victims generally experience profound psychological impacts, financial losses, and violations of fundamental human rights. Furthermore, trafficking in persons is categorized as a very serious and extraordinary crime.

Based on the explanation described above, research problems arise concerning the forms of legal protection afforded to victims of the criminal offense of human trafficking at the Denpasar District Prosecutor's Office, as well as how the implementation of legal protection for victims of the criminal offense of trafficking in persons is carried out at the Denpasar District Prosecutor's Office.

RESEARCH METHODS

This study employs an empirical legal research method. This method is designed to comprehensively examine law and analyze how law operates within the context of society (Jonaedi Efendi and Johnny Ibrahim: 2018: 2). Through the empirical legal research approach, theories are developed to explain the existence and function of law within society, including the transformations that occur in the processes of social change. These theories later became more widely known as "the social theories of law" or "Law and Society" (Bambang Sunggono: 2012: 78).

This study aims to identify and analyze the forms and implementation of legal protection for victims of the criminal offense of trafficking in persons at the Denpasar District Prosecutor's Office. The approaches applied include statutory, conceptual, and sociological perspectives. The legal materials utilized consist of primary and secondary data, which were collected through field data collection. The data collection techniques employed in this research include interviews and the study of legal documents. The analysis of the issues was conducted using a descriptive qualitative approach, involving the selection and classification of data to generate comprehensive information relevant to the subject matter, which was subsequently analyzed in depth. The data obtained from primary and secondary sources were classified and identified. Furthermore, the data were processed using a qualitative analytical method. Following the qualitative analysis process, the data were then presented descriptively.

RESULTS AND DISCUSSION

Forms Of Legal Protection For Victims Of The Criminal Offense Of Trafficking In Persons At The Denpasar District Prosecutor's Office

Human rights function as normative elements that guide behavior, protect freedoms and immunities, and guarantee opportunities for individuals to achieve their dignity and worth (Majda El Muhtaj: 2005: 6). These rights are inherent in every human being as an integral part of life, encompassing fundamental facilities granted by God, although their implementation varies depending on an individual's ability to utilize them through mutual respect and cooperation without infringing upon the rights of others (Jhon L. Esposito: 136). Based on Law Number 13 of 2006 concerning the Protection of Witnesses and Victims, a victim is defined as an individual who suffers physical, mental, or economic harm as a result of a criminal offense, including collective losses or significant interference with his or her rights (Muladi: 1997: 108). Legal protection refers to the recognition and enforcement of human rights through a regulatory system that protects individuals from violations by others, with the objective of ensuring security, justice, and the restoration of human dignity. In cases of trafficking in persons involving recruitment, transportation, transfer, and exploitation through threats, violence, or fraud, the state is responsible for providing protection before, during, and after the judicial process, including physical, mental, and social recovery (Gede Agus Sukawantara, Anak Agung Sagung Laksmi Dewi, and Luh Putu Suryani: 2020: 220–226). The term *strafbaar feit* in Dutch criminal law refers to a criminal offense, while trafficking in persons is interpreted in various ways depending on the perspective of individuals or organizations (Amir Ilyas: 2012: 19).

The types of legal protection include: (a) preventive protection, which aims to prevent criminal offenses through policies and programs as regulated in Articles 56–58 of Law Number 21 of 2007 (Fitriani, L.: 2020: 91); (b) repressive protection, which emphasizes law enforcement and the restoration of victims' rights through the punishment of offenders and restitution, as stipulated in Articles 2–6, 11–17, and 43–48 of the law (Nurhaliza: 2021: 7–84); and (c) pre-emptive protection, which focuses on guidance, education, and prevention before violations occur, as provided in Articles 57–58. Specific forms of protection include imprisonment (up to 15 years or life imprisonment pursuant to Law Number 1 of 2023 concerning the Criminal Code, aimed at correction and resocialization), confinement, fines, restitution, compensation, rehabilitation, confidentiality of identity, professional assistance, legal aid, repatriation, and social reintegration (Philipus M. Hadjon: 1987: 2–3). The sentencing system under the new Criminal Code emphasizes deterrence, rehabilitation, and the resocialization of offenders, with judges imposing proportional sanctions. Legal protection for victims of trafficking in persons emphasizes a victim-oriented approach, ensuring comprehensive recovery through compensation, rehabilitation, and reintegration, thereby enabling victims to live with dignity within society.

The Indonesian state has enacted legislation aimed at protecting women and children

who are victims of the criminal offense of trafficking in persons, with such protection complementing the general forms of protection available to crime victims. The specific protection models implemented at the Denpasar District Prosecutor's Office include: (a) confidentiality of identity, based on Article 5 paragraph (1) letter a of Law Number 31 of 2014, through closed-room proceedings during Stage II after the issuance of P-21 to prevent further harm (Satjipto Rahardjo: 2006: 54); (b) rehabilitation, as defined in Article 1 point 14 of Law Number 21 of 2007, carried out through collaboration with the Witness and Victim Protection Agency (LPSK) and the Social Affairs Office, with prosecutors incorporating it into their indictments or demands (Muladi: 2002: 141); (c) restitution, regulated under various legal provisions, with prosecutors acting as dominus litis to ensure that restitution requests are included in the bill of indictment based on the calculation of losses suffered by victims (Achmad Murtadho: 2020: 445); (d) compensation, pursuant to Article 1 point 10 of Law Number 31 of 2014, which has not yet been implemented due to the authority of the Witness and Victim Protection Agency (LPSK) and the limited understanding of victims regarding their rights (Lilik Mulyadi: 2015: 64); (e) repatriation, based on Article 51 paragraph (1) of Law Number 21 of 2007, through collaboration with investigators and relevant institutions to ensure the safe return of victims (Muladi: 2002: 147); (f) reintegration, as stipulated in Article 51 paragraph (1), focusing on restoring victims' dignity through cooperation with the Witness and Victim Protection Agency (LPSK) and the Social Affairs Office (Bambang Waluyo: 2011: 112); (g) legal aid, as defined in Article 1 point 1 of Law Number 16 of 2011, through coordination with institutions such as the Bali Legal Aid Institute (LBH Bali) to fulfill victims' right to justice (Mardjono Reksodiputro: 2007: 89); and (h) professional assistance, aimed at reducing trauma and preventing revictimization, with support from social workers, psychologists, and the Witness and Victim Protection Agency (LPSK), as well as preliminary information provided by prosecutors in their capacity as dominus litis (Siti Nurjanah: 2020: 150).

Implementation Of Legal Protection For Victims Of The Criminal Offense Of Trafficking In Persons At The Denpasar District Prosecutor's Office

Several obstacles hinder legal protection for victims of the criminal offense of trafficking in persons, including victims' reluctance to report due to feelings of shame and social stigma. These factors can be categorized as follows:

1. Non-Juridical Factors: These include economic aspects, such as business competition that encourages criminal activity; structural poverty as a primary driving factor; social and cultural changes that influence behavior; and low levels of education that hinder the development of morality and individual intelligence (Rajwa Raidha Adudu, Marhcel R. Maramis, and Diana Esther Rondonuwu: 2021: 8).
2. Juridical Factors: Law enforcement against perpetrators is often insufficiently firm, from the investigation stage to court proceedings, due to the limited understanding of law enforcement officers regarding Law Number 21 of 2007 concerning the Eradication of the Criminal Offense of Trafficking in Persons. Other challenges include the limited

communication skills of law enforcement officers, low aspirations, a lack of future orientation, an inability to postpone material needs, and limited innovation. Furthermore, the legal framework itself, inadequate facilities and infrastructure, societal conditions, and cultural factors may impede the effectiveness of law enforcement (Soerjono Soekanto: 2004: 25).

Trafficking in persons is not a new phenomenon globally, including in Indonesia, where such cases are frequently driven by low economic conditions and limited human resource quality. As a result, individuals with low educational attainment and minimal skills are vulnerable to exploitation by irresponsible parties. This issue has become increasingly complex, with global estimates indicating that approximately 12.3 million people are involved in human trafficking and forced prostitution, based on a report issued by the United States Department of State (Ba-yu Aji Pramono and Mahrus Ali: 2011: 20). Article 1 point 1 of Law Number 21 of 2007 defines trafficking in persons as the recruitment, transportation, harboring, sending, transfer, or receipt of a person through threats of violence, kidnapping, fraud, or abuse of power for the purpose of exploitation. Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia affirms the right of every person to recognition, guarantees, protection, and fair legal certainty, including victims of trafficking in persons. The definition of a victim under Article 1 point 2 of Law Number 13 of 2006 includes physical, mental, sexual, economic, and social suffering resulting from a criminal offense, while Article 3 of Law Number 21 of 2007 emphasizes the specific physical, mental, and economic suffering caused by trafficking in persons.

Based on an interview with Mrs. Ni Putu Widyaningsih, a Public Prosecutor in the General Crimes Division at the Denpasar District Prosecutor's Office, conducted on December 3, 2025, the handling of trafficking in persons cases frequently involves cumulative or subsidiary indictments combined with other criminal offenses such as pornography or fraud when the principal elements of trafficking cannot be fully proven, thereby allowing judges to render decisions based on alternative charges (Widyaningsih, December 3, 2025). In cases involving women and children, prosecutors prepare for the physical, psychological, and social aspects of victim protection through preliminary meetings in accordance with Attorney General Guideline Number 1 of 2021 and Law Number 12 of 2022 concerning the Criminal Offense of Sexual Violence, in cooperation with the Witness and Victim Protection Agency (LPSK), the Social Affairs Office, and professional personnel to ensure protection throughout the judicial process (Widyaningsih, December 3, 2025).

Prosecutorial demands are not solely focused on the punishment of offenders but also on restitution as a form of restorative justice, taking into account aggravating and mitigating circumstances such as the traumatic impact experienced by victims and previous court decisions (Rena Yulia: 2012: 273). Judges possess independent authority to grant or reject prosecutorial demands, including requests for restitution, and prosecutors may file appeals when necessary in accordance with Guideline Number 24 of 2022 on the Handling of General Criminal Cases issued by the Deputy Attorney General for General

Crimes. Legal assistance for victims constitutes a fundamental right, with prosecutors facilitating legal representation and support from the Social Affairs Office, particularly for child victims, through preliminary meetings aimed at identifying victims' needs and ensuring their participation in court proceedings. Case handling involves inter-agency cooperation through the Integrated Criminal Justice System for the Handling of Violence Against Women and Children (SPPT-PKKTP), including the Social Affairs Office, the Women and Children Protection Unit (PPA), and the Indonesian Child Protection Commission (KPAI/KPAD), in order to fulfill victims' rights holistically from the investigation stage through trial proceedings.

Although there are no specific internal prosecutorial regulations governing victim protection in trafficking cases, prosecutors utilize Attorney General guidelines and relevant legislation to protect victims based on the principle of victim-oriented justice (Ridwan HR: 2012: 141). Judicial decisions generally align with prosecutorial demands while considering the impact on victims, and prosecutors may file appeals in cases involving significant discrepancies. The primary challenge remains the lack of specificity within Law Number 21 of 2007, requiring prosecutors to refer to other legal provisions and adopt an inter-agency network approach to victim protection and recovery, although more comprehensive regulations are still needed.

CONCLUSION

The forms of legal protection provided to victims of the criminal offense of trafficking in persons at the Denpasar District Prosecutor's Office include the protection of victims' identities, legal assistance, examinations conducted in a safe and supportive environment, and the fulfillment of victims' rights, including restitution, through coordination among relevant institutions. This law enforcement process integrates human rights principles and adopts a victim-centered perspective as its primary priority.

The implementation of legal protection for victims of the criminal offense of trafficking in persons has been carried out in accordance with the applicable laws and regulations, including the application of victim protection principles, a victim-oriented approach, and mechanisms to ensure the confidentiality of victims' identities, legal assistance, and the fulfillment of victims' rights throughout the legal process. Nevertheless, to optimize the effectiveness of such protection, stronger inter-agency cooperation and greater consistency in its implementation are required.

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