



Reconstruction of Legal Protection Regulations for Victims of Human Trafficking Criminal Acts in Transnational Area Based on the Values of Justice

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Abstract

Action criminal human trafficking in general, namely in the form of violation dignity and honor basic man human in the form of treatment cruel, and even treatment similar slavery. Research Objectives This is The problem in study are: 1) to analyze and find regulation protection law against victims of crime criminal human trafficking in transnational areas Not yet based on mark justice; 2) to analyze and find weaknesses regulation protection law against victims of crime criminal human trafficking in transnational areas moment this; 3) for reconstruction regulation protection law against victims of crime criminal human trafficking in transnational areas based on mark justice. The research uses a constructivism paradigm, socio-legal approach, and descriptive type, with secondary data (primary, secondary, tertiary legal materials), literature based data collection, and qualitative analysis. Study results research are: 1) Legal protection for victims of transnational human trafficking is not yet based on justice, as laws define trafficking as a crime with sanctions but provide no direct protection for victims; 2) The weaknesses of legal protection for victims of transnational human trafficking include: legal substance, protection is limited to compensation without addressing other forms of legal safeguards; legal structure, authorities and government haven't seriously enforced protections; legal culture, victims often neglect to act, fearing serious consequences, while control bodies remain weak and hesitant to oppose violations; 3) The reconstruction of legal protection regulations for victims of transnational human trafficking shifts from unjust to justice-based, ensuring fairer protection. It involves reconstructing values and norms in Law No. 21 of 2007 (Article 47) and Ministerial Regulation No. 8 of 2021 (Article 3(1)) to better safeguard victims' rights.

Keywords: *Reconstruction; Regulation; Action Crime; Human Trafficking*

Introduction

The right to to obtain protection law, is right basic every citizen who are guaranteed by the 1945 Constitution of the Republic of Indonesia. This is as stated in Article 28D paragraph (1) of the

Amendment Constitution The 1945 Constitution of the Republic of Indonesia, which affirms that " Everyone has the right on recognition, guarantee, protection and certainty fair law as well as equal treatment in front of law ".

The state's obligation to provide protection law as set in constitution said, in line with objective law or essence fundamental from enforcement law, related with matter mentioned, it is necessary highlighted moreover formerly Roscoe Pound's opinion as quoted by Mochtar Kusumaatmadja, that objective law is For order, purpose reach justice and law as tool update society (*law as a tool of social engineering*).¹

Crime new and new modes of the old crimes in question, can found among others in crime narcotics, money laundering, customs and excise, forestry and natural resources Power nature, and crime trading human trafficking.

According to article 1 paragraph (1) of the Law Number 21 of 2007 concerning Eradication Action Criminal Human Trafficking (TPPO), " Human trafficking or *human trafficking* is action recruitment, transportation, harboring, sending, transfer, or reception somebody with threat violence, use violence, kidnapping, confinement, forgery, fraud, abuse power or position vulnerable, debt trap or give payment or benefits, so that to obtain agreement from the person holding control on other people, whether committed within the country or abroad. between countries, for objective exploitation or resulting in people being exploited."²

For anticipate emergence various form and mode of action new criminal law said, then be born various device legislation crimes outside the Criminal Code (KUHP) the only one adalan eradication act criminal regulated human trafficking in Law No. 21 of 2007 concerning PTPPO.³

The law was passed in Jakarta on April 19, 2007, and placed in Addition State Gazette of the Republic of Indonesia 4720 of 2007 Number 58, was born based on consideration among other things that human trafficking, in particular women and children, are contrary action with dignity and honor human and violate right basic human, so that must eradicated.⁴

Also considered that human trafficking has expand in form network organized and unorganized crime organized, good nature between countries and domestically, so that become threat to society, nation, and state, as well towards the norms of life that are based on respect to right basic man.

Protection law for victims of human trafficking protect right everyone who is a victim of an act criminal for to obtain equal service and protection by law as well as regulation legislation. Therefore, in every error the law that occurs against the victim and the consequences suffered by the victim, the victim has the right for to obtain necessary assistance and protection in accordance with principle law, namely existence equation in front law or as often said called with principle *equality before the law*. While what is meant by with help and security for victims related with right victim rights, for example right get help physical, rights accept help in solve problem, rights to obtain Again his rights, rights to obtain guidance and recovery, rights for get protection from threats, and rights for accept change make a loss Good from

¹ Mochtar Kusumaatmadja, *Relationship Between Law With Public: Foundation Thought, Pattern And Mechanism Implementation Updates Law*, BPHN-LIPI, Jakarta, 1976, p.

² Article 1 number 1 of the Law Number 21 of 2007 concerning Eradication Action Criminal Human Trafficking

^{3 14} Edy Ikhsan, *Trafficking in Person*, Reflection on State Responsibility and the Role of Society," Paper presented at the dialogue on the Implementation of Regional Regulation No. 6 of 2004 on the Elimination of Women's Trafficking, Medan, August 12, 2008

⁴ Consideration in considering letter b, Republic of Indonesia Law no. 21 of 2007 concerning PTPPO.

perpetrator as well as the state and government.⁵In the Criminal Code, the victim is only given protection law in the form of change make a loss through combination problem and no handle type protection law others. Because not handled by him protection law for victims, crime in matter this is a victim of human trafficking special so cause injustice because Often the JPU (Public Prosecutor) who substitutes the victim submits demands solely or judge only give relative sanctions light to perpetrator. The nature of formulation (determination) of actions human trafficking as act criminal with sanctions criminal in regulation legislation is as giving protection No direct against victims of crime criminal. Because if perpetrator act criminal sentenced severe sanctions so expected No will be Again action similar or the candidate perpetrator will think twice before do action said. Although matter This the protection law for victims of crime criminal human trafficking, but giving criminal This Not yet truly capable provide a sense of perfect justice.

Indonesian adults This Already ratify *United Convention Organized Against Crime Nations Transnational* (Convention of the Nations Against Transnational Criminal Acts Organized) to be Constitution Number 5 of 2009. With ratified The UN Convention means that Indonesia has truly make an effort for do prevention and control act criminal human trafficking.⁶The UN as the container of countries has also regulates the "*United Nations Convention Against Transnational Organized Crime*" or abbreviated with UNCATOC, which is also known with designation Palermo Convention 2000. Therefore⁷ It was in April 2007 that the Indonesian government ratified Constitution act criminal human trafficking.⁸

Efforts to do prevention against this TPPO is a social strategy, which requires policy criminal (criminal aims) for policy), which minimizes crime and fulfill a sense of justice society.⁹If women and children most trapped in exploitation in a way sexual, then man usually enter to in exploitation economy. Form his exploitation that is in the form of Work force or Work without paid.¹⁰

The existence of arrangements and forms protection law for the victim no criminal human trafficking regulated in Articles 43 to Article 55 of the Law Number 21 of 2007 in particular general load or set, about protection witnesses (referring to Law No. 13 of 2006). Legal Protection for victims of crime Trafficking crimes are increasingly get the place with ratification Constitution Number 21 of 2007 concerning Eradication Action Criminal Human Trafficking. Provisions about victim protection is regulated in a way special in Article 43 to with Article 53, Article 43 of the Law Number 21 of 2007 regulates provision about protection witnesses and victims in act criminal *Trafficking* implemented based on Constitution Number 13 of 2006 concerning protection witnesses and victims except determined in Constitution This.

As for the regulations other related legislation with human trafficking, namely Constitution Number 4 of 1979 concerning Welfare the intended child for give protection to child, but trading children also do not be anticipated in Constitution this. After ratification Constitution Number 21 of 2007 which is regulation special that regulates about act criminal human trafficking, so that can become means for enforcer law, in particular to Handling human trafficking. Including protection of victims during This Not

⁵Ni Putu Rai Yulianti and Dewa Gede Sudika Mangku. Legal Protection for Women Victims of Trafficking in Indonesia in an International Human Rights Perspective, *International Journal of Criminology and Sociology*, Vol. 9, 2020. Pg. 1401 - 1402

⁶Mustafid, Fuad, "Human Trafficking in the Perspective of Human Rights and Islamic Legal Philosophy," *Journal Islamic Legal Thought*, Volume 29 Number 1, 2019.

⁷Maria Efita Ayu and Sherly Ayuna Putri, Trafficking of Women and Children and act Criminal Corruption as Crime Transnational Organized Based on Palermo Convention, *Bina Mulia Law Journal* Vol.

⁸Hidayati, Maslihati N. Eradication and Prevention Efforts Human Trafficking Through International Law and Positive Law of Indonesia, *Pranata Social* Vol. 1 No. 3, March 2012.

⁹Glenn Ch, "Legal Protection for Crime Victims trading women". *Lex Crimen Journal*, Vol. IV, No.7, 2015.

¹⁰Syamsuddin, Forms Trading Humans and Psychosocial Problems of Victims, *Sosio Informa* Vol. 6 No. 01, January-April 2020. Pg. 23

yet get attention, thing This seen from Still at least arrangement in regulation legislation that regulates about rights Legal Protection, Victims, Action Criminal Victim Trafficking.

Based on description above, author interested for to study matter the more in with do study for writing dissertation entitled: " Reconstruction Regulation Legal Protection for Victims of Crime Criminal Human Trafficking in Transnational Areas Based on the Value of Justice".

Research Methods

Writer in study This use paradigm constructivism, a paradigm that views that knowledge law That only deal with regulation legislation solely. Law as something that must be done applied, and more tend for No to question mark justice and its usefulness for society. Legal studies and their enforcement only range about what is right and those who don't right, what is wrong and what is not wrong and more other forms nature prescriptive.

Approach research used in study This is study law sociological or normal called socio legal research. In research this, law conceptualized as a symptom empirical that can be observed in life real.

Types of research used in finish dissertation This is method study legal descriptive analysis, namely research conducted with method researching material library (secondary data) or study law library, Then, described in analysis and discussion.

Types of data used are primary and secondary data. For obtain primary data from researchers referring to to data or facts and cases law obtained direct through field research including information from related respondents with object research and practice that can seen as well as relate with object research. While secondary data done with method studies bibliography. Secondary data This useful as runway theory for underlying analysis the main points existing problems in study This.

Discussion

1.Regulation Legal Protection Against Insider Trading Action Perspective Criminal Organized Transnationalism is Not Yet Just

Fitzgerald explains theory protection law that law aiming integrate and coordinate various interest in public Because in a Then cross interests, protection to interest certain only can done with method limit various interests on the other side.¹¹ Interest law is take care of rights and interests human, so that law own authority highest For determine interest human being in need regulated and protected. Protection law must see stages namely protection law born from a provision law and everything regulation laws that are given by society which are basically is agreement public the For arrange connection behavior between members society and between individual with the government is considered represent interest public.¹²

With presence law in life social, useful for integrate and coordinate ordinary interests contradictory between One each other. So from that, law must Can integrate it so that the collisions interest That can pressed as minimal as possible maybe. Definition terminology law in Indonesian according to KBBI is regulation or customs that are official considered binding, confirmed by the ruler or

¹¹ Fotzgerald, 1996, *Salmond on Jurisprudence*, Weet & Mazwell, London, p. 67.

¹² *Ibid*, p. 54.

government, laws, regulations, and so on For arrange socializing life society, benchmark or rules about incident natural certain, decision or considerations determined by the judge in court, or verdict.¹³

While the word protection in Language English is *protection* which means as: (1) *protecting or being protected*; (2) *system protecting*; (3) *person or thing that protects*. In the Big Indonesian Dictionary, protection interpreted: (1) place take shelter; (2) act or things and so on protect. So that protection law is the act (thing) of protecting, for example give protection to the weak. Protection law give protection to rights someone who is considered weak.

Form protection regulated law in Constitution Number 13 of 2006 Concerning Witness and Victim Protection includes:

1) Restitution

Perpetrator act criminal responsible for give restitution to the victim. Restitution is giving change loss fully or partly by the parties perpetrator to the victim, if concerned capable give it.

a. The right to get restitution Article 48

- (1) Every victim of a crime criminal human trafficking or expert his heir entitled to obtain restitution.
- (2) Restitution as referred to in paragraph (1) in the form of change loss above: a. loss riches or income; b. suffering; c. costs for action maintenance medical and/ or psychological; and/ or d. other losses suffered by the victim as consequence human trafficking.
- (3) Restitution the given and listed at a time in love decision court about case act criminal human trafficking.
- (4) Provision restitution as referred to in paragraph (1) shall be implemented since dropped decision court level First.
- (5) Restitution as referred to in paragraph (4) can entrusted moreover previously in court place case disconnected.
- (6) Provision restitution done in 14 (four) twelve) days counted since he was informed the decision that has been to obtain strength law still.
- (7) In the case of perpetrator disconnected acquitted by the court appeal level or cassation, then the judge ordered in the decision is for the restitution money to be deposited returned to the person concerned.

Every victim or expert his heir entitled to obtain restitution in the form of change loss above: 1) loss riches or income, 2) suffering, 3) costs for action maintenance medical and/ or psychological and/ or 4) other losses suffered by the victim as a result consequence human trafficking. Other losses referred to provision This is lost treasure property; cost transportation basis; cost lawyer or other related costs by legal process or lost promised income perpetrator.

Restitution the given and listed at a time in love decision court. Granting restitution implemented in 14 days counted since he was informed the decision that has been to obtain strength law remain. In case giving restitution in the form of change loss implemented since dropped decision court level First. If the

¹³Dictionary Compilation Team, Center for Language Development and Fostering, 1991, *Big Indonesian Dictionary, 1st Edition Second, 1st printing*, Balai Pustaka, Jakarta, p. 595.

perpetrator No capable pay restitution so perpetrator charged criminal confinement maximum replacement one year.

Regulation protection law to insider trading perspective act criminal organized transnational Not yet fair that essence formulation (determination) of actions human trafficking as act criminal with sanctions criminal in regulation legislation is as giving protection No direct against victims of crime criminal. Because if perpetrator act criminal sentenced severe sanctions so expected No will Again action similar or the candidate perpetrator will think twice before do action This is. will more continuous in give protection law for victims of crime criminal human trafficking, but giving criminal This Not yet truly capable provide a sense of perfect justice.

2. Weaknesses Regulation Legal Protection for Victims of Crime Criminal Human Trafficking in Today's Transnational Realm

a. Weaknesses of Aspects Legal Substance

Weakness aspect substance law is in the Criminal Code the victim is only given protection law in the form of change make a loss through combination problem and no handle type protection law others. Because not handled by him protection law for victims, crime in matter this is a victim of human trafficking special so cause injustice because Often the JPU (Public Prosecutor) who substitutes the victim submits demands solely or judge only give relative sanctions light to perpetrator.

b. Weaknesses of Aspects Legal Structure

Weakness aspect structure law that protection law to act criminal human trafficking in Indonesia is indeed Already such that appearance set, but in matter implementation enforcement the law, the authorities and the government Still Not yet in a way Serious implies it. Product the law that becomes locomotive the main and darling of law enforcers law namely the Criminal Code is still Not yet give tendency partisanship towards the victim, because of course product the Still offer clause abstract related to the victim who only represented by the state.

c. Weaknesses of Aspects Legal Culture

Weakness aspect culture law is besides from party government police, or the prosecutor's office, and the courts, in fact precisely from the victim alone sometimes to do neglect because the first one No capable react to deviation, the second, the victim or other control body may Afraid will There is more consequences Serious Because opposition said, the third, attitude No care This Already become climate social issues brought about by no existence broad reaction.

3. Reconstruction Regulation Legal Protection for Victims of Crime Criminal Human Trafficking in Transnational Areas Based on Justice Values

a. Comparison with Foreign Countries Regulations Legal Protection for Victims of Crime Criminal Human Trafficking in Transnational Areas

1) United States of America

Protection of Victims of Crime Criminal human trafficking in the United States (*United States*) Restitution nature Must, Restitution criminal the intended for achieve two goals: first, to grow objective justice criminal prevention, rehabilitation and accountability. Second, restitution also serves objective repair for make a victim of crime become intact with replace loss financial loss caused by crime.

Although Restitution in the United States nature must However No all case human trafficking in the United States to drop decision Restitution, although after hear argument from Federal prosecutors that Restitution must ordered, as for what becomes the reason the judge refused or No to list Restitution in decision with reason:

1. Request made late in case;
2. Request made in a way oral or No written;
3. The Defendant No own means for pay Restitution;
4. Jobs whose victims will be given Restitution is illegal;
5. Court want to close case;
6. Victims of human trafficking who work abroad so cause question extraterritorial jurisdiction.

Under federal law, restitution criminal for victims of trafficking man is mandatory, but No seldom application Restitution fail fulfilled. Pro Bono Trade Law Center Human (now the Center for Trade Law) Humans) and firms Wilmer Hale's law together publish report titled "When 'Mandatory' Doesn't Mean Mandatory: The Failure of For Get Restitution Criminal Prosecution in Federal Trade Humans in the United States," as cases that occurred in the United States of America This although Restitution must requested However the panel of judges did not whole grant victim's request and if also partially granted the case that occurred is Restitution that should be paid by the convict not accepted by trafficking victims humans, although prosecutors often submit Restitution However percentage Court grant application Restitution Still low with so the victim does not get his rights.

Which become problems in the United States about Giving Mandatory Restitution for Victims of Human Trafficking are:

1. Request That No written;
2. The Role of Federal Judges;
3. The Defendant No own means for pay restitution;
4. Jobs whose victims will be given compensation is illegal; Restitution in case trading federal human is mandatory. Not relevant did the victim look for it, did prosecutor ask for it, or whether defendant possibility big own means for pay it, Restitution just required parts from punishment in all cases where there is proof that a victim experienced loss.

That the victim of the act criminal human trafficking which often occurs No own advisor law for help they navigate system justice criminal, sometimes reluctant help in count restitution, whereas in 18 USC 1593, restitution must can be counted with A little or without input from the victim.

2) Singapore

Singapore is regulated in the Prevention of Human Trafficking Act 2014 (PHTA 2014). The PTPPO Act and PHTA 2014 both formed with the same goal, namely in a way substance for provide regime law that can prevent and eradicate action human trafficking; substance protection and assistance law for the victims; and element improvement Work The same between countries, both in regional and international. Similarities objective the become reasonable because second Constitution the guided by the Palermo Protocol, the purpose of which arrangement loaded in Article 2 of the Palermo Protocol, namely:

(a) To prevent and eradicate human trafficking, with give attention special to women and children; (b) For protect and assist victims of trafficking said, with honor fully rights basic them; and (c) For push Work The same between the Contracting States for fulfil goals the.

Both the PTPPO Law and PHTA 2014, do not accommodate form criminal dead in threat criminal perpetrator act criminal human trafficking. Singapore is regulated in Article 6 states "any person who knowingly receives any payment in connection with the actual or intended exploitation in Singapore of a trafficked victim shall be guilty of an offence", so that those who can convicted related exploitation of TPPO victims is only everyone who with on purpose accept payment whatever in in connection with exploitation experienced by the victim.

The provisions of PHTA 2014 are contained in Article 5 paragraph (1), consists of on the act of (a) the person order others to do violation ; (b) the person provide or arrange all form financing, transportation, place stay, accommodation or facility other with Meaning facilitate he did violation ; or (c) the person : participates or help in recruitment, transportation, transfer, concealment or reception someone ; employ or help in use of one of the the specified way in Article 3(1)(a) to (f) in connection with individual ; or (iii) perform action anything for promote or advance exploitation current or what is meant to individual, with Meaning facilitate he did act criminal to individual said. The provisions on covers form participate as well as to do (medeplegen), persuade / move for do (uitlokken), and help embodiment act criminal (criminal).

3) Malaysia

System law in Malaysia is based on a set of law written and not written. Among the written is The Federal Constitution together with constitution of 13 countries consisting of from Federation, legislation enforced by Parliament and the State Assembly, and delegated or child legislation made by bodies under the power given to them by Acts Parliament or State Assembly. Law no. written consists of from principles law English general customized with condition local, case law and law custom locally, Islamic law is also source important from applicable law only for Muslim population and managed by a separate system from court.

In enforcement law criminal law in Malaysia exists a number of institutions that carry out enforcement law start from arrest until with termination case for determine Correct the mistake an action that. As for the institutions the including: Police, Prosecutor (Prosecutor), Peguambela (Defender / Advocate) and the Court as arbiter and referee matter.

Royal Malaysian Police (PDRM) Department Domestic Security & Public Order. Play a role for do investigation and inquiry about a case after accept report than ordinary people / society general about something case or case. If necessary information than witness, then witness will be called for give statement. If the witness No present give information then the police may emit warrant catch and catch individual said. If there is any If the suspect is involved, the police may withhold based on Constitution for do investigation / investigation to suspect / alleged perpetrator. So after complete investigation / inspection done, paper investigation (Inspection Minutes) will sent to official state attorney for done indictment If the State Attorney feels the matter Enough evidence and bring case the for indictment in court. If not proof strong and sturdy so case will be dropped. If there is detention of the person being questioned and dismissed, then prisoner the should released and set free.

PDRM has play role important with do various effective business in handle issue The role of PDRM in handle problem human trafficking includes:

State Attorney is chairman advisor law for kingdom and responsible to advise minister related with procedure law in Malaysia. Beside That, the State Attorney is also Accuser for party laity (people)

and is permitted use his power for investigate, accuse and take action law to the parties who do error including employees and leader's kingdom. Likewise for case human trafficking in Malaysia.

Position, role and responsibility The State Attorney has stated in Case 145 Partnership Institutions. State Attorney appointed by the Yang di-Pertuan Agong on the Prime Minister's advice should be someone who has ability / eligibility for become a Federal Court Judge.³⁷⁸ As employee law / statute highest level of the State, the State Attorney is obliged for advised the Yang Di-Pertuan Agong or the Congregation of Ministers about matters of a nature the law referred to to him and carry out the function given to him by the Constitution and laws other including about human trafficking.

Two authorities the main thing given to State Attorneys by Federal Institutions are as power indictment and as guard interest lay that is rights acquired through Constitution habits. Below Case 145 (3), the State Attorney has power that may run according to his belief, to start / plan, execute or stop nothing proceedings for error, besides proceedings before Sharia Court, State Children's Court or Military Court. The power of speech granted to State Attorney under Article 145 (3) is absolute, no may challenged or replaced by any power including Court. In other words, if parties No agree with action State Attorney in control something indictment, then they No have power for challenge it everywhere quorum.

Through strict laws to on Article 145 (3), will bring to an understanding that Institutions has deliver to in hand Attorney General's Office absolute politeness for starting, running and stopping proceedings error crime. To provide impression to journey power that, below Case 145 (3A), the State Attorney was also justified for determine any court for something proceedings crime started and moved.

As the country that colonized the longest, influence English in system power the Malaysian judiciary is very pronounced big until post - independence, even to be continued until mid 90s. This is can be seen from Charter Justice First the year 1807 which became milestone historic in system power Malaysian judiciary and provide runway law government colonial English for to form Court Justice on Penang Island.

And until before formation of Malaysia in 1963, in the regions colony In Southeast Asia, there are 3 Supreme Courts, namely: the Supreme Court of the Federation of Malaya, the Supreme Court of Singapore and the Supreme Court of Sarawak, North Borneo and Brunei.

b. Reconstruction of Regulatory Values Legal Protection for Victims of Crime Criminal Human Trafficking in Transnational Areas Based on Justice Values

Reconstruction desired value achieved in study This that regulation protection law against victims of crime criminal human trafficking in the transnational region that was once Not yet fair now fair.

c. Reconstruction of Regulatory Norms Legal Protection for Victims of Crime Criminal Human Trafficking in Transnational Areas Based on Justice Values

The law was passed in Jakarta on April 19, 2007, and placed in Addition State Gazette of the Republic of Indonesia 4720 of 2007 Number 58, was born based on consideration among other things that human trafficking, in particular women and children, are contrary action with dignity and honor human and violate right basic human, so that must eradicated.¹⁴

Based on information above, then served summary reconstruction on the table under This:

¹⁴ Consideration in considering letter b, Republic of Indonesia Law no. 21 of 2007 concerning PTPPO.

Table 5.1. Reconstruction Regulation Legal Protection for Victims of Crime Criminal Human Trafficking in Transnational Areas Based on Justice Values

No.	Construction	Weakness	Reconstruction
1	Constitution Number 21 of 2007 Concerning Eradication Action Criminal Human Trafficking Article 47 In terms of witnesses and/ or victims along with his family get a dangerous threat self, soul, and/ or his assets, the Republic of Indonesia National Police is obliged to give protection, good before, during, and after the inspection process case	Not yet fair and complete	Reconstruction Constitution Number 21 of 2007 Concerning Eradication Action Criminal Human Trafficking in Article 47 with add words to complete and fair, so that reads: Article 47 In terms of witnesses and/ or victims along with his family get a dangerous threat self, soul, and/ or his assets, the Republic of Indonesia National Police is obliged to give protection, good before, during, and after the inspection process case in a way complete and fair
2	Regulation of the Minister of Women's Empowerment and Child Protection of the Republic of Indonesia Number 8 of 2021 Concerning Standard Operational Procedure Service Integrated for Witnesses and/or Victims of Crime Criminal Human Trafficking Article 3 Verse 1 Service SOP Integrated for Witnesses and/ or Victims of TPPO as referred to in paragraph (2) is guide for Central and Regional Government PPTs, Representatives of the Republic of Indonesia Abroad, and PPTs based on community / society, which is implemented in a way systematic, coordinated, integrated and sustainable use fulfillment Rights of Witnesses and/ or Victims of TPPO	Not yet fair and proportional	Reconstruction Regulation of the Minister of Women's Empowerment and Child Protection of the Republic of Indonesia Number 8 of 2021 Concerning Standard Operational Procedure Service Integrated for Witnesses and/or Victims of Crime Criminal Human Trafficking in Article 3 Paragraph 1, with insert the words fair and proportional, so that reads: Article 3 Verse 1 Service SOP Integrated for Witnesses and/ or Victims of TPPO as referred to in paragraph (2) is guide for Central and Regional Government PPTs, Representatives of the Republic of Indonesia Abroad, and PPTs based on community / society, which is implemented in a way systematic, coordinated, integrated, equitable, proportional and sustainable use fulfillment Rights of Witnesses and/ or Victims of TPPO

Closing

Conclusion

Transnational region Not yet based on mark justice that essence formulation (determination) of actions human trafficking as act criminal with sanctions criminal in regulation legislation is as giving protection No direct against victims of crime criminal; Weaknesses regulation protection law against victims of crime criminal human trafficking in transnational areas moment This namely: aspects substance law is in the Criminal Code the victim is only given protection law in the form of change make a loss through combination problem and no handle type protection law other aspects structure law that the authorities and the government Still Not yet in a way Serious implies it, the aspect culture law is besides from party government police, or the prosecutor's office, and the courts, in fact precisely from the victim alone sometimes to do neglect Because No capable react to deviation, victim or other control body may Afraid will There is more consequences Serious Because opposition said; Reconstruction regulation protection law against victims of crime criminal human trafficking in transnational areas based on mark justice namely : reconstruction mark regulation protection law against victims of crime criminal human trafficking in transnational areas based on mark justice that is regulation protection law against victims of crime criminal human trafficking in the transnational region that was once Not yet fair now justice, reconstruction of regulatory norms protection law against victims of crime criminal human trafficking in transnational areas based on mark justice in law Number 21 of 2007 Article 47 and the Regulation of the Minister of Empowerment Women and Child Protection of the Republic of Indonesia Number 8 of 2021 Article 3 Paragraph 1

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