

Enforcement of Law Against Perpetrators of Human Trafficking Crimes (Study of Decision Number 432/PID.SUS/2025/PT MDN)

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This study examines the enforcement of criminal law against perpetrators of human trafficking, focusing on Decision Number 432/PID.SUS/2025/PT MDN issued by the Medan High Court. Human trafficking cases in Indonesia remain significant due to economic vulnerability and inadequate legal protection for victims. Using qualitative descriptive-analytical methods and library research, this research analyzes the implementation of Law Number 21 of 2007 concerning the Eradication of Criminal Acts of Human Trafficking. The findings reveal that while the court has applied punitive sanctions including imprisonment and fines, victim protection remains insufficient, particularly regarding restitution, identity anonymity, and psychosocial rehabilitation. The study concludes that a more holistic, victim-centered approach is necessary, integrating restorative justice principles and inter-institutional collaboration to ensure comprehensive protection for trafficking victims. The results of the research on Decision Number 432/PID.SUS/2025/PT MDN show that although the Medan High Court has implemented legal protection with criminal sanctions and formal legitimization of victims, the protection is still partial and has not fully adopted the restorative paradigm. There is no direct restitution mechanism, the identity of the victim has not been anonymized, and there is no recommendation for psychosocial rehabilitation. To improve victim protection, it is necessary to integrate restitutive.

Keywords: Human Trafficking; Legal Protection; Punitive Measures.

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1. Introduction

The phenomenon of human trafficking has long been a global problem. In Indonesia, most cases are triggered by weak economic conditions and limited human resources, making individuals with minimal education and inadequate skills easy targets for exploitation by irresponsible parties who use the promise of high income as their modus operandi. Human trafficking is the recruitment, transportation, harboring, transfer, or receipt of a person by means of threats of violence, use of violence, abduction, confinement, fraud, deception, abuse of power or position of vulnerability, debt bondage, or giving payments or benefits, in order to obtain the consent of a person having control over another person, whether within a country or between countries, for the purpose of exploitation or causing the person to be exploited.

Based on the Palermo Protocol in Article 3, human trafficking is defined as a series of actions that include recruitment, transportation, transfer, sheltering, or receiving individuals through the use of threats, violence, or other forms of coercion, including but not limited to abduction, fraud, manipulation, abuse of authority, exploitation of vulnerable conditions, and giving or receiving financial compensation or other benefits to obtain the consent of a person having authority over the victim for the purpose of exploitation.

Today, human trafficking is a form of transnational crime that threatens fundamental human rights globally. Although Indonesia has adopted various international legal provisions, including the Palermo Protocol, the implementation of measures to combat human trafficking still faces significant challenges in various

regions. This crime is categorized as a form of contemporary slavery that degrades human dignity and disrupts the stability of social structures through various forms of exploitation such as forced prostitution and labor exploitation. In the Indonesian context, the most vulnerable groups are women and children, with many cases involving migrant workers who are trapped through deception disguised as job offers abroad.

Based on data from various official sources, human trafficking cases in Indonesia show a fluctuating trend in the 2023-2025 period. In 2023, the government reported that it had investigated 1,061 cases of human trafficking, including 370 cases of sex trafficking, 603 cases of labor trafficking, and 88 other cases of human trafficking, with a total of 3,363 recorded victims of human trafficking crimes. This number then decreased in 2024 with a total of 690 cases reported, although the National Police recorded 306 cases being prosecuted as of October 2024. Entering 2025, in the first six months there were 189 cases of human trafficking with 546 victims rescued, the majority of whom were children and women.

In terms of regulations, Law No. 21 of 2007 on the Eradication of Criminal Acts of Trafficking in Persons provides sufficient legal basis to prosecute perpetrators of human trafficking. However, in its implementation, there are still various obstacles such as difficulties in gathering evidence, limited capabilities of law enforcement officers, and inadequate protection for victims. In addition, the criminal justice system in Indonesia still prioritizes punitive aspects against perpetrators rather than restorative aspects for victims. Victims often do not receive restitution compensation or rehabilitation programs that are proportional to the suffering they have experienced.

Even though Indonesia has an adequate legal basis for combating human trafficking as stipulated in Law No. 21 of 2007, its implementation in practice still faces various substantial obstacles. The complexity of verifying evidence is a major challenge, given that perpetrators use strategies of disguise through the falsification of official documents, while the dimension of criminal networks that transcend administrative and territorial boundaries means that resolving cases requires cross-institutional synergy, which has not yet been effectively realized. Furthermore, the limited cognitive capacity of law enforcement officials regarding the characteristics of human trafficking crimes often results in the misclassification of cases as conventional immigration violations, leading to a disproportionate approach to handling them. On an equally crucial aspect, the lack of a comprehensive witness and victim protection system causes victims to be reluctant to report incidents or give testimony due to intimidation from criminal networks and psychological impacts, even though victim testimony is a fundamental element in the adjudication process.

Based on the context described above, an examination of Decision Number 432/PID.SUS/2025/PT MDN is highly relevant. This decision is a concrete manifestation of the application of legal norms in the resolution of TPPO cases in the appellate court. This research is strategically important for analyzing the extent to which the decision internalizes the values of justice, produces a preventive effect, and provides protection for victims that is congruent with domestic legal standards.

Considering the complexity of the issues that have been elaborated, it is crucial for researchers to emphasize that academic exploration cannot be reduced to a phenomenal description of human trafficking or a normative review of legal constructs, but must focus on identifying factual problems in the praxis of law enforcement. The identification of the right problems will play a role in clarifying the demarcation of research, sharpening the study of critical aspects such as the functions of law enforcement and victim protection institutions, and ensuring that this study can contribute substantially to the development of criminal law and judicial practice in Indonesia. Thus, problem identification is not merely a methodological formality, but a key pillar for producing research that is incisive, systematic, and has both academic and practical value.

2. Research Methodology

In the context of criminal law enforcement against perpetrators of human trafficking, this study uses a qualitative approach to gain an in-depth understanding of how criminal law is implemented in handling human trafficking cases. This research adopts a descriptive-analytical design that aims to describe and examine issues related to human trafficking crimes and their regulatory framework through a library research methodology presented descriptively with a systematic, factual, and accurate orientation of empirical data, particularly in analyzing the phenomenon of human trafficking and its regulatory system in Indonesia. and accurate overview of empirical data, particularly in analyzing the phenomenon of human trafficking and its regulatory system in Indonesia.

The qualitative approach is a research strategy that does not rely on numerical data instrumentation or statistical procedures, but rather emphasizes a holistic understanding of phenomena in a naturalistic context. This methodology is integrative and descriptive-narrative in nature, and aims to produce deep insights into human and social issues, in contrast to the positivistic paradigm of quantitative research, which focuses on the manifest aspects of empirical reality.

3. Results and Discussion

The Role of Legal Institutions in Raising Public Awareness of Human Trafficking Crimes

Law enforcement institutions, including the Indonesian National Police (Polri), the Attorney General's Office, and the judiciary, play a crucial role in mitigating TPPO, not only in terms of repression, but also as catalysts for raising public awareness of the law. The Polri, for example, implements preventive strategies through public dissemination and education programs that provide information on the operational patterns of human trafficking networks and reporting procedures that are accessible to the public. Thus, law enforcement officials have a dual function as generators of legal awareness and as protectors and enforcers of sanctions against criminal acts.

The prevention strategies implemented by the Indonesian National Police cover a wide range of activities, including the dissemination of legal knowledge, distribution of publications, and the holding of public discussions and symposiums at the community and educational institution levels. This initiative is of high urgency given the limited public literacy regarding the risks of TPPO. The previous description indicates that the Indonesian National Police is continuously optimizing collaboration with the community through public education programs, although their effectiveness is still constrained by limited resources and low levels of public trust.

In a different dimension, the Attorney General's Office has a strategic function in prosecuting perpetrators who have been apprehended, ensuring that sufficient evidence can substantiate the charges and bring the perpetrators before the court. This litigation process requires professional expertise and methodological accuracy to ensure that perpetrators receive sanctions that are proportional to the crimes committed. The judicial institution also plays a fundamental role in the system of eradicating TPPO. As the institution that provides final adjudication, the Court is responsible for ensuring the enforcement of justice and the imposition of sanctions equivalent to the level of the crime. In addition, the Court is also obliged to protect the rights of victims during the judicial process.

In many cases, victims often experience marginalization or intimidation when giving testimony, which poses a challenge for judicial institutions in carrying out their mandate. Consequently, protecting victims during the legal process is imperative to ensure that they do not experience secondary victimization. Synergy between law enforcement agencies, as well as collaboration with civil society organizations and

communities, is a prerequisite for eradicating TPPO. This includes information sharing, joint capacity building, and strengthening the competencies of each institution. Furthermore, increasing public awareness of the threat of human trafficking is also essential so that the community is sensitive to the indicators of human trafficking and can report cases to the authorities. Educational programs and socialization campaigns in the community can also contribute to minimizing the probability of human trafficking.

One fundamental strategy in raising public awareness is through the implementation of open and transparent law enforcement, including the dissemination of enforcement activities, investigative processes, and court verdicts. When the public sees that the judicial mechanism is running fairly and consistently, this dynamic builds social trust and provides a spontaneous educational effect regarding the legal ramifications for perpetrators of trafficking in persons. Unfortunately, the existing literature has not provided a quantitative elaboration of the pedagogical impact. Nevertheless, this principle remains the conceptual foundation for building a society that is aware of the law. Various substantial obstacles hinder the success of TPPO socialization and education programs, including limited funding and infrastructure, which make it difficult for outreach activities to penetrate remote areas; low levels of public understanding of the law, which results in difficulties in absorbing and responding to educational materials; and a lack of communication between officials and local communities, which creates a gap in trust.

It is essential that law enforcement agencies view the community not only as the target of protection, but also as a collaborative partner in TPPO prevention efforts. Through the involvement of local leaders, community organizations, and legal volunteers, as well as the provision of training on community-based reporting and monitoring mechanisms, public legal awareness can develop autonomously and sustainably. This is a paradigmatic approach that integrates law enforcement with the development of collective awareness.

Legal Protection for Victims of Human Trafficking in the Law Enforcement Process Number 432/PID.SUS/2025/PT MDN

The Constitution of the Republic of Indonesia in the Preamble to the 1945 Constitution of the Republic of Indonesia, paragraph four, explicitly states the protection of the entire nation and all of Indonesia's territory as one of the fundamental objectives of the state. This conceptualization of protection encompasses a comprehensive dimension that includes protection of citizens and fulfillment of their constitutional rights, which are integral elements of the state's responsibility alongside the preservation of sovereignty and natural resources. The provisions of Article 27 paragraph (2) of the 1945 Constitution of the Republic of Indonesia affirm that every citizen has the fundamental right to work and a dignified life in accordance with human values. The substance and essence of constitutional guarantees of the right to work and a decent livelihood have been clearly formulated in the constitution. However, empirical reality shows that limited domestic employment opportunities have prompted most people to seek alternative employment as Indonesian migrant workers (TKI) abroad. Furthermore, Article 28D of the 1945 Constitution of the Republic of Indonesia stipulates that every individual has the right to recognition, protection, protection, and legal certainty that is just and non-discriminatory. This article also affirms the right to work and to obtain compensation and fair and proper treatment in employment relations, which is a manifestation of the principle of social justice in the context of industrial relations.

In the Indonesian national law, the protection of victims of trafficking in persons is comprehensively regulated in Law Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons. The provisions of Article 43 paragraph (1) of the law require the state to provide compensation, medical and social rehabilitation, and reintegration for victims who experience physical, psychological, and social suffering as a result of the crime of trafficking in persons. Furthermore, the next series of articles, namely

Article 44, Article 47, Article 48, and Articles 51 to 54 of Law Number 21 of 2007, systematically regulate various aspects of victim protection. These provisions include the guarantee of the confidentiality of the victim's identity, the right to restitution or compensation which includes the restoration of ownership rights, financing during legal proceedings in both domestic and international jurisdictions.

Indonesia as a state party to various international legal instruments, especially the Palermo Protocol (*Protocol to Prevent, Suppress and Punish Trafficking in Persons*) of 2000, has an obligation to implement globally recognized victim protection standards. The protocol emphasizes the 4P (*Prevention, Protection, Prosecution, Partnership*) approach which places victim protection as one of the main pillars. The implementation of these international principles in the national legal system creates a state obligation to provide comprehensive protection services, including *shelter*, health services, legal assistance, and social reintegration programs. However, in practice, there is still a gap between international standards and implementation at the national and regional levels.

The implementation of protection for victims of trafficking crimes begins from the investigation phase, prosecution, judicial process, to the realization of the rights of victims or witnesses, the provision of compensation and rehabilitation. Legal protection efforts for victims of human trafficking must be carried out in a variety of methods and in line with the impact of losses that have been experienced by victims, including psychological and mental losses.

1. Restitution and compensation. The provisions for restitution for human trafficking cases are contained in Law No. 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons, especially in Article 48. Restitution is a form of compensation for losses handed over to the victim or the victim's family by the perpetrator or a third party, which can include: a) Restoration of property ownership; b) Financial compensation for loss or suffering experienced; or c) Financing for certain rehabilitation activities.
2. Medical and counseling services. Medical support that can be provided for victims of *human trafficking* crimes. In terms of providing medical support or health services, the form of assistance that can be provided is in the form of health rehabilitation programs. The health rehabilitation program for victims of trafficking in persons has been stipulated in Law Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons, specifically in Article 51. Health rehabilitation has a specific meaning, namely efforts to recover the condition of victims who suffer both from physical and psychological aspects as a result of human trafficking. Counseling services are a form of assistance provided by expert practitioners or individuals who have been specially trained, so that they can increase the victim's insight and psychological ability in solving the problems they face. The provision of counseling services must be carried out by experienced personnel, namely those who have undergone education or training with an orientation to the interests of the victim.
3. Legal aid services. Provision of legal assistance such as the provision of legal consultation, the implementation of power of attorney, representation, assistance, defense, and the implementation of other legal actions oriented towards the protection of the legal interests of other parties in accordance with the provisions of applicable laws and regulations. Especially in the context of criminal cases, victims receive legal assistance in the form of assistance and assistance at every stage of the judicial process until a verdict is obtained that has permanent legal force and restitution.
4. Providing information. The information that can be provided to victims and their families includes the investigation process and examination in cases of human trafficking crimes that befall them. The provision of this information is expected to optimize the function of social control of the community over the performance of the government and law enforcement apparatus effectively. Provisions regarding the provision of information to victims and their families have been regulated in Law

Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons, especially in Article 36 Paragraph (1) which emphasizes that "During the process of investigation, prosecution, and examination in front of the court session, the victim has the right to receive information about the development of the case involving him".

In decision Number 432/PID. SUS/2025/PT MDN, the Medan High Court tried a case of human trafficking involving Lintiana Agustina together with Janter Manurung alias Ruben Manurung and Lenny Clara Veronika Munthe in illegally recruiting, sending, and placing prospective Indonesian Migrant Workers (PMI) to Malaysia. Based on the facts revealed in the trial, the victims (prospective migrant workers) were exploited through fraud related to the type of work, wages, and placement procedures, as well as falsification of documents and detention in shelters that resulted in significant physical, psychological, and economic losses. The panel of judges in its consideration identified the victim as a party who needed special protection considering the traumatic condition experienced and the vulnerable position that the victim had as a prospective migrant worker who did not have legal protection or adequate access to information. The court also recognized that the victim not only played the role of a witness in the evidentiary process, but also as a party entitled to recovery for the losses suffered, although in this ruling the recovery was emphasized more through the enforcement of criminal law against the perpetrator.

Referring to Decision Number 432/PID. SUS/2025/PT MDN, it can be identified that the Medan High Court has implemented a victim protection mechanism in a limited form, but the implementation has not reached the expected comprehensive standard.

In the aspect of repressive protection, the court has applied a retributive approach through the imposition of a prison sentence of 6 (six) years accompanied by a fine of Rp 500,000,000 (five hundred million rupiah) against the defendant. The sanctions indicate a deterrence *effect* aimed at preventing the repetition of similar crimes in a broader social context. The court has also formally recognized the victimological status of prospective Indonesian Migrant Workers (PMI) as victims of human trafficking, which juridically opens up opportunities for access to restitutive and rehabilitative rights. The preventive dimension is reflected in expert testimony from the Indonesian Migrant Workers Protection Agency (BP2MI) and the Manpower Office which confirms the urgency of compliance with legitimate and authorized migrant worker placement regulations.

Nevertheless, there are significant lacunae in the framework of protection produced by this ruling. Procedurally, the court does not apply the principle of victim anonymity, where the victim's full identity remains contained in the verdict document. Furthermore, the absence of an order for the payment of restitution or compensation from the defendant to the victim indicates the absence of *a restorative justice approach*. The decision also does not include recommendations for access to psychosocial rehabilitation services or reintegration programs through the Witness and Victim Protection Agency (LPSK) or the Social Service.

Based on this evaluation, it can be constructed that actualized protection is still limited to *the punitive and collective protection dimensions*, not yet accommodating the needs of *restorative and individualized victim-centered* approaches. Consequently, victims are recommended to actively initiate additional protection efforts through relevant institutions such as LPSK, BP2MI, or civil litigation mechanisms to obtain a more holistic recovery.

4. Conclusion

Evaluation of Decision Number 432/PID. SUS/2025/PT MDN shows that although the Medan High Court has implemented legal protection through a punitive approach by imposing criminal sanctions and

legitimizing the victim's status formally, the resulting protection spectrum is still partial and has not adopted a comprehensive restorative paradigm, as reflected in the unavailability of a direct restitution mechanism, the absence of the application of the principle of anonymization of the victim's identity, and the absence of the Recommendations for access to psychosocial rehabilitation. To optimize the victim protection system, it is necessary to integrate restitutive mechanisms in court decisions, consistent application of the principle of anonymization of victims' identities, incorporation of rehabilitation and reintegration program recommendations through LPSK/BP2MI, strengthening the capacity of law enforcement officials in a *victim-centered* approach, and consolidating inter-institutional cooperation to ensure the continuity of juridical and psychological assistance throughout the judicial process until post-decision to transform the *punitive-oriented paradigm* towards *integrative* comprehensive victim protection.

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