

Legal Protection for Victims of Sexual Violence and Human Trafficking Via Mi Chat

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Abstract: This study aims to analyze the legal protection provided to victims of sexual violence in human trafficking crimes (*Tindak Pidana Perdagangan Orang* or *TPPO*) within the Indonesian legal framework. Sexual violence as a form of exploitation in human trafficking represents a severe violation of human rights that undermines the dignity and safety of its victims. Using a normative juridical approach, this research focuses on the examination of legal instruments, including Law No. 21 of 2007 concerning the Eradication of the Crime of Human Trafficking, Law No. 12 of 2022 on the Crime of Sexual Violence, and related provisions in the Criminal Code (*KUHP*). The study highlights that legal protection for victims of sexual exploitation under *TPPO* encompasses preventive, repressive, and rehabilitative measures. However, implementation remains constrained by weak law enforcement, lack of coordination among institutions, and inadequate victim recovery mechanisms. Findings indicate that strengthening victim-centered legal frameworks, ensuring comprehensive rehabilitation, and improving access to justice are crucial to achieving substantive protection for victims. This research contributes to a better understanding of how Indonesia's criminal law should evolve to provide holistic protection and justice for victims of sexual violence in human trafficking cases, aligning with international human rights standards.

Keywords: : Legal Protection, Sexual Violence, Human Trafficking, Victims' Rights, Indonesian Criminal Law.

INTRODUCTION

Trafficking in persons is one of the most complex and systematic forms of human rights violations, in which victims often experience exploitation, violence, and deprivation of liberty. Exploitation includes, at a minimum, prostitution or other forms of sexual exploitation, forced labor or forced services, slavery or practices similar to slavery, servitude, or the removal of organs.¹ One of the most serious forms of human trafficking is sexual violence against victims, whether in the form of forced sexual relations, exploitation of prostitution, or gender-based violence. This phenomenon not only affects human dignity and honor, but also causes deep trauma to the physical and psychological condition of victims.²

¹ Greenbaum, V. Jordan; Yun, Katherine; Todres, Jonathan (2018/ed). "Child Trafficking: Issues for Policy and Practice". *Journal of Law, Medicine & Ethics* (dalam bahasa Inggris). 46 (1): 159–163.

² Astuti, Niken Pujiani. "Analisis Perlindungan Hukum terhadap Korban Kekerasan Seksual dalam Tindak Pidana Perdagangan Orang." *Jurnal Hukum dan Masyarakat*, Vol. 15, No. 2 (2021): 155–168.



Indonesia, as a country with a large population and diverse socioeconomic conditions, is one of the countries prone to human trafficking, whether as a country of origin, transit, or destination. The annual Trafficking in Persons Report issued by the U.S. Department of State shows that human trafficking cases remain a serious challenge in Indonesia, especially those involving women and children as victims of sexual violence. Although the government has issued various regulations such as Law Number 21 of 2007 concerning the Eradication of Trafficking in Persons and Law Number 12 of 2022 concerning Sexual Violence Crimes, the reality on the ground shows that the implementation of protection for victims is still far from optimal. Based on the results of the study, children who are at greater risk of becoming victims of commercial sexual exploitation are victims of violence, especially sexual violence. In addition, those who have dysfunctional families, such as parents who are addicted to alcohol and illegal drugs, have mental health disorders, or are perpetrators of domestic violence are also vulnerable to becoming victims. Higher vulnerability also occurs in children who run away from home, whether living on the streets or in shelters. Their parents and caregivers sometimes have physical disabilities, are poor, or have neglected or even abused them.³

Legal protection for victims of sexual violence in TPPO has a very broad dimension, covering preventive, repressive, and rehabilitative protection. This aspect is not only related to law enforcement against perpetrators, but also includes the fulfillment of victims' rights, such as the right to identity protection, legal assistance, medical and psychological recovery, and social reintegration.⁴ However, in law enforcement practice, victims often experience revictimization, discrimination, and difficulties in accessing justice due to the unpreparedness of law enforcement officials and weak protection systems.

A victim-centered approach to law is important to ensure that victims' rights are fully fulfilled. In this context, the law not only serves as an instrument for punishing perpetrators, but also as a mechanism for the protection and recovery of victims in a fair manner.⁵

In line with this, Law Number 21 of 2007 concerning the Eradication of Criminal Acts of Trafficking in Persons emphasizes that victims are entitled to comprehensive protection, recovery, and rehabilitation. In the context of this study, legal protection is understood as all actions taken by the Barru Police and related agencies to guarantee the rights of victims of human trafficking who were recruited and exploited through the MiChat application, both during the investigation process and after the trial process.⁶ The discussion focused on two main topics in accordance with the research questions, namely: (1) The form and implementation of legal protection for victims of trafficking in persons through MiChat at the Barru Police Station, and (2) Factors hindering the implementation of such legal protection. This research is expected to contribute to the development of a legal system that is more responsive to victims (victim-oriented justice), strengthen the synergy between law enforcement agencies and victim protection agencies, and

³ Human Trafficking Collaborative Network (HTCN) (2017-01-31). "Child Pornography is Sex Trafficking" (PDF). *Washington University in St. Louis Institute for Public Health* (dalam bahasa Inggris). Diakses tanggal 2021-07-10

⁴ Rahayu, Siti. "Perlindungan Korban Kekerasan Seksual: Kajian Hukum dan Implementasinya di Indonesia." *Jurnal Ilmu Hukum Humaniora*, Vol. 10, No. 3 (2020): 97–110.

⁵ Irwanto, I., T. A. santosa, A. Ghoni, A. Jaya, and A. Hartawati. "Literature Review: The Effectiveness of the Implementation of Restorative Justice in the Criminal Justice System in Indonesia". *RIGGS: Journal of Artificial Intelligence and Digital Business*, vol. 4, no. 3, Sept. 2025, pp. 4718-23, doi:10.31004/riggs.v4i3.2685.

⁶ Lihat Pasal 1 angka 1 dan Pasal 51 Undang-Undang Nomor 21 Tahun 2007 tentang Pemberantasan Tindak Pidana Perdagangan Orang; bandingkan dengan Barida Nawawi Arief, *Masalah Penegakan Hukum dan Kebijakan Hukum Pidana*, Jakarta: Kencana, 2010, hlm. 45–47.

serve as a basis for policy reform in realizing comprehensive justice and recovery for victims of sexual violence in TPPO in Indonesia.

METHODOLOGY

This study uses an empirical juridical method, namely legal research conducted by observing legal phenomena in society that are relevant to the issue of legal protection for victims of sexual violence in the crime of human trafficking. This method was chosen because it focuses on the study of applicable legal norms and examines the extent to which the law provides conceptual and normative protection for victims of crime.⁷

The approaches used in this study include: 1) The statute approach, which involves examining various laws and regulations related to the research issue, such as Law Number 21 of 2007 concerning the Eradication of Criminal Acts of Trafficking in Persons, Law No. 12 of 2022 concerning Sexual Violence Crimes, the Criminal Code (KUHP), and several other implementing regulations; 2) Case approach, which involves observing legal phenomena in society related to human trafficking crimes involving sexual violence, in order to understand how the law is applied in practice.

The data sources used are primary and secondary data obtained through field studies, which involve going directly to the field and examining relevant legal sources, both in the form of legislation and scientific works. This approach allows researchers to obtain a comprehensive picture of legal protection for victims of sexual violence in TPPO from a theoretical and normative perspective. Once the data has been collected, it is analyzed using qualitative analysis methods, namely by linking various legal norms, theories, and relevant legal principles to answer the research questions. The analysis is conducted descriptively and analytically, with the aim of describing and interpreting the applicable legal provisions, identifying shortcomings in their implementation, and providing normative solutions in an effort to improve legal protection for victims of sexual violence in human trafficking crimes.

RESULTS AND DISCUSSION

Form and Implications of Legal Protection for Victims of Human Trafficking Crimes through MiChat

As a country governed by the rule of law, the Indonesian government has substantive legal instruments for handling and preventing human trafficking, namely Law No. 21 of 2007 on the Eradication of Human Trafficking Crimes (TPPO Law). In the development and revision of the wetboek van strafrecht or Criminal Code, which has been ratified as Law Number 1 of 2023, TPPO is explicitly regulated in Article 455 paragraphs (1) and (2). Protection for victims of sexual violence in human trafficking crimes (TPPO) in Indonesia is rooted in the mandate of the constitution and the principle of human rights protection. Articles 28G and 28I of the 1945 Constitution of the Republic of Indonesia affirm that every person has the right to protection of their personal self, honor, dignity, and security from the threat of violence.⁸ Article 51 of Law Number 21 of 2007 stipulates that victims of trafficking in persons are entitled to protection from threats to their person, life, and/or property; health and psychological services; social rehabilitation; repatriation and social reintegration; as well as restitution and compensation. This principle forms the legal basis for the formulation of legal policies on TPPO and sexual violence.

⁷ Mawardi Adv, et.all. Metodologi Penelitian Hukum. Harfa Creative. Bandung. 2025

⁸ Lestari, Nur Aini. "Pendekatan Restoratif terhadap Penanganan Korban Kekerasan Seksual." *Jurnal Yuridika*, Vol. 37, No. 1 (2022): 45–60.

The development of information technology has given rise to new patterns in human trafficking crimes, particularly through the use of online chat applications such as MiChat. This application is often misused as a medium for recruitment, liaison, and transactions related to sexual exploitation. In the context of human trafficking, MiChat serves as a means of initially recruiting victims by offering jobs, friendship services, or personal relationships, which then lead to exploitation.

Legally, these acts fulfill the elements of human trafficking as stipulated in Article 1 paragraph 1 of Law Number 21 of 2007 concerning the Eradication of Human Trafficking, namely the recruitment, transportation, harboring, transfer, or receipt of a person through the use of force, fraud, abuse of power, or a position of vulnerability for the purpose of exploitation. The use of MiChat is an adaptation of the modus operandi of human trafficking that leverages advancements in digital technology.

Protection for victims of sexual violence and human trafficking includes the right to legal protection (confidentiality of identity, legal assistance, counseling), rehabilitation (health, psychological, social), recovery (repatriation, reintegration), and fulfillment of victims' rights such as restitution, with the government providing services such as hotlines, shelters, and trauma centers to ensure physical and psychological recovery and justice for victims. Such protection includes preventive and repressive measures. Based on this, legal protection for victims of sexual violence in TPPO can be grouped into three types:

1. Preventive Protection (Prevention)

Preventive protection is carried out through efforts to prevent human trafficking crimes. The government, through the Ministry of Women's Empowerment and Child Protection (KemenPPPA) and the National Agency for the Placement and Protection of Indonesian Migrant Workers (BP2MI), runs socialization and education programs for the community on the dangers of human trafficking, especially for women and children. However, its effectiveness is still limited due to minimal supervision of labor recruitment and weak cross-regional and cross-border cooperation.

2. Repressive Protection (Law Enforcement)

Repressive protection is provided through legal proceedings against perpetrators of human trafficking, including perpetrators of sexual violence. Law enforcement based on the Human Trafficking Law has provided a heavy criminal basis for perpetrators, namely a maximum of 15 years in prison. In addition, the TPKS Law also affirms the rights of victims to receive identity protection, legal assistance, and psychological counseling during the investigation and trial. However, there are still many obstacles in its implementation, including limited resources for law enforcement officials, a lack of understanding among officials regarding the perspective of victims, and a lack of integrated protection systems at the regional level.

3. Rehabilitative and Restorative Protection (Victim Recovery)

This protection focuses on restoring the rights of victims after a crime, whether physically, psychologically, socially, or economically. Based on Article 51 of the TPKS Law, victims are entitled to integrated recovery services that include medical, psychological, educational, and skills training services, as well as social reintegration. However, research shows that recovery often does not proceed optimally due to a lack of safe houses (shelters), professional personnel, and coordination between institutions.

At the Barru Police level, legal protection for victims of TPPO through MiChat is implemented in the following stages: First, the Investigation and Examination Stage, where victims are treated as subjects who must be protected, not merely as pieces of evidence. Barru Police investigators seek to obtain information

from victims using a humanistic approach, avoiding intimidation and maintaining the confidentiality of victims' identities. This is in line with the principle of protecting human dignity in the criminal justice system.

Second, Physical and Psychological Protection. Victims of TPPO through MiChat are generally in a state of trauma, fear, and vulnerability. Therefore, the Barru Police Station collaborates with relevant agencies such as the Social Services Agency, P2TP2A, and LPSK to provide psychological assistance, counseling, and temporary protection (safe house).

Third, Fulfillment of the Right to Justice and Recovery, Victims are given access to legal processes, including the right to obtain information on case developments, legal assistance, and the submission of restitution claims. This protection reflects the concept of restorative justice, which places victim recovery as the main objective of law enforcement.

Theoretically, legal protection for victims is part of the purpose of law itself. According to Satjipto Rahardjo, law not only functions as a tool for order, but also as a means of protection for humans, especially those who are in a weak or disadvantaged position.⁹

From an international law perspective, Indonesia has ratified the 2000 Palermo Protocol through Law No. 14 of 2009, which obligates signatory countries to prevent, prosecute, and punish perpetrators of human trafficking, as well as provide protection and assistance to victims.¹⁰

Although various regulations are in place, in practice the application of legal protection is often formalistic and does not fully favor victims. Victims are often positioned only as witnesses in the judicial process, rather than as subjects with restorative rights.

A normative juridical approach reveals that, conceptually, Indonesian law is quite progressive in guaranteeing the protection of victims of sexual violence in TPPO.¹¹ However, there is still a gap between norms and implementation. Some of the main obstacles include:

1. The gap between regulations and implementation in the field. The TPPO Law and TPKS Law recognize the rights of victims, but their implementation is often hampered by bureaucracy and a weak integrated protection system between institutions. As a result, implementation does not run smoothly.
2. The lack of a victim perspective in the legal process. Law enforcement often focuses on proving the perpetrator's guilt, while the needs and protection of victims are not a top priority, which should receive special attention so that victims are spared from pressure and threats that have a negative impact.
3. Lack of access to legal services and rehabilitation. Victims in remote areas or from vulnerable groups often do not receive adequate legal assistance, making them unable to fight for restitution or compensation.

⁹ Satjipto Rahardjo, *Hukum dan Masyarakat*, Bandung: Angkasa, 2009, hlm. 83.

¹⁰ Putra, Dimas. "Tanggung Jawab Negara terhadap Korban Perdagangan Orang: Analisis Hukum dalam Perspektif HAM." *Jurnal Lex Crimen*, Vol. 9, No. 4 (2021): 115–130.

¹¹ Lembaga Perlindungan Saksi dan Korban (LPSK). *Pedoman Perlindungan Korban Kekerasan Seksual dan TPPO*. Jakarta: LPSK, 2022.

4. Social stigma against victims. Victims of sexual violence in TPPO often experience discrimination and are ostracized by the community, which worsens their psychological condition.¹²

From a normative legal perspective, the state should position victims as the main subjects in the criminal justice system. This is in line with the principle of victim-centered justice, which emphasizes the rights of victims to be heard, protected, and restored. The legal system must move from a retributive paradigm to a restorative paradigm, which not only punishes perpetrators but also ensures substantive justice for victims.¹³

Factors Hindering Legal Protection for Victims of Trafficking in Persons through MiChat

Legal instruments for handling TPPO have three aspects, including legal aspects, preventive aspects, and handling aspects. There are a number of factors that influence the increase in the number of TPPO cases, including economic factors. Therefore, with the paradigm of restorative justice, it is hoped that the enforcement of this criminal law can be carried out with concrete steps in realizing legal protection for victims of human trafficking in a fair and comprehensive manner.¹⁴ Legal protection for victims of trafficking in persons is provided by the Trafficking in Persons Law in Chapter V, Articles 43 to 55, and Law No. 31 of 2014 concerning Amendments to Law No. 13 of 2006 concerning the Protection of Witnesses and Victims.

Although legal protection for victims of TPPO has a strong legal basis, in practice there are still various obstacles, both legal and non-legal.

1. Substantive Legal Obstacles

Substantive legal obstacles relate to legal norms that are not yet fully adaptive to the development of digital-based crimes. The TPPO Law does not specifically regulate the mechanisms for proving and handling crimes that use online applications such as MiChat. As a result, law enforcement officials often find it difficult to comprehensively link digital evidence to elements of TPPO.

2. Challenges Facing Law Enforcement Agencies

These challenges include limited human resources, particularly in terms of information technology and digital forensics expertise. Not all investigators have the technical skills to trace digital footprints, secure electronic evidence, and dismantle online TPPO networks. In addition, limited facilities and infrastructure also affect the effectiveness of victim protection.

3. Obstacles from the Victims' Perspective

Victims of TPPO through MiChat are often reluctant to report because of fear, shame, or economic dependence on the perpetrators. The vulnerable position of victims causes them to be passive and uncooperative in the legal process. The psychological condition of victims who are traumatized also becomes an obstacle in the full disclosure of facts..

4. Social and Cultural Barriers

¹² Indonesia. *Laporan Tahunan Penanganan Kasus TPPO dan Kekerasan Seksual Tahun 2023*. Jakarta, 2023.

¹³ Lestari, Nur Aini. "Pendekatan Restoratif terhadap Penanganan Korban Kekerasan Seksual." *Jurnal Yuridika*, Vol. 37, No. 1 (2022): 45–60.

¹⁴ Barda Nawawi Arief, *Bunga Rampai Kebijakan Hukum Pidana*, Jakarta: Kencana, 2011, hlm. 112.

Social and cultural factors within society also influence legal protection for victims. Negative stigma against victims, particularly victims of sexual exploitation, often leads to victims being blamed and ostracized. This contradicts the principles of non-discrimination and protection of human rights.

5. Inter-agency Coordination Barriers

Protecting victims of TPPO requires cross-sector synergy, from the police, prosecutors, courts, LPSK, to social institutions. In practice, coordination between these institutions has not been optimal, resulting in delays in fulfilling the rights of victims, particularly rehabilitation and restitution.

Legal protection for victims of TPPO through MiChat at the Barru Police Station still requires systemic strengthening. This strengthening includes updating regulations to be more adaptive to digital crimes, increasing the capacity of law enforcement officials, optimizing inter-agency coordination, and changing the paradigm of law enforcement to be more victim-oriented. Thus, the legal objectives of certainty, justice, and benefit can be realized in a balanced manner.

Based on the above analysis, efforts to strengthen legal protection for victims of sexual violence in TPPO can be carried out through: a) Revision and synchronization of regulations to prevent overlap between regulations; b) Increasing the capacity of law enforcement officials in handling gender-based TPPO and victims' rights; c) Strengthening victim protection institutions at the regional level, including the provision of shelters, psychological assistance, and social reintegration programs; d) Optimizing the role of the Witness and Victim Protection Agency (LPSK) in providing effective restitution and compensation; d) Raising public awareness through legal education and public campaigns to eliminate the stigma against victims of sexual violence.¹⁵

Critical Analysis

Critical analysis in this study was conducted to assess the extent of the effectiveness of legal protection for victims of human trafficking through the MiChat application at the Barru Police Station, using a normative-empirical approach and the theory of law enforcement and victim protection.

First, from the perspective of legal certainty, the protection of victims of human trafficking through MiChat basically has an adequate legal basis, particularly Law Number 21 of 2007 concerning the Eradication of Criminal Acts of Trafficking in Persons. This law explicitly recognizes victims as subjects who must be protected and whose rights must be restored. However, existing norms are still general in nature and are not yet fully responsive to the characteristics of digital-based crimes. The absence of specific technical regulations regarding the use of online applications as a means of human trafficking has led to legal loopholes in the practice of evidence and victim protection based on electronic evidence..

Second, from the perspective of justice, legal protection for victims of TPPO through MiChat does not yet fully reflect substantive justice. In practice at the Barru Police Station, the focus of case handling is still predominantly on proving the perpetrator's guilt and fulfilling the elements of the offense, while the recovery of victims is often secondary. This can be seen from the suboptimal fulfillment of victims' rights to restitution and rehabilitation. In fact, justice in TPPO cases should not only be measured by the punishment of the perpetrator, but also by the extent to which the victim's suffering can be restored.

¹⁵ Hartawati, Andi, Asia A. Paranrangi, and Elvi Susanti Syam. "Perwujudan Membentuk Ketahanan Keluarga Dan Ketahanan Nasional Atas Peningkatan Pernikahan Di Bawah Umur." EJOIN: Jurnal Pengabdian Masyarakat 1.12 (2023): 1414-1421.

Third, from the perspective of legal utility, legal protection for victims of TPPO through MiChat still faces structural and cultural obstacles. Structurally, limited human resources and infrastructure at the Barru Police Station, particularly in terms of information technology and digital forensics, have an impact on the effectiveness of case handling. Culturally, the strong negative stigma against victims of sexual exploitation causes victims to be reluctant to report and actively participate in the legal process.¹⁶ This condition reduces the benefits of the law as a means of social protection for vulnerable communities.

Fourth, when analyzed using Soerjono Soekanto's theory of law enforcement factors, it can be said that the obstacles to protecting victims of TPPO through MiChat at the Barru Police Station are influenced by five main factors, namely legal factors (regulatory substance that is not yet adaptive), law enforcement factors (the capacity and professionalism of officials), infrastructure factors, community factors (legal awareness and stigma), and cultural factors. These five factors are interrelated and determine the success of victim protection.

Fifth, from a human rights perspective, victims of TPPO through MiChat are essentially a vulnerable group whose rights are guaranteed by the constitution and legislation. The state, through law enforcement officials, has an obligation to respect, protect, and fulfill the rights of victims. When such protection is not optimal, it can be said that the state has not fully carried out its constitutional obligation to protect citizens from the crime of human trafficking.

CONCLUSIONS

Legal protection for victims of sexual violence in human trafficking crimes has been normatively regulated through various national legal instruments, including Law No. 21 of 2007 on the Eradication of Human Trafficking Crimes and Law No. 12 of 2022 on Sexual Violence Crimes (TPKS Law). Both laws emphasize that victims are entitled to legal protection, including prevention, law enforcement, recovery, and restitution. The implementation of legal protection for victims still faces various obstacles, including weak coordination between institutions, limited victim protection facilities, and a lack of understanding among law enforcement officials regarding the victim-centered approach. As a result, the rights of victims, especially those related to physical and psychological rehabilitation, have not been fully and effectively fulfilled. Based on normative empirical analysis, the protection of victims of sexual violence in TPPO should be realized through laws that are oriented towards restorative justice and humanity, not merely punishment. Therefore, with a perspective of legal certainty, the perspectives of justice and the benefits of law can realize legal protection for all people.

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¹⁶Soerjono Soekanto, Faktor-Faktor yang Mempengaruhi Penegakan Hukum, Jakarta: Rajawali Pers, 2012, hlm. 8–10.

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