

## Legal Protection Mechanism for Victims of Trafficking in Persons (TPPO) in Sukabumi City

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### ABSTRACT

**Background.** Human trafficking is a contemporary version of slavery, ensuring the rights of victims to feel safe is crucial to create an efficient judicial process.

**Purpose.** This research aims to identify the mechanisms of legal protection for TPPO victims in Sukabumi City and the supporting and inhibiting factors that influence them. The research methodology used is normative law with data sources including interviews, observations, and literature studies.

**Method.** The data is processed using qualitative analysis, conducted at the Regional Technical Service Unit for Women and Children Protection.

**Results.** The mechanisms of legal protection provided include the complaint process, victim outreach, case management, temporary shelter, and mediation. The supporting factors include collaboration among legal institutions.

**Conclusion.** The inhibiting factors include limited budget and lack of Safe Houses (Shelters) or Trauma Centers.

### KEYWORDS

Legal, Protection, Victims

### INTRODUCTION

Every human being has the same rights and inherent in him without exception, some of which are the right to life, the right to security, the right to be free from all kinds of oppression and other rights that are universally called Human Rights (HAM) (Di Vaio et al., 2020). The issue of human rights is also fully and accommodated in the 1945 Constitution Article 28A-J and Law No. 39 of the Republic of Indonesia (Coppola et al., 2019). This kind of legal relationship that does not promise healing or death is called *inspanningsverbintenis*, which is different from the legal. 1999 on Human Rights. When examined in terms of its violations, human trafficking is the most significant example of human rights violations in Indonesia. Trafficking in persons according to the provisions of Article 1 number 1 of Law Number 21 Year 2007 on the

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Eradication of the Crime of Trafficking in Persons is (Y. Yang et al., 2019): The act of recruiting, transporting, harboring, sending, transferring, or receiving a person by threat of violence, abduction, confinement, forgery, fraud, abuse of power or vulnerable position, debt bondage or giving payment or benefit, so as to obtain the consent of the person who has control over the other person, both within the country and between countries, for the purpose of exploitation or resulting in exploitation (Paul et al., 2021). One of the causes of the rise of trafficking in persons is the lack of employment opportunities and also the absence of equity in the State of Indonesia due to the growing population, in addition to the factors of poverty and weak education also play a big role (Morel et al., 2020). According to empirical data, women and children are the majority of victims of human trafficking. In terms of quantity (cases) and quality (procedures, methods, and forms of exploitation), human trafficking (also known as modern slavery) occurs in Indonesia in an unusual way (Chandrasekar et al., 2020). Data obtained from the Indonesian Ministry of Foreign Affairs, according to the five-year report of the Task Force for the Prevention and Handling of Trafficking in Persons (GTPP-TPPO) 2015-2019, in 2016 there were 478 cases of Trafficking in Persons, followed by 340 cases in 2017, then 164 cases in 2018, and finally 259 cases in 2019. (W.-Y. Yang et al., 2019).

The figure consisted of 31 people whose occupations were not disclosed along with 228 Domestic Workers. There were 2,648 trafficking victims, consisting of 2,319 women and 329 men (Karimi-Maleh et al., 2022). Not only in big cities, Sukabumi City is also one of the cities targeted by traffickers. One of the trafficking cases that researchers encountered in Sukabumi city involved two underage girls who were victims of human trafficking in 2016 (Luque et al., 2019). I The perpetrators targeted victims with the initials (SD) who was 15 years old and (RSK) who was 14 years old with the mode of offering to work outside the city with the lure of a large salary (Riess et al., 2019). In the chronology of the case, the perpetrator lied to the parents of the two victims that their children would work in a Sukabumi boutique shop, but in reality the victims (SD) and (RSK) were taken to the West Jakarta area, precisely on Jalan Taman Sari GUCCI MANSION to be used as Commercial Sex Workers under the guise of being PL (song guide) (Reichstein et al., 2019). The evidence confiscated in this case is in the form of one unit of red Mazda brand car with Nopol: B-1069-PRM along with its contact key and one black Advan brand cellphone (Stuart et al., 2019). The verdict of the deliberation session of the Panel of Judges of the Sukabumi District Court, on Wednesday, April 12, 2017, found the defendant guilty of committing the crime of "Transportation of persons by abuse of a position of vulnerability despite obtaining the consent of a person in control of another person for the purpose of exploiting that person in the territory of the Republic of Indonesia" (Nosyk et al., 2021). And sentenced the defendant to 3 (three) years and 4 (four) months imprisonment and a fine of Rp. 120,000,000 (one hundred and twenty million rupiah) (Callhoff et al., 2020).

A case against the law, including Trafficking in Persons (TPPO), will certainly result in material and immaterial losses to the victim. Unfortunately, victims of criminal offenses are often ignored and even forgotten. One of the factors that cause this is because in both formal and material criminal law, victim protection and victim handling receive less attention and are not prioritized (Makdessi et al., 2019). A case against the law, including Trafficking in Persons (TPPO), will certainly result in material and immaterial losses to the victim. Unfortunately, victims of criminal offenses are often ignored and even forgotten. One of the factors that cause this is because in both formal and material criminal law, victim protection and victim handling receive less attention and are not prioritized (Pretorius et al., 2021). So far, the suffering felt by victims of crime has only been used as an instrument to determine the verdict and impose punishment on the perpetrator, whereas in fact the suffering experienced by the criminal is not related to the suffering

felt by the victim of the crime, in fact the victim will feel more suffering from what they have experienced. (Theodora Yuni Shah Putri, 2003) (Elvén et al., 2022). This is reinforced by the opinion of Andi Hamzah who stated that in discussing Criminal Procedure Law, especially in relation to human rights, there is a tendency to discuss matters relating to the rights of suspects without paying attention to the rights of victims.

One of the objectives of criminal law policy (social defense), which aims to provide legal protection to the community (social welfare) is to eradicate the crime of trafficking in persons. This goal must be in line with the ideals of the Indonesian nation, namely that the state and government must protect the entire nation and advance the nation's life and general welfare. The ability of the state to create effective legislation, law enforcement that can run effectively, especially by using criminal law as a tool against unnatural acts or actions, as well as fostering and educating a dignified, moral and dignified culture, ethical and respectful of human nature, are all needed to improve development and public welfare.

The theories used in relation to this research are the theory of legal protection and the theory of criminal politics. Trafficking in Persons is a serious violation of human rights. Therefore, it is not enough to focus on punishing the suspect through criminal law alone, but it is also necessary to consider social issues through legal protection provided for victims, so that social policy through criminal politics becomes very important to be applied. According to Hoefnagels, criminal policy is divided into non-penal policy (policies that do not involve criminal law) and penal policy (policies that involve criminal law). Anticipatory action with non-penal policy concentrates on preventive action or action to stop the occurrence of crime. Meanwhile, anticipatory action with penal policy emphasizes more on repressive action, especially efforts to solve crimes after they occur.

Meanwhile, legal protection according to Satijipto Raharjo aims to protect human rights (HAM) violated by others and is given to the community so that they can exercise all their legal rights. As part of community protection, legal protection of victims can be carried out in various ways, including by providing restitution, compensation, medical care, and legal assistance.

Realizing the importance of human beings obtaining adequate legal protection, especially from various forms of human trafficking, a more concrete discussion was prepared by pouring it into the title "Legal Protection Mechanism for Victims of Human Trafficking Crime in Sukabumi City." This research is specifically aimed at examining and analyzing how the mechanism of providing legal protection for victims of human trafficking in Sukabumi City and also how the supporting and inhibiting factors in providing legal protection for victims of Human Trafficking Crime.

## RESEARCH METHODOLOGY

The type of research used is normative law, namely research that focuses on positive legal norms and is carried out by studying laws and regulations related to the problem under study, namely the Protection of Victims of Human Trafficking Crimes. The data source in this research uses primary legal materials in the form of laws and regulations related to the crime of human trafficking and secondary legal materials in the form of legal opinions of non-legal opinions obtained from books, the Big Indonesian Dictionary, research results, the internet (website), newspapers, and legal practitioners.

The data collection method was conducted by conducting interviews and observations, supported by literature study. Then, the method used to process and analyze the data obtained was qualitative analysis with the research location being at the Regional Technical Service Unit for the

Protection of Women and Children (UPTD PPA) of Sukabumi City, the Women and Children Service Unit of Sukabumi City Police, and Sukabumi City District Court.

## **RESULT AND DISCUSSION**

### **Mechanisms and Procedures for Legal Protection of Victims of Trafficking in Persons in Sukabumi City**

#### **Women and Children Service Unit of Sukabumi City Police**

The provision of protection to victims of Trafficking in Persons within the scope of the police is found in the process of investigation and inquiry. The provision of protection in the process of investigation and prosecution of victims of Human Trafficking is associated with the view of human rights divided into two points.

First, handling and treating victims of TPPO, especially victims of sexual exploitation, requires special skills. Therefore, in each Polres there should be a number of police officers who have received specialized training in handling TPPO cases. These officers are police officers who are accustomed to working with agencies that can offer support, services and assistance to victims, including non-governmental groups and government agencies. They also have social skills and awareness of the situations and problems faced by victims.

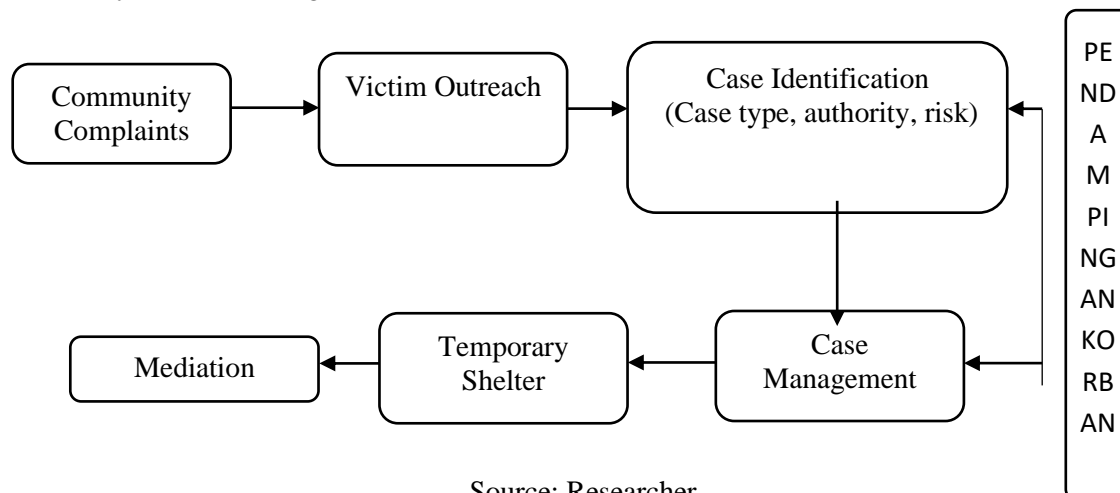
Secondly, if a victim or suspected victim wishes to report a crime, the victim should be referred to a police officer specifically trained to handle TPPO cases. This is important to prevent victims from experiencing revictimization, which means that victims receive treatment that can exacerbate the trauma of the events they previously experienced. Due to the fact that victims of TPPO are also involved in various violations of the law related to the crimes against them, victims often feel afraid of law enforcement officials.

In Sukabumi City, victims of TPPO have been handled by the PPA Unit which already has special expertise in handling victims, especially women and children, and in its implementation has collaborated with Social Workers. During the case resolution process, victims of TPPO will be handed over to the Regional Technical Implementation Unit for the Protection of Women and Children (UPTD PPA).

#### **Regional Technical Implementation Unit for the Protection of Women and Children (UPTD PPA) of Sukabumi City**

The Regional Technical Implementation Unit for the Protection of Women and Children (UPTD PPA) is an institution established by the Regional Government to provide services for women and children who experience violence, discrimination, special protection, and other problems. Based on the Regulation of the Minister of Women's Empowerment and Child Protection of the Republic of Indonesia Number 4 of 2018 concerning Guidelines for the Establishment of UPTD PPA, UPTD PPA was established with the intention of carrying out operations in their respective working areas to provide services to women and children when facing problems of violence, discrimination, special protection, and other problems. In this case, providing legal protection to victims of Human Trafficking is one of the responsibilities of the UPTD PPA of Sukabumi City. The following is the procedure for providing legal protection to victims of Human Trafficking by the UPTD PPA of Sukabumi City:

Model Layanan Perlindungan Hukum Korban TPPO Oleh UPTD PPA Kota Sukabumi



### Complaints

Complaint services are initiatives to handle complaints of violence or allegations of violence that require verification and follow-up through outreach, referral to medical, psychological, counseling, and other services. Public reports of incidents involving women and children received directly or indirectly by the UPTD PPA are collected through public complaints, which is the service function of complaints at the UPTD PPA in Sukabumi City. Based on the results of the research conducted, public complaints at the UPTD PPA office are still quite effective, because the UPTD PPA in Sukabumi City opens a Hotline Service that is active for 24 hours and also office operating hours which are open at 08.00 WIB - 16.00 WIB.

### Victim Outreach

Reaching out to victims who currently do not have access to services or have been reported by other parties is the role of victim outreach services at the UPTD PPA in Sukabumi City. The service function of outreach can also be applied as an effort to rescue at-risk victims who have difficulty obtaining resources. Officers will liaise with agencies appropriate to the nature of the reported emergency if the victim is unable to attend in person but must be followed up immediately. The officer provides information on available resources according to the victim's needs and the agency's obligations and capabilities, as well as the location and time of the incident. The complaint will be followed up if the complainant agrees.

Based on the author's research findings, the Sukabumi City UPTD PPA office has conducted outreach to victims in accordance with relevant theories and provisions. This can be seen from the results of interviews with all informants who stated that outreach to victims was carried out to victims who did not have time to report such as those who experienced violence or neglect and were immediately picked up by UPTD PPA using the protection motorbike or protection car facility to be referred to the PPA Unit (Protection of Women and Children) of Sukabumi City Police.

### Case Management

By following up, offering solutions, and making decisions according to the needs of each reported case, case management functions as a service function that fulfills the rights and needs of all victims who receive assistance from UPTD PPA. The stages of services provided in case management by UPTD PPA are as follows:



1. Receipt of complaints: The UPTD PPA receives complaints about incidents of violence against women and children from various means, either from victims, their families, the community, other institutions, or related parties. Reports can be reported in person, by cell phone, in writing, or through other contact channels.
2. Case Verification and Evaluation: To ensure the accuracy of the data presented, the UPTD PPA checks the reports it receives. The case is then evaluated to determine its seriousness and to gain a full understanding of the victim's situation.
3. Emergency Treatment : If the situation requires a quick response, the UPTD PPA will provide emergency treatment to protect the person from further injury. This may mean moving the victim to a safe place, offering medical care, or gathering vital information.
4. Psychological Support and Counseling: For victims of violence, the UPTD PPA provides counseling and psychological support. Experts will provide emotional support, information about their legal rights, and assistance in overcoming trauma for victims.
5. Coordination with Relevant Agencies : UPTD PPA cooperates with a number of relevant organizations, including the police, hospitals, social services, and legal agencies, to carry out important procedures in handling cases, including investigation, trial, and recovery for victims.
6. Recovery and Rehabilitation: The UPTD PPA offers programs for the recovery and rehabilitation of victims of violent crimes. To improve the physical, psychological, and social condition of victims, access to medical care, legal counsel, education, training, and support should be provided.
7. Assistance and Follow-up: The PPA Unit assists victims through the legal system and the healing process. They pay attention to victims' rights and provide updates on how the case is progressing and what to do next.

To ensure the best possible protection, healing and rehabilitation for victims of violence against women and children, including victims of human trafficking. Case handling by UPTD PPA is carried out holistically and involves several related parties.

### **Temporary Shelter**

Temporary shelter is a place that prioritizes security and protection and provides clothing, food, and supporting facilities for the needs of beneficiaries who we call victims. The provision of temporary shelter services, often referred to as safe houses for victims, is provided for a maximum of 14 days.

The UPTD PPA temporary shelter must respect the anonymity of victims and have adequate security. Threats and potential risks must be kept away from the temporary shelter. Usually, temporary shelters offer accommodation for victims and related children. This can take the form of an apartment, inn, or halfway house with sufficient facilities for daily needs including bedding, food, toiletries, and household items. In addition to building facilities, UPTD PPA also provides psychosocial assistance for victims. Trained professionals will provide emotional counseling, assistance to overcome trauma to support victims in their recovery.

However, based on the results of research and interviews conducted by the author, the UPTD PPA of Sukabumi City does not yet have a Safe House (Shelter) or Trauma Center. This is unfortunate considering that a safe house is an important aspect in providing legal protection to victims of human trafficking. For now, when there is a victim of a crime who needs a Safe House facility as a temporary shelter, the UPTD PPA will collaborate with the Social Service and other institutions that can facilitate the provision of temporary Safe Houses for victims.

### **Mediation**

In order to handle matters concerning the protection of women and children, the Regional Technical Implementation Unit for the Protection of Women and Children (UPTD PPA) can use mediation. With the help of an impartial and skilled mediator, mediation is a dispute resolution technique that involves communication and discussion between the parties involved in a case. A mutually beneficial agreement for all interested parties is the goal of mediation.

To date, the mediation process conducted by the UPTD PPA of Sukabumi City has run well, as evidenced by its implementation in accordance with applicable laws and regulations. To reach an agreement, the UPTD PPA will call the parties to the negotiation table, present them, and include the family or close friends of each party. Mediation is repeated, depending on the circumstances and nature of the person being dealt with.

### **Coordination Between State Institutions**

Providing legal protection to victims of human trafficking requires cooperation between various government authorities in Indonesia. Some of the official bodies or institutions in Indonesia that actively coordinate in providing legal protection to victims of human trafficking include:

#### **Police**

The police hold an important role in handling cases of human trafficking in Sukabumi City. The police are tasked with identifying cases of human trafficking by conducting investigations and inquiries, which are carried out to follow up on the resolution of TPPO cases. The police must be active in collecting case evidence and arresting suspects of human trafficking cases. Not only that, the police also have the authority to protect victims of human trafficking, especially by protecting the identity of victims and offering medical and psychological assistance. The police also play a role in preventing human trafficking by conducting patrols and surveillance in high-risk locations.

#### **Prosecutor's Office**

The prosecution begins by investigating the traffickers based on evidence obtained by the prosecution.

The police then conduct prosecutions. In addition, the prosecutor's office plays a role in ensuring that perpetrators are brought to justice and receive adequate punishment in accordance with the prescribed laws. Prosecutors may also cooperate with other agencies to investigate and prosecute these human trafficking cases. In Indonesia, the Public Prosecution Service is a law enforcement agency that holds the function of ensuring the order and security of the people. The Prosecutor's Office also has broad authority, ranging from criminal, civil, to supervising the implementation of police duties. It also has the duty to defend human rights and is responsible for handling cases of human rights violations and undertaking initiatives to raise public awareness of human rights and protect victims of human rights violations.

#### **Court**

The court has an equally important role, continuing the process in the police and prosecutor's office, the following is the role of the court in cases of human trafficking:

1. **Judicial Review**

The court is tasked with reviewing trafficking cases filed by the public prosecutor. The court listens to evidence, interviews witnesses, and evaluates the facts revealed during the trial. This investigation aims to determine whether the defendant was actually involved in the crime of human trafficking as intended.

2. **Responsibility and truth**

The court is responsible for evaluating the truth of the allegations made and the legal guilt of the defendant. Based on the facts and arguments presented by both sides, the court will determine whether the accused is guilty or innocent.

### 3. Fulfillment of Victims' Rights

During the legal process, the court has a role in providing a sense of security for victims of TPPO. Things that must be provided are access to legal aid, good treatment, and the freedom to state testimony without fear of extortion or revenge. Keeping the identity of the victim confidential is also one of the protective measures provided.

### 4. Victim Restitution

As part of the judicial decision, the court may decide on compensation for victims of human trafficking. The compensation consists of material and immaterial, such as medical expenses, rehabilitation, loss of wealth, and psychological disorders experienced by the victims.

### 5. Preventive Measures

As a preventive measure, the court can issue a fair and deterrent verdict against traffickers so that there will be fewer cases in the future.

## Victim Protection Agency

### 1. Indonesian Child Protection Commission

The Indonesian Child Protection Commission is an autonomous body with the same status as other State Commissions. The establishment of KPAI shows that the government cares and seeks to protect children from harmful actions, in accordance with the mandate of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection. KPAI as an autonomous institution should work aggressively for the benefit of children, especially in cases of Human Trafficking because the victims are often minors. KPAI has the task of disseminating legislation on child protection, collecting data and information, receiving public complaints, reviewing, monitoring, assessing, and regulating the implementation of children's interests.

### 2. National Commission on Violence Against Women

The National Commission on Violence Against Women (Komnas Perempuan) has a significant role in providing protection and handling cases of human trafficking, especially in defending the rights of women and children victims of human trafficking. In handling human trafficking cases, Komnas Perempuan plays a role in providing legal and psychological assistance to victims of human trafficking, especially women and children, as well as overseeing the implementation of policies related to handling human trafficking cases and making recommendations for improvement. Komnas Perempuan also has campaigns to create public awareness about the dangers of human trafficking and how to protect themselves from human trafficking. Komnas Perempuan also works with international and national organizations to strengthen efforts to prevent and eliminate all forms of violence against women and children.

## Supporting Factors

In order to provide legal protection to victims of violence against women and children, the Regional Technical Implementation Unit for the Protection of Women and Children (UPTD PPA) has a significant role. The UPTD PPA's ability to provide legal protection to victims is supported by several factors, including:

### 1. Competent Workforce

Based on observations, the workforce at UPTD PPA Kota Sukabumi is equipped with knowledge and expertise in the field of women and child protection, including relevant laws. They understand the laws, regulations and procedures that apply to cases of violence against women and children, one of which is the crime of human trafficking. Armed with this



knowledge, the UPTD PPA of Sukabumi City can provide accurate information in guiding victims through the legal process.

## 2. Collaboration with Legal Institutions

To provide adequate legal protection to victims of a criminal offense, the UPTD PPA coordinates with several legal institutions such as the judiciary, police, and prosecutors. Making case reports, investigations, collecting goods and evidence, court proceedings, and law enforcement. is part of this collaboration. Victims have better access to legal protection thanks to the close collaboration between UPTD PPA Kota Sukabumi and legal institutions.

## 3. Facilities and Infrastructure

Good facilities and infrastructure are very important to support the Regional Technical Implementation Unit for the Protection of Women and Children (UPTD PPA) in carrying out its duties and providing optimal services. Based on the results of researcher observations, some facilities and infrastructure that can be a supporting aspect of the UPTD PPA of Sukabumi City include a proper office as a base of operations. The building used is quite decent and has an administrative service room, adequate work space for staff, a counseling room, and a confidential area that can protect the privacy of victims. In addition, there are computers as well as communication facilities that can be used as a liaison between UPTD PPA and victims. Furthermore, to conduct field visits, case monitoring, victim assistance, and cooperation with related parties, the UPTD PPA has official vehicles in the form of one unit of torlin (protection motorcycle) and one unit of molin (protection car). The UPTD PPA of Sukabumi City has utilized a solid information system and database to record and manage case data, victim information, actions taken, and case handling results. The system has made data management, case monitoring, and data analysis for planning and reporting very efficient.

## 4. Cooperation Network

In providing treatment and protection to victims of human trafficking, in addition to collaborating with legal institutions, the UPTD PPA of Sukabumi City also builds a network of cooperation with the Social Service, Social Workers, Community Health Centers, Hospitals, Educational Institutions, Non-Governmental Organizations, and also other institutions that are relevant to providing protection to victims of human trafficking.

### **Inhibiting Factors**

In addition to the many supporting factors that support UPTD PPA in completing its tasks, there are also several obstacles to UPTD PPA (Regional Technical Implementation Unit for the Protection of Women and Children) in providing protection to victims of Human Trafficking, including the following:

### 1. Lack of Human Resources

It is very important to have reliable human resources who have the competence and experience to carry out their work in managing UPTD PPA. Executive and functional positions that should exist in UPTD PPA include Clinical Psychologists; Social Workers; Psychological and Legal Counselors; Mediators; General Administrators; Drivers; Security Guards; and Dormitory Guards. Based on the results of observations and interviews, in its implementation UPTD PPA Kota Sukabumi in providing the above experts still collaborates with social institutions and agencies because it does not yet have experts who work permanently at the UPTD PPA office in Sukabumi City. This needs to be considered and immediately improved for the availability of specialized experts who live in the UPTD PPA office in Sukabumi City, because if it continues to depend and ask for experts to work

permanently at the UPTD PPA office in Sukabumi City, then the UPTD PPA will not be able to provide experts who work permanently.

Requests for the provision of experts to other institutions will of course require more time and energy, which will have an impact on not optimizing the provision of legal protection to victims of criminal acts, especially cases of human trafficking.

## 2. Limited Budget

The budget for the UPTD PPA comes from the special allocation fund, which is still insufficient to support the various service programs provided at the UPTD PPA of Sukabumi City. So far, the UPTD PPA of Sukabumi City has an alternative solution to overcome this by compiling a priority scale list for allocating funds that are not large. In addition, the UPTD PPA of Sukabumi City also collaborates and coordinates with other institutions to implement programs and provide protection to victims so as to reduce funding expenditures. However, if done continuously, it will result in many obstacles in case resolution. Involving the Ministry of Home Affairs is one way to resolve this obstacle. As local governments are overseen by the Ministry of Home Affairs, the Ministry of Home Affairs is encouraged to develop strict policies for regional heads to promote and assist them both technically and financially, one of which is to provide a special budget for the provision of optimal protection for trafficking victims in Sukabumi City.

## 3. No Safe House (Shelter)

A safe house for victims of crime is a location offered by an organization or group with the aim of protecting and providing a safe place to live for victims of crime, especially women and children. It seeks to provide victims with physical safety, emotional support and basic services. This security protection service demands that the location of the safe house be kept confidential from unauthorized persons to assist in the rehabilitation of the victim. In practice, victim access is often restricted to protect victim safety and anonymity. According to the place of operation, safe houses are divided into two, namely permanent safe houses and non-permanent safe houses. Permanent safe houses are safe houses that stay in one place and do not move. This type of safe house is provided by witness protection programs and institutions. Meanwhile, a non-permanent safe house is a safe house whose location moves from one place to another, the location is uncertain and not generally recognized according to the situation, conditions, and needs of victims of criminal acts. UPTD PPA is an institution that should provide a safe house for victims, but in its implementation UPTD PPA Kota Sukabumi has not been able to establish a safe house and trauma center specifically for victims of human trafficking. The main factors causing this condition are limited funding and lack of assertiveness from the government, which should be a problem that must be prioritized.

### **Implementation of Legal Protection for Victims Under the TPPO Law in Sukabumi City**

Based on the research findings, case handling at the UPTD PPA office is carried out according to the existing service flow and what cases are being handled. The case handling mechanism begins with the assessment stage, which is repeated to investigate the case, and continues until it reaches the referral system stage, depending on what assistance the victim needs. As a result, the services provided will be tailored to the needs of the victims.

The Regional Technical Implementation Unit for the Protection of Women and Children in Sukabumi City has handled one victim of Human Trafficking in 2022. The case report came from one of the PPMI (Persatuan Pelajar dan Mahasiswa Indonesia) volunteers who stated that a female laborer who was an Indonesian citizen and a native of Sukabumi City had become a victim of

exploitation. The UPTD PPA of Sukabumi City received the complaint and immediately handled the case by conducting outreach to the victim's family. The outreach revealed that the victim had difficulty adapting to her work environment and wanted to be repatriated. The UPTD PPA of Sukabumi City faced obstacles because after further investigation, the victim was an illegal female worker. Various efforts were made, including coordinating with the Social Affairs Office and the Ministry of Social Affairs. However, the results of handling the case ended in nothing, as the victim changed her mind and stated that she did not want to be repatriated, so the mechanism for providing victim protection has been delayed until now. In 2023, the UPTD PPA of Sukabumi City also handled the case of two victims who were indicated to have experienced Trafficking in Persons and until now they are still making various follow-up efforts.

The rights of victims based on Law No. 21/2007 on the Eradication of Trafficking in Persons are as follows:

1. Identity Confidentiality

Article 44 of Law No. 21/2007 explains that every victim is entitled to confidentiality of identity. Identity confidentiality also applies to the family of victims of human trafficking up to the second degree if the victim's family is indicated to be threatened or endangered. The identity of victims in human trafficking cases must be kept confidential to protect them from retaliation and additional harm. Based on the results of the research, the PPA unit of Sukabumi City and UPTD PPA of Sukabumi City, as well as other institutions related to victim protection have maintained the confidentiality of the victim's identity very well. For them, protecting the confidentiality of human trafficking victims' identities is both a legal requirement and a moral responsibility. To avoid future suffering, it is important to treat victims with courtesy and respect, and keep their identities confidential.

2. The right to restitution or compensation

According to Article 48 of Law No. 21/2007, every victim or heir of a victim of human trafficking has the right to restitution or compensation. In paragraph (1), it is explained that the losses are losses for: "loss of wealth or income; suffering; costs for medical and/or psychological treatment; and/or other losses suffered by the victim as a result of trafficking in persons". In its implementation, based on the results of the researcher's interview with one of the informants from the UPTD PPA and the PPA Unit of the Sukabumi City Police, it was stated that in Sukabumi City there had never been a victim who had received restitution or compensation for what he had suffered. This is because the procedure for applying for restitution is quite difficult and complicated.

3. Health Rehabilitation

Health Rehabilitation is an effort to restore the condition of victims of Human Trafficking both physically and psychologically. UPTD PPA Kota Sukabumi has provided medical services for victims and has collaborated with Community Health Centers and Hospitals and other health institutions that are needed for the recovery of victims.

4. Social Rehabilitation

Social rehabilitation is the recovery of social mental conditions and the restoration of social functions so that they can resume their duties in the family and community regularly and properly. Social reintegration consists of spiritual guidance, counseling services, legal aid services, and provision of safe houses. UPTD PPA Kota Sukabumi conducted social reintegration efforts for victims by conducting spiritual guidance, providing direct counseling services because UPTD PPA Kota Sukabumi already has a special counseling room for victims. In terms of legal assistance, the UPTD PPA of Sukabumi City has

collaborated with legal institutions or advocates so that victims can be accompanied by legal counsel for free during the trial process. In terms of providing safe houses, although it has not been able to provide safe house facilities specifically, if there are victims who are deemed to need safe house services, the UPTD PPA of Sukabumi City will coordinate with the Sukabumi City Social Service.

#### 5. Social Reintegration

Social reintegration in this provision is the reintegration of victims of human trafficking into their families or substitute families that can provide security and support the needs of victims. The UPTD PPA of Sukabumi City has provided assistance in the process of returning victims of human trafficking, the right to return or repatriation has been utilized by the UPTD PPA of Sukabumi City by ensuring that victims really want to return home and there is no increase in harm to victims. Thus, the UPTD PPA of Sukabumi City has implemented social reintegration efforts well.

## CONCLUSION

Based on the results of the research description, it can be concluded that one of the most serious violations of human rights is the crime of human trafficking. Human Trafficking is a modern form of human slavery and exploitation. In a case against the law, including the Crime of Trafficking in Persons (TPPO), it will certainly result in material and immaterial losses to the victim. Unfortunately, the victims of a crime are often the ones who are ignored and even forgotten. One of the factors that cause this is because in formal and material criminal law, victim protection and victim handling receive less attention and are not prioritized.

Supported by a competent workforce, collaboration between legal institutions, infrastructure, and cooperation networks, the UPTD PPA of Sukabumi City makes efforts to provide protection to victims of human trafficking starting with complaint services, victim outreach, case management, temporary shelter, and mediation. In its implementation, the UPTD PPA of Sukabumi City faced several obstacles, including a limited budget, lack of human resources, lack of public awareness, fear on the part of victims, and finally the UPTD PPA of Sukabumi City does not yet have a shelter facility which is very important for victims.

The legal basis governing human trafficking is currently good enough to support law enforcement, eradication, and protection for witnesses and victims. From the issuance of Law No. 21/2007 on the Eradication of the Crime of Trafficking in Persons and also Law No. 31/2014 amending Law No. 13/2006 on the Protection of Witnesses and Victims, as well as other laws and regulations. The regulatory aspect is good, so what is needed now is the execution by all parties involved so that all handling of cases related to the crime of human trafficking, especially the provision of legal protection for victims, can be carried out effectively and without irregularities.

## AUTHORS' CONTRIBUTION

Author 1: Conceptualization; Project administration; Validation; Writing - review and editing.

Author 2: Conceptualization; Data curation; Investigation.

Author 3: Data curation; Investigation.

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