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Restitution and Compensation for Victims of Human Trafficking After Law Number 3 of 2026

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Abstract

Indonesian law has recognised restitution for trafficking victims since 2007, but the right has rarely resulted in actual payment. Law Number 3 of 2026 on the Protection of Witnesses and Victims (State Gazette 2026 No. 59), in force since 20 May 2026, was preceded by the 2025 Code of Criminal Procedure (Law Number 20 of 2025), in force since 2 January 2026, which had already extended to all crimes the restitution-enforcement model first enacted for sexual-violence crimes in 2022 and granted every victim a right to state compensation where the offender cannot pay restitution. This article examines which elements of the 2026 framework are genuinely new in Law Number 3 of 2026 and which procedural steps still lack a legal basis. Through doctrinal analysis and a provision-by-provision comparison at three points in time, it finds that binding duties to notify victims and to facilitate loss calculation, pre-judgment seizure as security for restitution, and a general compensation right became applicable to most trafficking victims on 2 January 2026; Law Number 3 of 2026 restates rather than creates them. Its genuinely new elements are narrower: the express naming of trafficking victims as compensation beneficiaries (Article 23(1)), a recovery programme where seized assets cannot cover the restitution owed, new assistance rights, and the authority of the Witness and Victim Protection Agency (LPSK) to use a Victim Endowment Fund. Read together, the two laws still do not specify who initiates a compensation claim, how and when the offender's inability to pay is established, which institution pays, or how compensation relates to substitute imprisonment and recovery programmes. The article proposes an analytical model of layered and parallel recovery pathways to guide the pending implementing regulations and the harmonisation of Supreme Court Regulation Number 1 of 2022.

1. Introduction

The crime of trafficking in persons possesses distinct characteristics compared to many conventional crimes. The losses suffered by victims do not cease when exploitation ends or when the perpetrator is successfully apprehended. Some victims require longterm physical and psychological recovery. Others suffer loss of income, education, employment, family relations, and even a sense of security upon returning to their social environment. Consequently, the resolution of human trafficking cases cannot be measured solely by the state's success in proving offender guilt and imposing criminal sanctions.

This perspective elevates the victim to a more central position within the criminal justice system. While the traditional inquiry has focused on what penalty is appropriate for the offender, discussions surrounding victim protection require a follow up question once the legal proceedings conclude, what does the victim actually receive?

Restitution represents one of Indonesian law's answers to this question. Law Number 21 of 2007 on the Eradication of the Crime of Trafficking in Persons established restitution as a right of every trafficking victim and set out a post-judgment enforcement procedure.[1] The regime was later supplemented by the witness- and victim-protection legislation, Government Regulation Number 7 of 2018 as amended by Government Regulation Number 35 of 2020, and Supreme Court Regulation (PERMA) Number 1 of 2022 on the Procedures for Resolving Applications for and Granting Restitution and Compensation to Victims of Crime.[2]

The existence of this legal framework is undoubtedly a crucial development. However, the problem of restitution has never resided solely in whether a statute formalises it as a victim's right. The more intractable issues arise when translating that right into law enforcement procedures from investigation, prosecution, and judicial examination to actual payment by the offender.

Research by Saodana, Muchtar, and Azisa[3] regarding the fulfillment of restitution rights for human trafficking victims in Makassar City highlights this issue. The study found that the restitution process has not yet been effective. One identified factor is the limited understanding among law enforcement officials, particularly regarding the mechanism for filing restitution claims. These findings are significant because they demonstrate that the failure to achieve redress can originate long before a court verdict is handed down.

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[1] Law Number 21 of 2007 on the Eradication of the Crime of Trafficking in Persons (State Gazette 2007 No. 58, Supplement No. 4720), arts. 48–51.

[2] Law Number 31 of 2014 on Amendments to Law Number 13 of 2006 on the Protection of Witnesses and Victims (State Gazette 2014 No. 293, Supplement No. 5602), arts. 6, 7A, 12A; Government Regulation Number 7 of 2018 on the Provision of Compensation, Restitution, and Assistance to Witnesses and Victims (State Gazette 2018 No. 24, Supplement No. 6184), arts. 19–36; Government Regulation Number 35 of 2020 on Amendments to Government Regulation Number 7 of 2018 on the Provision of Compensation, Restitution, and Assistance to Witnesses and Victims (State Gazette 2020 No. 167, Supplement No. 6537); Supreme Court Regulation Number 1 of 2022 on Procedures for Resolving Applications for and Granting Restitution and Compensation to Victims of Crime (State Bulletin 2022 No. 225), arts. 2, 8, 30.

[3] Shafira Saodana et al., "Efektivitas Hukum Pemenuhan Hak Restitusi Terhadap Tindak Pidana Perdagangan Orang di Kota Makassar," *Alauddin Law Development Journal* 5, no. 2 (2023): 424, 435, https://doi.org/10.24252/aldev.v5i2.35622.

If victims are not informed of their rights from the outset, if losses are uncalculated, or if restitution is omitted from prosecution demands, the prospects of achieving victim recovery diminish significantly. In other words, restitution challenges exist not only at the tail-end stage of execution and payment but across the entire preceding procedural spectrum.

These challenges are not unique to Makassar. Ali, Muliyono, Sanjaya, and Wibowo identified structural flaws in Indonesia's compensation and restitution regulations, notably that victims' entitlements were contingent on the offender's conviction and that offenders could opt for a short substitute detention instead of paying.[4] Iksan and colleagues observed that restitution rights are scattered across several statutes that lack harmony, that the procedures are complicated, and that many victims do not know their rights.[5] Mulyadi and colleagues add that the inconsistent use of restitution terminology itself impedes the fulfilment of victims' rights.[6]

Studies of trafficking cases report the same pattern. Novianti and Frimer's study in the Padang District Court jurisdiction documented lengthy application procedures, the omission of restitution from prosecutorial demands and judgments, and insufficient dissemination of the right.[7] Angkasa and colleagues found that only seven of the trafficking judgments they reviewed imposed restitution and that none of the convicted offenders paid, preferring substitute imprisonment.[8] Nafis, Syarifuddin, and Alfian reached similar conclusions on the implementation of PERMA Number 1 of 2022 in Samarinda,[9] while Azhara and Hidayati and Prasetyo attribute the shortfall to inefficient procedures, uneven understanding among officials, and the absence of a state-backed fallback.[10] The literature thus locates the core problem less in the absence of norms than in the gap between norms and their execution.

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[4] Mahrus Ali et al., "Compensation and Restitution for Victims of Crime in Indonesia: Regulatory Flaws, Judicial Response, and Proposed Solution," *Cogent Social Sciences* 8, no. 1 (2022): 2069910, 1, https://doi.org/10.1080/23311886.2022.2069910.

[5] Muchamad Iksan et al., "Fulfilling the Restitution Rights of Crime Victims: The Legal Practice in Indonesia," *Academic Journal of Interdisciplinary Studies* 12, no. 4 (2023): 152, 155–56, 159, https://doi.org/10.36941/ajis-2023-0101.

[6] Mahmud Mulyadi et al., "Problems in Fulfilling the Rights of Crime Victims Due to Misconceptions of Restitution Terminology," *Justitia Jurnal Hukum* 8, no. 1 (2024): 25, 33–35, https://doi.org/10.30651/justitia.v8i1.21446.

[7] Annisa Novianti and Teno Frimer, "Implementasi Hak Restitusi Terhadap Korban Tindak Pidana Perdagangan Orang," *Lareh Law Review* 2, no. 2 (2024): 96, https://doi.org/10.25077/llr.2.2.96-108.2024.

[8] Angkasa Angkasa et al., "Development of a Restitution Model in Optimizing Legal Protection for Victims of Human Trafficking in Indonesia," *Journal of Indonesian Legal Studies* 8, no. 1 (2023): 93–94, 98–99, https://doi.org/10.15294/jils.v8i1.67866.

[9] Nyzar Ainun Nafis et al., "Efektivitas Implementasi Peraturan Mahkamah Agung tentang Restitusi dalam Kasus Tindak Pidana Perdagangan Orang di Kota Samarinda," *Jurnal Ilmiah Advokasi* 13, no. 3 (2025): 1111, 1116–18, https://doi.org/10.36987/jiad.v13i3.7847.

[10] Alya Azhara, "Pemberian Restitusi Bagi Korban Tindak Pidana Perdagangan Orang," *Delicti: Jurnal Hukum Pidana dan Kriminologi* 3, no. 2 (2025): 68, https://doi.org/10.25077/delicti.v.3.i.2.p.68-77.2025; Maslihati Nur Hidayati and Claudya Bunga Jovita Prasetyo, "Gaps in the Implementation of Restitution for Victims of Human Trafficking in Indonesia: Normative-Empirical and Comparative Analysis," *Journal of Law, Politic and Humanities* 6, no. 3 (2026): 1835, 1839–40, https://doi.org/10.38035/jlph.v6i3.3132.

Published data of the Witness and Victim Protection Agency (LPSK) are consistent with this picture, but they must be read with care. Table 1 in the Analysis section sets out the figures reported for trafficking cases by reporting year and procedural stage, together with their sources. Only for 2023 are figures available for the prosecutorial demand, the court award and the payment: in that year, LPSK recorded restitution amounts of Rp2,560,477,682 in prosecutorial demands and Rp1,817,237,894.50 in court awards, and Rp22,463,000 in payments by offenders.[11] These are annual aggregates for LPSK-assisted cases; the amounts at each stage are not linked case by case, and stage coverage differs from year to year. The figures therefore cannot be combined into a payment rate or compared across years, and they are used here only to illustrate the attrition that case-level studies document.

The legal framework changed twice in 2026. On 2 January 2026, the new Code of Criminal Procedure (Law Number 20 of 2025) entered into force.[12] It extended to all crimes the restitution-enforcement model that Law Number 12 of 2022 on Sexual Violence Crimes had introduced for sexual-violence crimes, a category that includes trafficking for sexual exploitation,[13] and it granted every victim a right to compensation from the state where the offender cannot pay restitution, together with an endowment fund for paying redress.[14] On 20 May 2026, Law Number 3 of 2026 on the Protection of Witnesses and Victims (*Undang-Undang Nomor 3 Tahun 2026 tentang Pelindungan Saksi dan Korban*) was enacted and promulgated (State Gazette of the Republic of Indonesia 2026 No. 59; Supplement No. 7179). It entered into force on the date of promulgation, repealed Law Number 13 of 2006 as amended by Law Number 31 of 2014,[15] and regulates the Victim Endowment Fund (*Dana Abadi Korban*), restitution and compensation in its Chapter III.

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[11] Lembaga Perlindungan Saksi dan Korban (LPSK), *Laporan Tahunan LPSK 2023: Perlindungan Saksi dan Korban dalam Pusaran Kejahatan Digital* (LPSK, n.d.), https://www.lpsk.go.id/api/storage/2026-04-08T06:53:58.559Z-laptah-2023-lpsk_.pdf. The same 2023 figures are reproduced in Rina Melati Sitompul et al., "The Strategy for Fulfilling Restitution Payments for Victims of Human Trafficking Criminal Acts," *Edelweiss Applied Science and Technology* 9, no. 5 (2025): 1567, table 1, https://doi.org/10.55214/25768484.v9i5.7234.

[12] Law Number 20 of 2025 on the Code of Criminal Procedure (State Gazette 2025 No. 188, Supplement No. 7149); Jaringan Dokumentasi dan Informasi Hukum Badan Pemeriksa Keuangan (JDIH BPK), "UU No. 20 Tahun 2025 tentang Kitab Undang-Undang Hukum Acara Pidana," accessed October 19, 2026, https://peraturan.bpk.go.id/Details/337302/uu-no-20-tahun-2025 (recording entry into force on 2 January 2026).

[13] Law Number 12 of 2022 on Sexual Violence Crimes (State Gazette 2022 No. 120, Supplement No. 6792), arts. 4(2)(g), 30–35.

[14] Law 20/2025, arts. 178–188, in particular art. 183(1), (3). On these provisions and the status of their implementing regulations, see Ady Thea DA, "Begini Mekanisme Ganti Rugi-Kompensasi dalam KUHAP Baru," *Hukumonline*, November 26, 2025, https://www.hukumonline.com/berita/a/begini-mekanisme-ganti-rugi-kompensasi-dalam-kuhap-baru-lt69264bf314a4a/; Achmad Setyo Pudjoharsoyo, "Ketika Korban Menunggu Keadilan yang Tak Kunjung Tiba," *MARINews*, Mahkamah Agung Republik Indonesia, February 28, 2026, https://marinews.mahkamahagung.go.id/artikel/ketika-korban-menunggu-keadilan-yang-tak-kunjung-tiba-0VE; Tjokorda Istri Diah Candra Permatasari and Asry Alkazahfa, "Navigating Victim Compensation Funds in Indonesian Criminal Justice System: An Analysis of Institutional Integration and Fragmentation," *Brawijaya Law Journal* 13, no. 1 (2026): 99, https://doi.org/10.21776/ub.blj.2026.013.01.05.

[15] Law Number 3 of 2026 on the Protection of Witnesses and Victims (State Gazette 2026 No. 59, Supplement No. 7179), arts. 77–78. The official metadata (enactment and promulgation on 20 May 2026; State Gazette 2026 No. 59; Supplement No. 7179; repeal of Law 13/2006 and Law 31/2014)

Article 20 of Law Number 3 of 2026 provides that investigators, public prosecutors and judges "shall notify" (*wajib memberitahukan*) victims and LPSK of the right to restitution (paragraph 1) and that investigators and prosecutors "shall facilitate" the calculation of restitution (paragraph 2). Restitution may be deposited in advance with the registry of the district court (paragraph 3), and investigators may seize the offender's assets as security for restitution with the permission of the head of the district court where the assets are located, having regard to the rights of good-faith third parties (paragraphs 4 and 5). Article 21 sets a payment period of 30 working days, requires the judgment to order the prosecutor to auction the seized security if restitution is not paid within 30 working days after the judgment becomes final, provides for substitute imprisonment, and, where the seized assets are insufficient, grants the victim a recovery programme funded by the Victim Endowment Fund or delivered by the competent agency on LPSK's recommendation (paragraphs 2–9).[16] Except for the recovery programme in Article 21(9), these provisions largely restate Articles 179 and 181 of Law Number 20 of 2025, which have applied to all crimes since 2 January 2026.[17]

On their face, these provisions respond to several deficiencies identified in the literature: rights notification no longer depends solely on the victim's awareness or on an individual officer's initiative, and part of the execution problem is addressed before judgment by securing assets. Most of these duties, however, did not originate in Law Number 3 of 2026. They had applied to all crimes since 2 January 2026 under Law Number 20 of 2025, and some were regulated even before that date in an elucidation, an implementing regulation or a category-specific statute. Distinguishing what is genuinely new in Law Number 3 of 2026 from what it restates is therefore a precondition for any claim of legal transformation.

Article 23(1) of Law Number 3 of 2026 provides that victims of gross human rights violations, victims of trafficking in persons and victims of terrorism, in addition to the rights under Articles 7, 9 and 10, "are also entitled to compensation" (*juga berhak atas Kompensasi*).[18] Before 2026, compensation was available only to victims of gross human rights violations and terrorism, a position that recent scholarship described as a legal lacuna for trafficking victims.[19] Since 2 January 2026, however, Article 183 of Law Number 20 of 2025 has granted every victim of crime a right to compensation where the offender cannot pay restitution.[20] Article 23(1) therefore confirms the entitlement of trafficking victims within the victim-protection statute rather than creating it.

This study builds on these 2026 developments. It does not reexamine whether trafficking victims possess a right to restitution, as that is well-established in

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are recorded in Jaringan Dokumentasi dan Informasi Hukum Badan Pemeriksa Keuangan (JDIH BPK), "UU No. 3 Tahun 2026 tentang Pelindungan Saksi dan Korban," accessed October 15, 2026, https://peraturan.bpk.go.id/Details/349942/uu-no-3-tahun-2026. All provisions of Law 3/2026 discussed in this article were checked against the authenticated copy (*salinan*) published there.

[16] Law 3/2026, arts. 1(18) (defining "day" as a working day), 20–21.

[17] Law 20/2025, arts. 179, 181.

[18] Law 3/2026, art. 23(1).

[19] Law 31/2014, art. 7(1); GR 7/2018, art. 2; GR 35/2020, art. 18A; PERMA 1/2022, art. 2; Nunung Rahmania and Ahwan, "Lacuna Legis Pemberian Kompensasi bagi Korban Trafficking in Persons di Indonesia," *Ganec Swara* 19, no. 4 (2025): 1717, https://doi.org/10.59896/gara.v19i4.488.

[20] Law 20/2025, art. 183(1), (3).

positive law and prior academic literature. Rather, it analyses how Law Number 20 of 2025 and Law Number 3 of 2026 together restructure the victim recovery framework and whether the compensation right of trafficking victims is supported by procedural mechanisms sufficient for effective implementation.

Existing scholarship provides three building blocks but leaves a specific gap. A first strand consists of implementation studies of the pre-2026 regime, which document attrition at every stage of the restitution process and recommend mandatory restitution, a more active prosecutorial role and a state-funded fallback.[21] A second strand addresses regulatory design. Ali and colleagues argue that the distinct natures of restitution and compensation must be understood if victims' rights are to be effective, and show how substitute detention defeats payment;[22] Rahmania and Ahwan identify the exclusion of trafficking victims from compensation as a legal lacuna;[23] and Kusumawati and Permatasari and Alkazahfa examine victim funds, the latter mapping the fragmentation between the Victim Assistance Fund under the 2022 Sexual Violence Crimes Law and the endowment fund under the 2025 Code of Criminal Procedure.[24]

A third, comparative strand analyses the normative and operational issues raised when offender-funded and state-funded redress coexist,[25] shows that a victims' trust fund may assume a subsidiary responsibility where the convicted person cannot pay,[26] and observes that such funds mark a shift away from reparation by the offender towards a more socialised mode of compensation.[27]

None of these studies examines the configuration created in 2026, in which Law Number 20 of 2025 extended the restitution-enforcement model of the 2022 law to all crimes and created a general, conditional compensation right, and Law Number 3 of 2026 then restated these rules in the victim-protection statute and named trafficking victims as compensation beneficiaries without an accompanying procedure. Two doctrinal problems are therefore unresolved. The first is which

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[21] Saodana et al., "Efektivitas Hukum Pemenuhan Hak Restitusi," 424, 435; Novianti and Frimer, "Implementasi Hak Restitusi," 96; Angkasa et al., "Development of a Restitution Model," 93–94; Nafis et al., "Efektivitas Implementasi," 1111; Azhara, "Pemberian Restitusi," 68; Hidayati and Prasetyo, "Gaps in the Implementation of Restitution," 1839–40; Sitompul et al., "Strategy for Fulfilling Restitution Payments," 1567; Guntur Adi Nugraha et al., "The Urgency of Restitution Payments by Perpetrators of Human Trafficking in Efforts to Realise Justice and Legal Protection for Victims," *International Journal of Social Science and Human Research* 8, no. 12 (2025): 10064, https://doi.org/10.47191/ijsshr/v8-i12-102.

[22] Ali et al., "Compensation and Restitution," 2069910, 1.

[23] Rahmania and Ahwan, "Lacuna Legis," 1717.

[24] Apriliani Kusumawati, "Restorative Justice-Based Criminal Justice System: Integration of Victim Trust Funds in the Criminal Code Procedure," *Widya Pranata Hukum: Jurnal Kajian dan Penelitian Hukum* 7, no. 2 (2025): 178, https://doi.org/10.37631/widyapranata.v7i2.2082; Permatasari and Alkazahfa, "Navigating Victim Compensation Funds," 99.

[25] David Miers, "Offender and State Compensation for Victims of Crime: Two Decades of Development and Change," *International Review of Victimology* 20, no. 1 (2014): 145, https://doi.org/10.1177/0269758013508683.

[26] Luke Moffett, "Reparations for Victims at the International Criminal Court: A New Way Forward?" *International Journal of Human Rights* 21, no. 9 (2017): 1204, https://doi.org/10.1080/13642987.2017.1360005.

[27] Frédéric Mégret, "Justifying Compensation by the International Criminal Court's Victims Trust Fund: Lessons from Domestic Compensation Schemes," *Brooklyn Journal of International Law* 36, no. 1 (2010): 151, https://brooklynworks.brooklaw.edu/bjil/vol36/iss1/3.

rules are genuinely new in Law Number 3 of 2026, as opposed to introduced by Law Number 20 of 2025 or restated from the pre-2026 regime.

The second is how the category-specific entitlement in Article 23(1) relates to the general right in Article 183 of Law Number 20 of 2025, which is conditional on the offender's inability to pay restitution, to the same premise in the statutory definition of compensation (Article 1(13)), and to the rule that a restitution shortfall leads to substitute imprisonment and a recovery programme (Article 21(8)-(9)).

This article makes three contributions. First, it offers a provision-by-provision comparison at three points in time that classifies each rule as a pre-2026 rule restated, a rule introduced by Law Number 20 of 2025 and restated in Law Number 3 of 2026, or a rule new in Law Number 3 of 2026. Second, it conducts a step-by-step gap analysis of the compensation entitlement that identifies which procedural steps lack a legal basis once Law Number 20 of 2025 and Law Number 3 of 2026 are read together, and which are already covered. Third, it proposes an analytical model of layered and parallel recovery pathways that specifies the normative basis and trigger of each pathway and can serve as a checklist for the Government Regulation required by Article 24, which Article 74 requires to be issued by 20 May 2028. The model goes beyond describing the statutory sequence: it separates entitlements that the Law makes independent of the criminal process from those that depend on it, and it identifies the transitions that currently have no textual basis.

Accordingly, this article addresses two questions. First, which elements of the statutory framework for restitution and compensation for trafficking victims are genuinely new in Law Number 3 of 2026, which were introduced earlier in 2026 by Law Number 20 of 2025, and which restate pre-2026 rules? Second, which procedural steps needed to operationalise the compensation entitlement of trafficking victims, and to coordinate it with restitution and recovery programmes, still lack a legal basis?

2. Method

This study is doctrinal (normative) legal research. Its object is the body of Indonesian legal norms governing restitution, compensation and recovery assistance for victims of trafficking in persons, as in force before 2 January 2026, between 2 January and 19 May 2026, and on 15 October 2026, the cut-off date of the analysis.

Primary legal materials were selected according to two criteria. An instrument was included if it (a) confers, conditions or implements a right of trafficking victims to restitution, compensation or recovery assistance, or (b) regulates the procedure by which those rights are claimed, decided, secured or enforced. These criteria yielded eight instruments: Law Number 21 of 2007; Law Number 13 of 2006 as amended by Law Number 31 of 2014; Law Number 12 of 2022; Law Number 20 of 2025; Law Number 3 of 2026; Government Regulation Number 43 of 2017; Government Regulation Number 7 of 2018 as amended by Government Regulation Number 35 of 2020; and PERMA Number 1 of 2022. The 2000 Trafficking Protocol, ratified by Law Number 14 of 2009, served as the international benchmark.[28] Texts

[28] Law 21/2007; Law Number 13 of 2006 on the Protection of Witnesses and Victims (State Gazette 2006 No. 64, Supplement No. 4635); Law 31/2014; Law 12/2022; Law 20/2025; Law 3/2026;

were taken from the authenticated copies (*salinan*) published in the legal documentation and information network (JDIH), in particular JDIH BPK, and each instrument is identified by its State Gazette or, for PERMA, State Bulletin number. Ministerial regulations, internal guidelines and policy documents were excluded as primary materials because they cannot create entitlements for victims, although the Supreme Court's 2026 judicial guidelines on restitution are noted where relevant.

Each provision was subjected to three tests before it was used in the comparison. The temporal-validity test established when the provision entered into force and whether it was repealed, superseded or preserved by a transitional clause; for Law Number 3 of 2026 this required applying Articles 72–73 and 76–77, which repeal the 2006/2014 statute but keep its implementing regulations in force in so far as they do not conflict with the new Law and continue pending applications under the old Law.[29]

The hierarchy test applied the order of legislation in Law Number 12 of 2011 as amended, under which a statute prevails over a Government Regulation and over a Supreme Court Regulation.[30] Where two statutes of equal rank regulate the same matter differently, the conflict test applied the established maxims in a fixed order: harmonising interpretation first; then *lex specialis*, under which the 2007 trafficking law continues to govern the matters it specifically regulates unless a later law expressly derogates from it; and then *lex posterior* for matters on which the earlier law is silent.

Interpretation proceeded in three steps: a grammatical reading of the text and its official elucidation, which serves as an authoritative interpretation but cannot itself create norms; a systematic reading of cross-references within and between instruments; and a teleological reading oriented to victim recovery and to Article 6(6) of the Trafficking Protocol. A procedural gap was recorded only where, for a step necessary to convert an entitlement into an actual benefit (initiation, forum or decision-maker, assessment, trigger, payment and funding, coordination with other remedies, and review), no valid provision assigns competence or procedure, whether directly, by cross-reference or through a transitional clause. Normative absence was thereby distinguished from implementation failure, that is, a situation in which a rule exists but is not applied.

The two approaches map onto the two research questions. The temporal comparison answers the first question: for each element of the restitution and compensation process, the legal position was recorded at three points in time—before 2 January 2026, from 2 January 2026 under Law Number 20 of 2025, and from 20 May 2026 under Law Number 3 of 2026—and each rule in force after 20 May 2026 was classified as (a) a pre-2026 rule restated, (b) a rule introduced by

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Government Regulation Number 43 of 2017 on the Implementation of Restitution for Children Who Are Victims of Crime (State Gazette 2017 No. 219); GR 7/2018; GR 35/2020; PERMA 1/2022; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, November 15, 2000, 2237 U.N.T.S. 319; Law Number 14 of 2009 on the Ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime.

[29] Law 3/2026, arts. 72–73, 76–77.

[30] Law Number 12 of 2011 on the Formation of Laws and Regulations, as last amended by Law Number 13 of 2022, arts. 7–8.

Law Number 20 of 2025 and restated in Law Number 3 of 2026, or (c) a rule new in Law Number 3 of 2026 (Table 2).

Where relevant, the classification also records whether a rule was elevated from a non-binding source or extended from another victim category, and whether the pre-2026 shortfall was a normative absence or an implementation failure. The conceptual approach answers the second question by asking which procedural steps each remedy requires given its legal character; these requirements were tested against the provisions of both statutes (Table 3) and used to construct the recovery-pathway model (Table 4).

The analysis uses its key terms in their statutory sense. *Restitution* (*restitusi*) is the payment of damages imposed on the offender or a third party by a final court judgment or determination for the material or immaterial loss suffered by the victim;[31] *compensation* (*kompensasi*) is damages provided by the state because the offender is unable to provide in full the redress for which he or she is responsible;[32] and *recovery programmes* and *assistance* are services or programme funding, such as medical care and psychosocial rehabilitation, which are not damages.[33]

Criminal liability denotes the offender's liability to punishment and is distinguished from the offender's *restitution obligation*; the state's duty to pay compensation is described as a statutory responsibility, not as liability for the crime; and *redress* is used as an umbrella term for restitution and compensation. In international law, restitution also denotes restoration of the victim's original situation; this article uses the term in its Indonesian statutory sense unless otherwise indicated.[34]

LPSK annual reports for 2023 and 2024 and its 2025 performance report were used only as secondary context on restitution execution; their figures are reported by procedural stage, with their sources and limits, in Table 1, and they are used illustratively rather than compared across years. The 2023 study by Saodana, Muchtar and Azisa serves as a baseline of pre-reform operational problems. The study does not measure the empirical effectiveness of Law Number 3 of 2026, whose implementation period at the cut-off date was less than five months; its focus is normative design and legal implications.

3. Analysis or Discussion

3.1. Restitution and the Problem of Actual Recovery for Victims of Human Trafficking

Restitution is often understood simply as a sum of money paid by the offender to the victim. While accurate, this definition fails to capture its full significance in human trafficking cases. For trafficking victims, restitution carries two distinct dimensions: an economic dimension (recouping lost income, assets, medical, and travel expenses) and a recognition dimension (affirming that victim suffering is a legal wrong that the offender is obliged to redress rather than a personal burden).

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[31] Law 3/2026, art. 1(14); Law 20/2025, art. 1(43).
[32] Law 3/2026, art. 1(13); Law 20/2025, arts. 1(44), 183(3).
[33] Law 3/2026, arts. 7(1)(s), (2), 9(1), 21(9).
[34] Dinah Shelton, *Remedies in International Human Rights Law*, 3rd ed. (Oxford University Press, 2015); Dikdik M. Arief Mansur and Elisatris Gultom, *Urgensi Perlindungan Korban Kejahatan: Antara Norma dan Realita* (RajaGrafindo Persada, 2007); Miers, "Offender and State Compensation," 145.

Historically, criminal law has focused on the offender's criminal liability rather than on victim recovery. Upon conviction and sentencing, the system traditionally considered its duty fulfilled; for victims, however, the journey toward justice and recovery remains incomplete at that point. Wemmers shows how the reduction of victims to witnesses in a contest between the state and the accused explains much of their dissatisfaction with criminal justice, and Doak argues that victims should be recognised as rights-holders within the process.[35] Haynes, Cares and Ruback add that restitution can reduce the harm of victimisation only if it is ordered, if it is actually collected, and if it is accompanied by procedural and informational justice.[36] Recovery must therefore be evaluated against victims' real needs and the consequences of the crime, a stance consistent with the international standard of an effective remedy.[37]

In human trafficking, loss calculation is particularly complex. Lost income and medical costs are quantifiable, whereas intangible harms such as exploitation trauma, broken social ties or prolonged psychological distress are far harder to measure in money. Law Number 21 of 2007 provides a wide scope for restitution, covering loss of property or income, suffering, medical or psychological treatment costs, and other losses suffered as a result of trafficking.[38] Practical implementation, however, has remained the primary hurdle.

Saodana, Muchtar and Azisa demonstrated that limited understanding among officials hinders restitution from the earliest investigative stages. Novianti and Frimer and Angkasa and colleagues highlight lengthy applications, omission from prosecutorial demands, lack of outreach and offenders' preference for substitute imprisonment as major impediments.[39] Restitution is an interconnected chain of rights recognition, loss calculation, application, judicial evaluation and payment, and a breakdown at any single stage can rupture the whole process.

Table 1 sets out the figures reported for trafficking cases by procedural stage. The stages are defined as follows: the *amount applied for* is the restitution claimed in applications received by LPSK; the *assessment* is the loss LPSK calculated for the applications it processed; the *prosecutorial demand* is the restitution amount included in public prosecutors' demands (*tuntutan*); the *court award* is the amount ordered in judgments; and *payment* is the amount offenders paid as recorded or facilitated by LPSK. Stage coverage differs by year: the assessment, demand, award

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[35] Jo-Anne Wemmers, "Where Do They Belong? Giving Victims a Place in the Criminal Justice Process," *Criminal Law Forum* 20, no. 4 (2009): 395, https://doi.org/10.1007/s10609-009-9107-z; Jonathan Doak, *Victims' Rights, Human Rights and Criminal Justice: Reconceiving the Role of Third Parties* (Hart Publishing, 2008).

[36] Stacy Hoskins Haynes et al., "Reducing the Harm of Criminal Victimization: The Role of Restitution," *Violence and Victims* 30, no. 3 (2015): 450, https://doi.org/10.1891/0886-6708.VV-D-13-00049.

[37] Shelton, *Remedies*; Anne T. Gallagher, "The Right to an Effective Remedy for Victims of Trafficking in Persons: A Survey of International Law and Policy" (working paper, 2010), https://doi.org/10.2139/ssrn.3014274; Lorna McGregor, "The Right to a Remedy and Reparation for Victims of Trafficking in Human Beings," in *Routledge Handbook of Human Trafficking*, ed. Ryszard Piotrowicz, Conny Rijken, and Baerbel Heide Uhl (Routledge, 2017), 261–72, https://doi.org/10.4324/9781315709352-21.

[38] Law 21/2007, art. 48(2).

[39] Saodana et al., "Efektivitas Hukum Pemenuhan Hak Restitusi," 435; Novianti and Frimer, "Implementasi Hak Restitusi," 96; Angkasa et al., "Development of a Restitution Model," 98.

and payment are reported for 2023; the amount applied for, the assessment and the payment for 2024; and only the payment for 2025.

Table 1. Restitution amounts reported by LPSK in trafficking cases, by procedural stage and reporting year (rupiah)

Procedural stage	2023	2024	2025
Amount applied for (applications received by LPSK)	—	7,488,725,925 (a)	—
LPSK assessment	11,404,105,701	7,377,845,925 (b)	—
Prosecutorial demand	2,560,477,682	—	—
Court award	1,817,237,894.50	—	—
Paid by offenders (as recorded by LPSK)	22,463,000	968,055,000	103,446,000

Sources and notes: 2023: LPSK, *Laporan Tahunan 2023*,; the same four figures are reproduced in Sitompul et al., 1567, table 1. 2024: (a) value of 439 restitution applications received by LPSK, as reported in Nugraha et al., 10064; (b) and payment: LPSK, *Laporan Tahunan 2024*, and its executive summary, as also reported in Hidayati and Prasetyo, 1836. 2025: LPSK, *Laporan Pelaksanaan Tugas 2025*.[40] "—" indicates that no figure for that stage was identified in the cited report. All figures are annual aggregates for LPSK-assisted trafficking cases only; amounts at different stages are not linked case by case and may relate to different cases and victims; payments made without LPSK's involvement are not included. The figures therefore cannot be read as payment rates or compared across years.

These figures cannot be converted into a payment rate, a measure of effectiveness or a trend. Stage coverage differs between years, the cases counted at each stage are not linked, amounts assessed in one year may be awarded or paid in another, and payment data are limited to payments LPSK coordinated or recorded; the 2024 figures also show that the amount applied for and the amount assessed are distinct stages that must not be conflated. The data are therefore used only illustratively: they are consistent with, but do not by themselves establish, the attrition documented in case-level studies, in which restitution was rarely ordered and, when ordered, often not paid because offenders lacked assets, concealed them or chose substitute imprisonment.[41] Against this backdrop, the significance of the 2025–2026 reforms lies not in introducing restitution but in their attempt to improve the mechanisms for implementation, which the next subsection examines provision by provision.

3.2. What Is Genuinely New in Restitution? A Provision-by-Provision Comparison

The before-and-after contrast must be drawn against all the instruments that applied to trafficking victims, not only against the repealed witness-protection statute, and it must take account of Law Number 20 of 2025, which entered into

[40] Lembaga Perlindungan Saksi dan Korban (LPSK), *Laporan Tahunan LPSK 2024* (LPSK, n.d.), https://www.lpsk.go.id/api/storage/2026-04-08T06:31:11.341Z-lpsk_laptah-2024.pdf; Lembaga Perlindungan Saksi dan Korban (LPSK), *Laporan Tahunan 2024 – Ringkasan Eksekutif* (LPSK, n.d.), https://www.lpsk.go.id/publikasi/cm7a2cwft002onml18rfxc239; Lembaga Perlindungan Saksi dan Korban (LPSK), *Laporan Pelaksanaan Tugas LPSK Tahun 2025* (LPSK, n.d.); Nugraha et al., "Urgency of Restitution Payments," 10064; Hidayati and Prasetyo, "Gaps in the Implementation of Restitution," 1836.

[41] Angkasa et al., "Development of a Restitution Model," 93–94, 98; Hidayati and Prasetyo, "Gaps in the Implementation of Restitution," 1835; Ali et al., "Compensation and Restitution," 2069910, 1.

force on 2 January 2026, more than four months before Law Number 3 of 2026. Table 2 therefore records each element of the restitution and compensation process at three points in time and classifies each rule in force after 20 May 2026 as a pre-2026 rule restated, a rule introduced by Law Number 20 of 2025 and restated in Law Number 3 of 2026, or a rule new in Law Number 3 of 2026.

Rights notification illustrates why a categorical account would mislead. Law Number 21 of 2007 imposed no operative notification duty; only the elucidation of Article 48(1) states that the public prosecutor informs the victim of the right to apply for restitution and conveys the amount of loss together with the prosecution demand.[42] Because an elucidation interprets but cannot create norms, this was guidance rather than a duty. Investigators and prosecutors had an express duty to inform only child victims under Government Regulation Number 43 of 2017,[43] and PERMA Number 1 of 2022 obliged judges to inform victims of the right to restitution only where the victim had not applied and was not called as a witness, while requiring prosecutors to include any application in the demand.[44]

An unconditional duty on all three authorities to notify both the victim and LPSK first appeared in 2022 for sexual-violence crimes, including trafficking for sexual exploitation, was extended to all crimes by Article 179(1) of Law Number 20 of 2025 from 2 January 2026, and is restated in Article 20(1) of Law Number 3 of 2026.[45] For adult victims of trafficking for labour or other non-sexual exploitation, a binding notification duty on investigators therefore first applied on 2 January 2026 under Law Number 20 of 2025, not on 20 May 2026; on the same date, the duty of prosecutors was elevated from an elucidation and that of judges was extended from a conditional to an unconditional duty. Law Number 3 of 2026 restates the duty in the victim-protection statute.

Loss calculation is a case of elevation rather than creation. LPSK has had authority to assess restitution and compensation claims since 2014, Government Regulation Number 7 of 2018 regulates its substantive examination of applications, and investigators and prosecutors could already request an LPSK assessment in child-victim cases.[46] The statutory duty of investigators and prosecutors to facilitate calculation was introduced for all crimes by Article 179(2) of Law Number 20 of 2025; Article 20(2) of Law Number 3 of 2026 restates it, and its elucidation specifies that facilitation includes informing victims and helping them to prepare their application. The failure documented in Makassar, where officials did not understand how restitution claims should be filed, was therefore an implementation failure under a framework that already permitted calculation rather than a normative absence.[47]

Asset security illustrates the same sequence. Law Number 21 of 2007 already allowed investigators, prosecutors and judges to order financial service providers to block the assets of suspects and defendants, but not for the purpose of restitution,

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[42] Law 21/2007, elucidation of art. 48(1).
[43] GR 43/2017, arts. 9, 14(1).
[44] PERMA 1/2022, art. 8(4), (10).
[45] Law 12/2022, arts. 4(2)(g), 31(1); Law 20/2025, art. 179(1); Thea DA, "Begini Mekanisme Ganti Rugi-Kompensasi"; Law 3/2026, art. 20(1).
[46] Law 31/2014, art. 12A(1)(j); GR 7/2018, arts. 23–26; GR 43/2017, arts. 12, 17.
[47] Law 20/2025, art. 179(2); Law 3/2026, art. 20(2) and elucidation; Saodana et al., "Efektivitas Hukum Pemenuhan Hak Restitusi," 424, 435.

and it provided for seizure and auction of the convicted person's assets only after judgment, a written warning and a further fourteen days.[48] Pre-judgment seizure expressly as security for restitution existed only for sexual-violence crimes.[49]

Law Number 20 of 2025 extended the mechanism to all crimes: Article 181(5) requires the judgment to order the auction of the "restitution security" (*sita jaminan Restitusi*), and commentators read Article 179 as authorising investigators to impose that security with the court's permission.[50] Article 20(4)–(5) of Law Number 3 of 2026 restates the power, specifying that permission must come from the head of the district court where the assets are located, and Article 21(6) restates the link to execution. Deposit of restitution with the court, by contrast, is restated: it was already available under Article 48(5) of Law Number 21 of 2007.[51]

Restatement also leaves conflicts unresolved. Law Number 21 of 2007 requires payment within fourteen days of notification of a final judgment and provides for substitute detention (*kurungan*) of up to one year. Law Number 20 of 2025 requires the restitution security to be auctioned if payment is not made within 30 days after the judgment becomes final and provides for substitute imprisonment (*penjara*) not exceeding the principal sentence, and Article 21 of Law Number 3 of 2026 sets a payment period of 30 working days and provides for substitute imprisonment in accordance with the applicable legislation.[52]

The 2025 and 2026 rules can be harmonised, because the 2026 Law refers back to the applicable legislation; the conflict with the 2007 Law cannot. Applying the conflict test set out in the Method section, and in the absence of an express derogation, the 2007 rules continue to govern trafficking cases as *lex specialis* on the matters they regulate, while the later laws supplement them on matters the 2007 Law does not address, such as notification, facilitation and pre-judgment security. The implementing regulation should settle the point expressly.

The rules on a restitution shortfall changed in two steps. Before 2026, an unpaid restitution order ended in substitute detention. Law Number 20 of 2025 added substitute imprisonment and, separately, a general right to state compensation where the offender cannot pay restitution. Law Number 3 of 2026 then added, as a genuinely new rule, a recovery programme funded by the Victim Endowment Fund or delivered by the competent agency on LPSK's recommendation where the seized assets are insufficient.[53]

Medical and psychosocial assistance and rehabilitation, by contrast, were already available to trafficking victims independently of restitution under Article 51 of Law Number 21 of 2007 and Article 6(1) of Law Number 31 of 2014; Articles 7

[48] Law 21/2007, arts. 32, 50(1)–(4).
[49] Law 12/2022, art. 31(3)–(4).
[50] Law 20/2025, arts. 179, 181(5); Ahmad Sofian, "Tafsir atas Penyitaan dalam KUHAP Baru, UU Tipikor, dan UU Kejaksaan," *Business Law*, BINUS University, March 20, 2026, https://business-law.binus.ac.id/2026/03/20/tafsir-atas-penyitaan-dalam-kuhap-baru-uu-tipikor-dan-uu-kejaksaan/; "Dr. Prim Haryadi: Harta Pelaku Dapat Disita untuk Jaminan Restitusi," *Dandapala*, April 13, 2026, https://dandapala.com/article/detail/dr-prim-haryadi-harta-pelaku-dapat-disita-untuk-jaminan-restitusi.
[51] Law 3/2026, arts. 20(3)–(5), 21(6); Law 21/2007, art. 48(5).
[52] Law 21/2007, arts. 48(6), 50(4); Law 20/2025, art. 181(5), (7); Law 3/2026, art. 21(2), (8).
[53] Law 21/2007, art. 50(4); Law 20/2025, arts. 181(7), 183(3); Law 3/2026, art. 21(8)–(9).

and 9 of Law Number 3 of 2026 restate them and add new rights to health insurance, social security on LPSK's recommendation and Fund-financed recovery services.[54]

Table 2. Restitution and related remedies for trafficking victims at three points in time: before 2 January 2026, under Law Number 20 of 2025, and under Law Number 3 of 2026

Element	Before 2 January 2026	Law 20/2025 (from 2 Jan. 2026)	Law 3/2026 (from 20 May 2026)	Classification
Notification of the right to restitution	Law 21/2007: elucidation of art. 48(1) only (prosecutor). GR 43/2017 arts. 9, 14(1): child victims. PERMA 1/2022 art. 8(4): judges, conditional. Law 12/2022 art. 31(1): sexual-violence crimes, incl. trafficking for sexual exploitation.	Art. 179(1): investigators, prosecutors and judges; all victims.	Art. 20(1).	Introduced by Law 20/2025 for most trafficking victims (elevated for prosecutors, extended for judges); restated. Pre-2026: normative absence for most victims.
Loss calculation	Law 31/2014 art. 12A(1)(j); GR 7/2018 arts. 23–26: LPSK assessment. GR 43/2017 arts. 12, 17.	Art. 179(2): duty to facilitate.	Art. 20(2) and elucidation; art. 28(1)(j).	LPSK assessment: pre-2026 rule restated. Facilitation: introduced by Law 20/2025; restated. Pre-2026: mainly implementation failure.
Inclusion in demand and judgment	GR 7/2018 art. 27; PERMA 1/2022 art. 8(10); Law 21/2007 art. 48(3).	Art. 181(2) (judgment containing restitution).	Arts. 19(2), 21(1).	Pre-2026 rule restated. Omission was an implementation failure.
Deposit with the court	Law 21/2007 art. 48(5).	Art. 179(3).	Art. 20(3).	Pre-2026 rule restated.
Seizure before judgment as restitution security	Law 21/2007 art. 32: blocking of assets, not linked to restitution. Law 12/2022 art. 31(3)–(4): sexual-violence crimes only.	Arts. 179, 181(5), as read by commentators.	Art. 20(4)–(5): permission of the head of the court where the assets are located; elucidation on third parties.	Introduced by Law 20/2025; restated and specified. Pre-2026: normative absence.
Execution and substitute penalty	Law 21/2007 arts. 48(6), 50: 14 days; warning; seizure and auction after judgment; detention up to one year. PERMA 1/2022 art. 30.	Art. 181(3)–(9): warning; auction of the security; surplus returned; imprisonment not exceeding the principal sentence.	Art. 21(2)–(8).	Pre-2026 rule modified by Law 20/2025 and restated; conflict with Law 21/2007 unresolved (lex specialis applies).
Restitution shortfall	Law 21/2007 art. 50(4): substitute detention only. Law 12/2022 art. 35: sexual violence only.	Art. 181(7); art. 183(3): compensation where the offender cannot pay.	Art. 21(8)–(9): substitute imprisonment; recovery programme.	Compensation route: introduced by Law 20/2025. Recovery programme: new in Law 3/2026.

[54] Law 21/2007, art. 51; Law 31/2014, art. 6(1); Law 3/2026, arts. 7(1)(s), 9(1).

Element	Before 2 January 2026	Law 20/2025 (from 2 Jan. 2026)	Law 3/2026 (from 20 May 2026)	Classification
Assistance and rehabilitation	Law 21/2007 art. 51; Law 31/2014 art. 6(1).	—	Arts. 7(1)(s), 9(1).	Pre-2026 rule restated; health insurance, social security and Fund-financed services new in Law 3/2026.
State compensation	Law 31/2014 art. 7(1); GR 7/2018 art. 2; GR 35/2020 art. 18A; PERMA 1/2022 art. 2: gross human rights violations and terrorism only.	Arts. 183–186: all victims, where the offender cannot pay restitution; notification, award in the judgment, 30-day payment.	Art. 23(1): trafficking victims named; procedure delegated (art. 24).	Introduced by Law 20/2025 (general, conditional); express naming of trafficking victims new in Law 3/2026. Pre-2026: normative absence.
Victim fund	Law 12/2022 art. 35: Victim Assistance Fund (sexual violence only).	Arts. 187–188: endowment fund; managing institution not named; regulation pending.	Arts. 1(15), 13, 28(1)(n): Victim Endowment Fund; LPSK uses its proceeds.	Introduced by Law 20/2025; LPSK's authority to use the Fund new in Law 3/2026.

Source: authors' analysis of the instruments listed in the Method section. Article numbers in the third and fourth columns refer to Law 20/2025 and Law 3/2026 respectively. "Normative absence" denotes that no applicable rule existed; "implementation failure" denotes that a rule existed but was not applied consistently.

Read in this way, the decisive change for most trafficking victims occurred on 2 January 2026 rather than on 20 May 2026. Law Number 3 of 2026 restates in the victim-protection statute the restitution-enforcement rules that Law Number 20 of 2025 had already extended to all crimes, and much of the pre-2026 failure was a failure to apply existing rules. What is genuinely new in Law Number 3 of 2026 is narrower: the express naming of trafficking victims as compensation beneficiaries, the recovery programme for a restitution shortfall, the new assistance rights, LPSK's authority to use the Victim Endowment Fund, and the specification of the seizure power. None of these changes is self-executing: notification can become a formality, and the seizure power depends on the quality of investigation, asset tracing and coordination with prosecutors, as well as on the safeguards discussed next.

3.3. Pre-judgment Seizure as Restitution Security: Safeguards and Operational Limits

Article 20(4)–(5) of Law Number 3 of 2026, restating the power introduced by Law Number 20 of 2025, gives investigators a power, not a duty, to seize "the assets of the offender" as security for restitution, subject to the permission of the head of the district court where the assets are located and with regard to the rights of good-faith third parties. The power is significant, but whether it is procedurally adequate depends on six safeguards, which the Law regulates unevenly.[55]

First, judicial approval is required in advance and must come from the head of the court where the property is located, which may differ from the court trying the

[55] Law 3/2026, art. 20(4)–(5); Law 20/2025, arts. 179, 181(5).

case; the chair of the Supreme Court's criminal chamber has stressed that this permission cannot be replaced by any other form of approval.[56] Second, the object of seizure is limited to the offender's own assets. The Law does not address assets held by nominees or transferred to third parties, which in trafficking networks may be the main repositories of proceeds; such assets can be reached, if at all, only through the general seizure regime of criminal procedure or through money-laundering proceedings, in which trafficking in persons is a predicate offence.[57]

Third, third-party protection is narrower than it first appears. The elucidation of Article 20(5) defines the protected third parties as the offender's spouse and/or children, which protects family shares in marital property but leaves good-faith purchasers, secured creditors and other victims with competing claims outside the express protection of the Law.[58]

Fourth, the Law sets no proportionality standard or evidentiary threshold. Seizure takes place during investigation, when the person concerned is a suspect, yet Article 20(4) refers to the "offender" and neither specifies the degree of proof required nor links the value of the assets seized to a provisional assessment of the restitution claim. Proportionality is secured only after the event, through the duty to return any surplus after auction (Article 21(7)); linking the seizure to the assessment under Articles 20(2) and 28(1)(j) would provide a measurable ceiling. Fifth, the Law provides no specific challenge mechanism.

Pre-trial review (*praperadilan*) has extended to the legality of seizure since Constitutional Court Decision Number 21/PUU-XII/2014,[59] but whether it applies to a seizure made solely as restitution security, rather than for evidentiary purposes, is not addressed, and the Law is silent on how owners or third parties may contest the seizure or its scope.

Sixth, the relationship with confiscation and execution is only partly regulated. Article 21(6) connects the security to execution by requiring the judgment to order the auction if restitution remains unpaid 30 working days after the judgment becomes final, and Article 21(7) requires any surplus to be returned. The Law does not regulate priority where the same asset is also seized as evidence or is subject to confiscation for the state, nor does it expressly provide for the release of the security if the defendant is acquitted; these questions must be answered by the general rules of criminal procedure.

Nugroho, Ahmad and Kurniawan identified the absence of specific asset-seizure rules as a key reason for unpaid restitution in trafficking cases.[60] Law Number 20 of 2025 and Article 20(4) of Law Number 3 of 2026 close that gap at the level of authority, but the safeguards above remain to be set by the implementing regulation and judicial guidance.

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[56] "Dr. Prim Haryadi."
[57] Law Number 8 of 2010 on the Prevention and Eradication of the Crime of Money Laundering, art. 2(1).
[58] Law 3/2026, elucidation of art. 20(5).
[59] Constitutional Court of the Republic of Indonesia, Decision Number 21/PUU-XII/2014, April 28, 2015.
[60] Dadang Eko Nugroho et al., "The Problematics of Asset Seizure as Compensation for Fulfilling Victims' Rights in Human Trafficking Crimes," *NOVUM: Jurnal Hukum* 11, no. 2 (2024), https://doi.org/10.2674/novum.v11i02.64231.

3.4. Compensation for Trafficking Victims and the Evolving Role of the State

The position of compensation requires the same three-step reading. Article 23 paragraph (1) of Law Number 3 of 2026 explicitly states that victims of gross human rights violations, trafficking in persons, and terrorism are entitled to compensation. Before 2 January 2026, compensation was available under Law Number 31 of 2014 and Government Regulation Number 7 of 2018 as amended only to victims of gross human rights violations and terrorism, and PERMA Number 1 of 2022 likewise confines compensation applications to those two categories, while trafficking falls only under restitution.[61]

From 2 January 2026, Article 183 of Law Number 20 of 2025 granted every victim of crime a right to compensation, given by the state where the offender cannot pay restitution, and Articles 184–186 require investigators, prosecutors and judges to notify victims of the right, provide for compensation to be stated in the court judgment and paid within 30 days, and allow the victim to notify the court if payment is not made.[62] Article 23(1) of Law Number 3 of 2026 then names trafficking victims expressly. Its contribution is to confirm and anchor within the victim-protection statute an entitlement that the 2025 Code had already granted in general terms, not to create it.

Whether this entitlement is subsidiary to the offender's restitution obligation can now be answered more precisely, but four elements must be distinguished. As to eligibility, Article 23(1) is worded unconditionally: trafficking victims "are also entitled to compensation". As to the condition, Article 183(3) of Law Number 20 of 2025 provides that compensation is given by the state where the offender cannot pay restitution, and Article 1(13) of Law Number 3 of 2026 defines compensation as damages provided by the state "because the offender is unable to provide in full the redress for which he or she is responsible", a definition carried over from Law Number 31 of 2014 and repeated in Article 1(44) of Law Number 20 of 2025.[63] Read harmoniously, these provisions make compensation for trafficking victims subsidiary to the offender's restitution obligation as a matter of positive law. Neither statute, however, specifies how or when the offender's inability to pay is to be established.

Practice in other categories shows that the condition can be operationalised in different ways. For gross human rights violations, compensation is claimed through LPSK before the human rights court and paid on a final judgment, without any prior attempt to enforce restitution; for terrorism, LPSK may apply directly to a court for compensation where the suspect is unknown or has died.[64] For sexual-violence crimes, compensation is expressly limited to the restitution that remains unpaid after the seized assets have been auctioned.[65]

Law Number 20 of 2025, by requiring compensation to be stated in the court judgment, appears to presuppose that inability is assessed at judgment, whereas Article 21(8)-(9) of Law Number 3 of 2026 deals with a shortfall only after

[61] Law 31/2014, art. 7; GR 7/2018, art. 2; GR 35/2020, arts. 18A–18R; PERMA 1/2022, arts. 2, 16.
[62] Law 20/2025, arts. 183–186.
[63] Law 3/2026, arts. 1(13), 23(1); Law 20/2025, arts. 1(44), 183(3); Law 31/2014, art. 1(10).
[64] Law 3/2026, art. 23(3)–(4); GR 35/2020, art. 18K.
[65] Law 3/2026, art. 23(2); Law 12/2022, art. 35.

execution, through substitute imprisonment and a recovery programme.[66] For trafficking, neither statute chooses expressly between these models.

As to financing and assessment, Law Number 20 of 2025 provides an endowment fund for paying compensation, restitution and other redress, paid out by "the institution managing the endowment fund" without naming it, and leaves the details to a Government Regulation. Law Number 3 of 2026 establishes a Victim Endowment Fund provided and managed by the government, defines it as a fund to finance "Compensation and Victim recovery", authorises LPSK to use it, and likewise leaves its management to a Government Regulation; LPSK is also competent to assess the amount of compensation as well as restitution.[67]

How the two funds relate, and which institution pays compensation to trafficking victims, has yet to be settled. Finally, compensation and recovery assistance are legally distinct entitlements. Compensation under Article 23 is monetary damages (*ganti kerugian*), whereas the recovery programmes in Articles 7(1)(s), 9(1)(c) and 21(9) are services or programme funding granted by LPSK decision or on LPSK's recommendation. Article 21(9) thus channels a restitution shortfall into a recovery programme, not into compensation.

The subsidiary character of compensation therefore has a textual basis in positive law. What remains a matter of interpretation is the point at which inability is established, whether compensation can be awarded where the offender is unknown or has died, and how compensation is coordinated with substitute imprisonment and the recovery programme. This reading is consistent with comparative scholarship, which treats state-funded redress as subsidiary or complementary to the offender's obligation to pay and observes a shift from reparation by the offender towards a more socialised mode of compensation.[68]

This distinction carries major consequences. When a system provides only restitution, the risk of offender insolvency falls upon the victim. The offender may be punished, but the victim remains without redress if assets are lacking. In human trafficking, this risk is substantial. Trafficking operates through complex networks. Local recruiters, for instance, may lack financial means matching the victim's total losses. If recovery depends solely on the prosecuted individual, restitution becomes legally recognized but economically unachievable.

State compensation offers a partial solution. The general compensation right in Law Number 20 of 2025, confirmed for trafficking victims by Article 23, signifies that the state no longer views victim recovery as purely a private matter between victim and offender. The state must still enforce the offender's restitution obligation, but simultaneously has an interest in ensuring offender insolvency does not inflict secondary victimization.

This approach is consistent with international standards. Indonesia ratified the Trafficking Protocol by Law Number 14 of 2009, and Article 6(6) of the Protocol requires each State Party to ensure that its domestic legal system contains measures

[66] Law 20/2025, art. 185(1)–(2); Law 3/2026, art. 21(8)–(9).
[67] Law 20/2025, arts. 187–188; Law 3/2026, arts. 1(15), 13, 18, 28(1)(j), (n).
[68] Miers, "Offender and State Compensation," 145; Moffett, "Reparations for Victims," 1204; Mégret, "Justifying Compensation," 149–51.

that offer victims the possibility of obtaining compensation for damage suffered.[69] From the perspective of the right to an effective remedy, compensation is one element of reparation alongside restitution (in the international-law sense of restoring the victim's original situation), rehabilitation and other measures.[70]

Law Number 3 of 2026 reflects this logic. Article 7 grants recovery programmes, including medical services and psychosocial and psychological rehabilitation; Article 9 grants health insurance, social security on LPSK's recommendation and funding of recovery services from the Victim Endowment Fund; and Chapter III places the Fund, restitution and compensation within a single chapter.[71] What the Law does not yet provide is the procedure that connects these elements for trafficking victims.

3.5. Compensation Rights Granted, but Procedural Framework Remains Unclear

Article 23(1) establishes the entitlement, but the remaining paragraphs of Article 23 regulate procedure only for other categories: paragraphs (3) and (4) concern gross human rights violations (application through LPSK to the human rights court and payment by LPSK on a final judgment), paragraph (5) refers terrorism compensation to the anti-terrorism legislation, and paragraphs (2) and (6) concern victims of sexual violence.[72] This silence must be read together with the general procedure in Articles 183–187 of Law Number 20 of 2025. Table 3 therefore analyses, step by step, which elements are regulated for trafficking victims under either statute and which lack a legal basis.

Table 3. Procedural gap analysis of the compensation entitlement of trafficking victims (Law Number 3 of 2026, Article 23(1), read with Law Number 20 of 2025, Articles 183–188)

Procedural step	Law 3/2026	Law 20/2025	Status for trafficking victims
1. Entitlement	Art. 23(1) (unconditional wording).	Art. 183(1) (all victims).	Regulated; relationship between the provisions to be harmonised.
2. Condition (trigger)	Art. 1(13) (offender unable to pay in full).	Art. 183(3) (offender cannot pay restitution).	Regulated in general terms; test and timing of inability not regulated.
3. Notification of the right	— (art. 20(1) covers restitution only).	Art. 184(1).	Regulated by Law 20/2025.
4. Initiation (who applies, through whom)	Art. 23(3) (human rights violations only); art. 19(2) (restitution only).	None.	No legal basis.
5. Forum and decision	Art. 23(3) (human rights court only).	Art. 185(1)–(2) (compensation stated in the court judgment).	Regulated in general terms; PERMA 1/2022 arts. 2, 16 not harmonised; no route where the offender is unknown or has died.

[69] Trafficking Protocol, art. 6(6); Law 14/2009; Anne T. Gallagher, *The International Law of Human Trafficking* (Cambridge University Press, 2010), https://doi.org/10.1017/CBO9780511761065.
[70] Shelton, *Remedies*; McGregor, "Right to a Remedy and Reparation."
[71] Law 3/2026, arts. 7, 9, 13–24.
[72] Law 3/2026, art. 23(2)–(6); Law 20/2025, arts. 183–187.

Procedural step	Law 3/2026	Law 20/2025	Status for trafficking victims
6. Assessment of the amount	Art. 28(1)(j) (LPSK).	Art. 183(2) (heads of loss).	Competence and heads of loss regulated; measure (full loss or shortfall) not regulated.
7. Payment and timing	Art. 23(4) (human rights violations only).	Art. 185(1) (30 days); art. 187(3) (paid by the fund manager).	Period regulated; paying institution not named.
8. Financing	Arts. 1(15), 13, 18 (Government Regulation pending).	Arts. 187–188 (Government Regulation pending).	Sources regulated; relationship between the funds and management rules pending.
9. Coordination with restitution and substitute penalty	Art. 21(8)–(9).	Arts. 181(7), 183(3).	No rule on whether compensation, substitute imprisonment and the recovery programme are cumulative or alternative; no rule on double recovery or state recourse.
10. Non-payment and review	—	Art. 185(3) (victim notifies the court).	Non-payment partly regulated; no rule on challenging a refusal or the amount.
11. Transition	Arts. 24, 72–73, 74 (deadline 20 May 2028), 76.	Art. 188.	Implementing regulations pending under both laws; GR 7/2018 as amended covers only other categories.

Source: authors' analysis of Law 3/2026, Law 20/2025, GR 7/2018 as amended by GR 35/2020 and PERMA 1/2022.

Article 24 delegates the procedures for applying for and granting restitution and compensation under Articles 19 to 23 to a Government Regulation, and Article 74 requires implementing regulations to be issued within two years of promulgation, that is, by 20 May 2028.[73] Until then, Article 76 keeps the implementing regulations of the 2006/2014 statute in force in so far as they do not conflict with the new Law. That clause preserves Government Regulation Number 7 of 2018 as amended, but those regulations provide compensation procedures only for gross human rights violations and terrorism. They cannot simply be extended to trafficking victims, because they assign competences and deadlines to LPSK, prosecutors and courts that are specific to those categories.[74]

PERMA Number 1 of 2022 raises a related problem. It is not an implementing regulation of the repealed statute but a procedural regulation issued by the Supreme Court, and it continues to bind the courts. Its Article 2 confines compensation applications to gross human rights violations and terrorism. Hierarchically, both statutes prevail, so PERMA cannot defeat the entitlement in Article 23(1); but because PERMA provides no forum or procedure for trafficking compensation, a court must rely directly on the general provisions of Law Number 20 of 2025, which state only that compensation is to be included in the judgment.[75] The judicial guidelines on restitution in trafficking cases launched by the Supreme Court in April

[73] Law 3/2026, arts. 24, 74.
[74] Law 3/2026, art. 76; GR 7/2018, arts. 2–18; GR 35/2020, arts. 18A–18R.
[75] PERMA 1/2022, arts. 2, 16; Law 12/2011, arts. 7–8.

2026 address restitution rather than compensation.[76] PERMA Number 1 of 2022 also predates the general compensation right in Law Number 20 of 2025, and its scope has not been adjusted to either statute.

The 2025 Code of Criminal Procedure therefore narrows the gap considerably. Since 2 January 2026, it has regulated eligibility, the condition of the offender's inability to pay, notification, an award in the court judgment, a 30-day payment period and an endowment fund. Three questions nevertheless remain. The first is how the general and the category-specific provisions relate: Law Number 3 of 2026 is both later and specific to victim protection, but because it delegates the procedure to a Government Regulation without regulating it, the general procedure of Law Number 20 of 2025 applies in the interim unless and until that Regulation provides otherwise. The second is how and when inability is established. The third is which institution pays, because the implementing regulations on the endowment funds had not been issued by early 2026.[77]

The competences involved are distributed across four actors. LPSK assesses losses, uses the Victim Endowment Fund and pays compensation in human rights cases; the courts decide restitution and, under Law Number 20 of 2025, state compensation in the judgment; prosecutors execute restitution judgments and auction the seized security; and executive agencies deliver recovery programmes, while LPSK reports on the use of the Fund to the minister responsible for finance.[78] What is still missing is a rule that identifies who initiates the claim and which institution pays, and that connects the compensation decision to the restitution process.

The gap is therefore specific rather than total. Read together, Law Number 20 of 2025 and Law Number 3 of 2026 regulate eligibility, the general condition of the offender's inability to pay, notification, an award in the court judgment, assessment competence, a payment period and the sources of financing. What lacks a legal basis is who initiates a claim, how and when inability is established (including where the offender is unknown or has died), which institution pays and from which fund, and how compensation is coordinated with substitute imprisonment and the recovery programme; in addition, PERMA Number 1 of 2022 has not been harmonised with either statute. The implementing Government Regulations and a revision of PERMA Number 1 of 2022 should regulate these steps expressly, so that state involvement neither displaces the offender's restitution obligation nor leaves victims waiting indefinitely because the offender is insolvent.

3.6. A Model of Layered and Parallel Recovery Pathways

On the basis of this analysis, the recovery of trafficking victims after Law Number 3 of 2026 is better understood as a set of layered and parallel pathways than as a single sequence. The model is analytical: it is a proposal for organising the existing entitlements and for designing the implementing regulation, not a description of a legally mandatory sequence. Its key feature is that access to

[76] ASEAN-Australia Counter Trafficking, "Indonesia Restitution Guidelines," accessed October 19, 2026, https://www.aseanact.org/story/indonesia-restitution-guidelines/; "Dr. Prim Haryadi."
[77] Law 20/2025, arts. 183–188; Law 3/2026, arts. 18, 24; Pudjoharsoyo, "Ketika Korban Menunggu Keadilan"; Permatasari and Alkazahfa, "Navigating Victim Compensation Funds," 99.
[78] Law 3/2026, arts. 15, 21(6), (9), 23(3)–(4), 28(1)(j), (n); Law 20/2025, arts. 185, 187(3).

protection, rehabilitation and emergency assistance does not depend on the progress or outcome of criminal proceedings, while restitution and compensation are linked by defined transitions.

Table 4 sets out four pathways, together with the normative basis, trigger and competent authority of each and its dependence on the criminal process.

Table 4. Layered and parallel recovery pathways for trafficking victims (analytical model)

Pathway	Normative basis	Trigger	Competent authority	Dependence on criminal process
A. Protection, assistance and rehabilitation	Law 3/2026 arts. 7(1)(s), 9(1); Law 21/2007 art. 51.	Victim status; application or referral.	LPSK (decision); ministries and regional agencies.	None: available from identification onwards, in parallel with B and C.
B. Restitution (offender's restitution obligation)	Law 3/2026 arts. 19–22; Law 20/2025 arts. 178–182; Law 21/2007 arts. 48–50; PERMA 1/2022.	Notification and application (art. 20(1)–(2)); security (art. 20(4)).	Investigators, prosecutors, courts, LPSK.	Full: award requires conviction or a court determination after a final judgment.
C. State compensation	Law 20/2025 arts. 183–187; Law 3/2026 arts. 1(13), 23(1); Victim Endowment Fund (arts. 1(15), 13).	Offender cannot pay restitution (Law 20/2025 art. 183(3)); test and timing to be set by Government Regulation.	Trial court (award in judgment); LPSK assesses (art. 28(1)(j)); paying institution to be designated.	Partial: award in the criminal judgment; no route where the offender is unknown or has died.
D. Shortfall-linked recovery programme	Law 3/2026 art. 21(9).	Seized assets insufficient after execution.	LPSK (recommendation); Fund or competent agency.	Full: requires completed execution.

Source: authors' construction based on the provisions cited. The model is a proposal for the implementing regulations, not a statement of a legally mandatory sequence.

Pathway A runs from identification onwards and in parallel with the others; a victim's access to medical care, psychosocial rehabilitation, repatriation or emergency assistance should never be postponed until restitution has failed. Pathway B follows the restitution steps of Articles 20 and 21: notification, facilitation of loss calculation, early tracing and security of assets, inclusion of restitution in the demand and judgment, and execution through auction of the seized security. Pathway D is the only transition that the Law currently makes conditional on failed execution.

Pathway C is where the implementing regulation must specify what Article 183(3) of Law Number 20 of 2025 leaves open: when and how the offender's inability to pay is established. Three readings are available: (i) a shortfall model, in which compensation covers the restitution that remains unpaid after execution, as under Article 23(2) of Law Number 3 of 2026 for victims of sexual violence; (ii) an inability-at-judgment model, in which the trial court, on the basis of LPSK's assessment, finds that the offender is unable to pay in full and states compensation for the difference in the judgment, as the requirement that compensation be

included in the judgment appears to presuppose; and (iii) an independent model for cases in which the offender is unknown, has died or is beyond the jurisdiction, comparable to the terrorism procedure, which currently has no basis for trafficking victims. This article suggests that the regulation adopt option (ii), provide expressly for option (iii), and subrogate the state to the victim's restitution claim. Such a design would preserve the offender's primary restitution obligation, avoid double recovery and spare the victim from waiting for the completion of execution where inability is evident.

The model does not relieve the offender of the restitution obligation: the offender remains primarily responsible for redressing the victim's loss, and the state's compensation is a statutory responsibility that arises only where the offender cannot pay. The state's role is to ensure that the failure of individual redress does not end the victim's recovery. This study refers to this framework as layered and parallel victim recovery.

The concept fits the empirical record of restitution in Indonesia. Data and previous studies show that reliance on a single instrument is insufficient: restitution can fail because the victim is unaware of the right, the claim is not filed, the amount is not awarded, assets are not located or the offender is insolvent.[79] A system with parallel and layered protection ensures that the failure of one mechanism does not end the victim's recovery.

In the context of South Sulawesi, this legal development also opens a new empirical research agenda. Findings from 2023 regarding the low level of awareness among law enforcement officials can be compared against practices following the establishment of the explicit obligations in Article 179 of Law Number 20 of 2025 and Article 20 of Law Number 3 of 2026. Future studies can examine whether investigators routinely notify victims of restitution, whether loss calculations are conducted starting from the investigation stage, whether protective seizures are utilized, and whether awarded amounts are actually paid to victims.

The indicators of effectiveness must be made more concrete. The number of restitution applications alone is insufficient. The number of court decisions is also inadequate. A more meaningful benchmark is the proportion of recognized losses, successfully secured assets, actual payments received by victims, and access to compensation or recovery programs when the offender's payment falls short. When these benchmarks are applied, the focus of the justice system shifts from "has the right been mentioned in the decision?" to "has the victim actually obtained recovery?" It is this shift in perspective that will ultimately determine whether the 2025–2026 reforms truly bring meaningful change for victims of human trafficking.

3. Conclusion

Law Number 3 of 2026 (State Gazette 2026 No. 59), in force since 20 May 2026, changes the framework for the recovery of trafficking victims less than a before-and-after account suggests, because the decisive change for most victims occurred on 2 January 2026. On that date, Law Number 20 of 2025 extended to all crimes the restitution-enforcement model first enacted for sexual-violence crimes in 2022,

[79] Angkasa et al., "Development of a Restitution Model," 98–99; Hidayati and Prasetyo, "Gaps in the Implementation of Restitution," 1840; Nugraha et al., "Urgency of Restitution Payments," 10064.

including binding duties to notify victims and to facilitate loss calculation and pre-judgment seizure as restitution security, and granted every victim a right to state compensation where the offender cannot pay restitution. Law Number 3 of 2026 restates these rules in the victim-protection statute. Deposit, post-judgment seizure and auction, LPSK loss assessment and rehabilitation were regulated even before 2026, and their failure was largely a failure of implementation.

The pre-judgment seizure power, introduced by Law Number 20 of 2025 and restated in Law Number 3 of 2026, is necessary but not sufficient. Its adequacy depends on safeguards that neither law regulates fully: the evidentiary threshold, proportionality to a provisional assessment, protection of third parties beyond the spouse and children, a challenge mechanism, priority over competing seizures and confiscation, and release on acquittal.

The genuinely new elements of Law Number 3 of 2026 are narrower: the express naming of trafficking victims as compensation beneficiaries in Article 23(1), a recovery programme where seized assets cannot cover the restitution owed, new assistance rights, and LPSK's authority to use the Victim Endowment Fund. Read together with Article 183(3) of Law Number 20 of 2025 and the statutory definition of compensation, Article 23(1) makes compensation subsidiary to the offender's restitution obligation, but neither statute specifies who initiates a claim, how and when the offender's inability to pay is established, which institution pays, or how compensation is coordinated with substitute imprisonment and the recovery programme. Article 76 does not fill this gap, because the preserved regulations cover only gross human rights violations and terrorism, and PERMA Number 1 of 2022 still reflects the narrower pre-2026 scope.

The proposed model of layered and parallel recovery pathways is an analytical tool for closing this gap. It keeps protection and rehabilitation independent of the criminal process, preserves the offender's primary restitution obligation, and identifies the choices that the implementing Government Regulations and a revised PERMA must make on the test of inability, the initiating channel, the paying institution and the measure of compensation. Unless these steps are regulated, the expansion of rights risks reproducing the old problem in a new form: victims who hold statutory rights that no authority is clearly empowered to deliver. Future empirical research should test whether the new duties change practice, using indicators that measure recognised losses, secured assets, actual payments and access to compensation rather than the number of applications or judgments.

References

Ali, Mahrus, Andi Muliyono, Wawan Sanjaya, and Ari Wibowo. "Compensation and Restitution for Victims of Crime in Indonesia: Regulatory Flaws, Judicial Response, and Proposed Solution." *Cogent Social Sciences* 8, no. 1 (2022): 2069910. https://doi.org/10.1080/23311886.2022.2069910.

Angkasa, Angkasa, Rani Hendriana, Filep Wamafma, Ogiandhafiz Juanda, and Bhanu Prakash Nunna. "Development of a Restitution Model in Optimizing Legal Protection for Victims of Human Trafficking in Indonesia." *Journal of Indonesian Legal Studies* 8, no. 1 (2023): 93–128. https://doi.org/10.15294/jils.v8i1.67866.

ASEAN-Australia Counter Trafficking. "Indonesia Restitution Guidelines." Accessed October 19, 2026. https://www.aseanact.org/story/indonesia-restitution-guidelines/.

Azhara, Alya. "Pemberian Restitusi Bagi Korban Tindak Pidana Perdagangan Orang." *Delicti: Jurnal Hukum Pidana dan Kriminologi* 3, no. 2 (2025): 68–77. https://doi.org/10.25077/delicti.v.3.i.2.p.68-77.2025.

Constitutional Court of the Republic of Indonesia, Decision Number 21/PUU-XII/2014, April 28, 2015.

Dandapala. "Dr. Prim Haryadi: Harta Pelaku Dapat Disita untuk Jaminan Restitusi." April 13, 2026. https://dandapala.com/article/detail/dr-prim-haryadi-harta-pelaku-dapat-disita-untuk-jaminan-restitusi.

Doak, Jonathan. *Victims' Rights, Human Rights and Criminal Justice: Reconceiving the Role of Third Parties*. Hart Publishing, 2008.

Gallagher, Anne T. "The Right to an Effective Remedy for Victims of Trafficking in Persons: A Survey of International Law and Policy." Working paper, 2010. https://doi.org/10.2139/ssrn.3014274.

Gallagher, Anne T. *The International Law of Human Trafficking*. Cambridge University Press, 2010. https://doi.org/10.1017/CBO9780511761065.

Government Regulation Number 35 of 2020 on Amendments to Government Regulation Number 7 of 2018 on the Provision of Compensation, Restitution, and Assistance to Witnesses and Victims (State Gazette 2020 No. 167, Supplement No. 6537).

Government Regulation Number 43 of 2017 on the Implementation of Restitution for Children Who Are Victims of Crime (State Gazette 2017 No. 219).

Government Regulation Number 7 of 2018 on the Provision of Compensation, Restitution, and Assistance to Witnesses and Victims (State Gazette 2018 No. 24, Supplement No. 6184).

Haynes, Stacy Hoskins, Alison C. Cares, and R. Barry Ruback. "Reducing the Harm of Criminal Victimization: The Role of Restitution." *Violence and Victims* 30, no. 3 (2015): 450–69. https://doi.org/10.1891/0886-6708.VV-D-13-00049.

Hidayati, Maslihati Nur, and Claudya Bunga Jovita Prasetyo. "Gaps in the Implementation of Restitution for Victims of Human Trafficking in Indonesia: Normative-Empirical and Comparative Analysis." *Journal of Law, Politic and Humanities* 6, no. 3 (2026): 1835–42. https://doi.org/10.38035/jlph.v6i3.3132.

Iksan, Muchamad, Natangsa Surbakti, Marisa Kurnianingsih, Arief Budiono, Sholahuddin Al-Fatih, and Tomás Mateo Ramon. "Fulfilling the Restitution Rights of Crime Victims: The Legal Practice in Indonesia." *Academic Journal of Interdisciplinary Studies* 12, no. 4 (2023): 152–60. https://doi.org/10.36941/ajis-2023-0101.

Jaringan Dokumentasi dan Informasi Hukum Badan Pemeriksa Keuangan (JDIH BPK). "UU No. 20 Tahun 2025 tentang Kitab Undang-Undang Hukum Acara Pidana." Accessed October 19, 2026. https://peraturan.bpk.go.id/Details/337302/uu-no-20-tahun-2025.

Jaringan Dokumentasi dan Informasi Hukum Badan Pemeriksa Keuangan (JDIH BPK). "UU No. 3 Tahun 2026 tentang Pelindungan Saksi dan Korban." Accessed October 15, 2026. https://peraturan.bpk.go.id/Details/349942/uu-no-3-tahun-2026.

Kusumawati, Apriliani. "Restorative Justice-Based Criminal Justice System: Integration of Victim Trust Funds in the Criminal Code Procedure." *Widya Pranata Hukum: Jurnal Kajian dan Penelitian Hukum* 7, no. 2 (2025): 178–94. https://doi.org/10.37631/widyapranata.v7i2.2082.

Law Number 12 of 2011 on the Formation of Laws and Regulations, as last amended by Law Number 13 of 2022.

Law Number 12 of 2022 on Sexual Violence Crimes (State Gazette 2022 No. 120, Supplement No. 6792).

Law Number 13 of 2006 on the Protection of Witnesses and Victims (State Gazette 2006 No. 64, Supplement No. 4635).

Law Number 14 of 2009 on the Ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime.

Law Number 20 of 2025 on the Code of Criminal Procedure (State Gazette 2025 No. 188, Supplement No. 7149).

Law Number 21 of 2007 on the Eradication of the Crime of Trafficking in Persons (State Gazette 2007 No. 58, Supplement No. 4720).

Law Number 3 of 2026 on the Protection of Witnesses and Victims (State Gazette 2026 No. 59, Supplement No. 7179).

Law Number 31 of 2014 on Amendments to Law Number 13 of 2006 on the Protection of Witnesses and Victims (State Gazette 2014 No. 293, Supplement No. 5602).

Law Number 8 of 2010 on the Prevention and Eradication of the Crime of Money Laundering.

Lembaga Perlindungan Saksi dan Korban (LPSK). *Laporan Pelaksanaan Tugas LPSK Tahun 2025*. LPSK, n.d.

Lembaga Perlindungan Saksi dan Korban (LPSK). *Laporan Tahunan 2024 – Ringkasan Eksekutif*. LPSK, n.d. https://www.lpsk.go.id/publikasi/cm7a2cwft002onml18rfxc239.

Lembaga Perlindungan Saksi dan Korban (LPSK). *Laporan Tahunan LPSK 2023: Perlindungan Saksi dan Korban dalam Pusaran Kejahatan Digital*. LPSK, n.d. https://www.lpsk.go.id/api/storage/2026-04-08T06:53:58.559Z-laptah-2023-lpsk_.pdf.

Lembaga Perlindungan Saksi dan Korban (LPSK). *Laporan Tahunan LPSK 2024*. LPSK, n.d. https://www.lpsk.go.id/api/storage/2026-04-08T06:31:11.341Z-lpsk_laptah-2024.pdf.

Mansur, Dikdik M. Arief, and Elisatris Gultom. *Urgensi Perlindungan Korban Kejahatan: Antara Norma dan Realita*. RajaGrafindo Persada, 2007.

McGregor, Lorna. "The Right to a Remedy and Reparation for Victims of Trafficking in Human Beings." In *Routledge Handbook of Human Trafficking*, edited by Ryszard Piotrowicz, Conny Rijken, and Baerbel Heide Uhl, 261–72. Routledge, 2017. https://doi.org/10.4324/9781315709352-21.

Mégret, Frédéric. "Justifying Compensation by the International Criminal Court's Victims Trust Fund: Lessons from Domestic Compensation Schemes." *Brooklyn Journal of International Law* 36, no. 1 (2010). https://brooklynworks.brooklaw.edu/bjil/vol36/iss1/3.

Miers, David. "Offender and State Compensation for Victims of Crime: Two Decades of Development and Change." *International Review of Victimology* 20, no. 1 (2014): 145–68. https://doi.org/10.1177/0269758013508683.

Moffett, Luke. "Reparations for Victims at the International Criminal Court: A New Way Forward?" *International Journal of Human Rights* 21, no. 9 (2017): 1204–22. https://doi.org/10.1080/13642987.2017.1360005.

Mulyadi, Mahmud, Rafiqoh Lubis, Rosmalinda, and Liza Hafidzah Yusuf Rangkuti. "Problems in Fulfilling the Rights of Crime Victims Due to Misconceptions of Restitution Terminology." *Justitia Jurnal Hukum* 8, no. 1 (2024): 25–38. https://doi.org/10.30651/justitia.v8i1.21446.

Nafis, Nyzar Ainun, La Syarifuddin, and Alfian Alfian. "Efektivitas Implementasi Peraturan Mahkamah Agung tentang Restitusi dalam Kasus Tindak Pidana Perdagangan Orang di Kota Samarinda." *Jurnal Ilmiah Advokasi* 13, no. 3 (2025): 1111–19. https://doi.org/10.36987/jiad.v13i3.7847.

Novianti, Annisa, and Teno Frimer. "Implementasi Hak Restitusi Terhadap Korban Tindak Pidana Perdagangan Orang." *Lareh Law Review* 2, no. 2 (2024): 96–108. https://doi.org/10.25077/llr.2.2.96-108.2024.

Nugraha, Guntur Adi, Beniharmoni Harefa, and Slamet Tri Wahyudi. "The Urgency of Restitution Payments by Perpetrators of Human Trafficking in Efforts to Realise Justice and Legal Protection for Victims." *International Journal of Social Science and Human Research* 8, no. 12 (2025): 10064–74. https://doi.org/10.47191/ijsshr/v8-i12-102.

Nugroho, Dadang Eko, Gelar Ali Ahmad, and Rafif Rizky Kurniawan. "The Problematics of Asset Seizure as Compensation for Fulfilling Victims' Rights in Human Trafficking Crimes." *NOVUM: Jurnal Hukum* 11, no. 2 (2024). https://doi.org/10.2674/novum.v11i02.64231.

Permatasari, Tjokorda Istri Diah Candra, and Asry Alkazahfa. "Navigating Victim Compensation Funds in Indonesian Criminal Justice System: An Analysis of Institutional Integration and Fragmentation." *Brawijaya Law Journal* 13, no. 1 (2026): 99–127. https://doi.org/10.21776/ub.blj.2026.013.01.05.

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, November 15, 2000, 2237 U.N.T.S. 319.

Pudjoharsoyo, Achmad Setyo. "Ketika Korban Menunggu Keadilan yang Tak Kunjung Tiba." *MARINews*, Mahkamah Agung Republik Indonesia, February 28, 2026. https://marinews.mahkamahagung.go.id/artikel/ketika-korban-menunggu-keadilan-yang-tak-kunjung-tiba-0VE.

Rahmania, Nunung, and Ahwan. "Lacuna Legis Pemberian Kompensasi bagi Korban Trafficking in Persons di Indonesia." *Ganec Swara* 19, no. 4 (2025): 1717–26. https://doi.org/10.59896/gara.v19i4.488.

Saodana, Shafira, Syamsuddin Muchtar, and Nur Azisa. "Efektivitas Hukum Pemenuhan Hak Restitusi Terhadap Tindak Pidana Perdagangan Orang di Kota Makassar." *Alauddin Law Development Journal* 5, no. 2 (2023): 424–35. https://doi.org/10.24252/aldev.v5i2.35622.

Shelton, Dinah. *Remedies in International Human Rights Law*. 3rd ed. Oxford University Press, 2015.

Sitompul, Rina Melati, Mahmud Mulyadi, Mohammad Ekaputra, and Elwi Danil. "The Strategy for Fulfilling Restitution Payments for Victims of Human Trafficking Criminal Acts." *Edelweiss Applied Science and Technology* 9, no. 5 (2025): 1566–75. https://doi.org/10.55214/25768484.v9i5.7234.

Sofian, Ahmad. "Tafsir atas Penyitaan dalam KUHAP Baru, UU Tipikor, dan UU Kejaksaan." *Business Law*, BINUS University, March 20, 2026. https://business-law.binus.ac.id/2026/03/20/tafsir-atas-penyitaan-dalam-kuhap-baru-uu-tipikor-dan-uu-kejaksaan/.

Supreme Court Regulation Number 1 of 2022 on Procedures for Resolving Applications for and Granting Restitution and Compensation to Victims of Crime (State Bulletin 2022 No. 225).

Thea DA, Ady. "Begini Mekanisme Ganti Rugi-Kompensasi dalam KUHAP Baru." *Hukumonline*, November 26, 2025. https://www.hukumonline.com/berita/a/begini-mekanisme-ganti-rugi-kompensasi-dalam-kuhap-baru-lt69264bf314a4a/.

Wemmers, Jo-Anne. "Where Do They Belong? Giving Victims a Place in the Criminal Justice Process." *Criminal Law Forum* 20, no. 4 (2009): 395–416. https://doi.org/10.1007/s10609-009-9107-z.

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