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Legal protection for women victims of human trafficking in Indonesia

Lidya Nathania ^(a) Asmin Fransiska ^(b) * Risky Saputri ^(c)

^(a,b,c) Faculty of Law, Atma Jaya Catholic University of Indonesia, Jakarta, Indonesia

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ABSTRACT

Human trafficking is a violation that destroys human's honor and dignity. Every year the number of victims of human trafficking is soaring, LPSK states that in 2021 there will be 210 victims of human trafficking, with details of male victims as many as 75 persons, while women amounting to 135 persons. Several things cause human trafficking, one of which is the lack of legal protection for the victims, prevention of women trafficking that is not properly implemented, and lack of education which causes loss of legal morals and responsibility to protect people, especially who are vulnerable. In addition to the above, there is also a lack of public understanding and knowledge on human trafficking issues, despite since 2007 since the Criminal Act of Trafficking in Persons No. 21 of 2007 was established. Another cause is due to economic demands, demands for survival among the poor or marginalized group, and on the other hand there is a desire to earn large incomes in an easy and fast way. In national and international law, human trafficking is one of the most common violations of the law, especially for women and children's victims. Human trafficking is very detrimental not only materially or immaterially but also to the protection of the poor and younger generations who are the main targets of human trafficking. This research will apply the normative juridical method from various sources of law and legislation to review the two issues of this research, namely (1) describing how the law is enforced against traffickers, and (2) analyzing the government's role in overcoming the recovery of victims of women trafficking. Preliminary research result shows that legal protection for victims of women trafficking is far from maximum. This will then be investigated further regarding regulations that will help enforce laws against trafficked women, as well as the extent of government support to assist the recovery of victims of women trafficking.

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Introduction

Law is a social institution that lives in society to manage a living in the midst of society (social control). Law has a role to create peace, and peace is a concept that ensures harmony between outward order and inner peace. The law is no longer seen as a mere reflection of power but must also reflect the protection of the basic rights of citizens. The main issue in law aside from the issue of law formation is the issue of law enforcement. Law enforcement is essentially an interaction between various human behaviors representing different interests within the framework of rules that have been mutually agreed upon. Law enforcement that only prioritizes on the side of legal certainty will implicate not achieving the essential meaning of law enforcement itself, namely providing justice, happiness, and guaranteeing the fulfillment of human rights (Bukido, 2006; Aji et al., 2020).

The United Nations Declaration on Human Rights (UDHR) in 1948 confirmed that "everyone is born with the right to freedom and equal dignity". This affirmation is a symbol of social life with a vision of the need to respect the humanity of everyone without distinction of race, color, religion and political beliefs, language, and gender (Moyn, 2014; Dewi, 2020). Especially regarding women, the world community through international human rights law states that women have the right to enjoy and obtain the protection of human rights, in the political, economic, social, cultural, civil, and other fields. This recognition is embodied in the 1967 Declaration

* Corresponding author. ORCID ID:

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on the Elimination of Discrimination Against Women, the 1979 Convention on the Elimination of All Forms of Discrimination Against Women which entered into force in 1981 (CEDAW), and the 1993 Declaration on the Elimination of Violence Against Women.

In the patriarchal culture and gender bias as well as society social structure that still places women in the second class, making women one of the minority and vulnerable groups. This marginalization occurs since women are considered to have a "nature" that has been determined by the social community for a long time. This has resulted in various consequences for access and fundamental rights that women cannot own, for example, the right to vote or express opinions and views and it is increasingly difficult in practice to enforce women's human rights without distinction of status and group as women. In the end, this discrimination is widely used by certain parties for various interests and to the detriment of women (Lathifah & Noveria, 2014; Kosandi et al., 2017).

Almost every country has problems in the effort to uphold human rights, Indonesia is no exception. The issue of enforcing human rights always goes hand in hand with the issue of law enforcement, where this is one of the crucial issues that most people complain about at this time. The occurrence of interference in the judicial process and the implementation of overlapping policies, as well as the existence of legal confusion, resulted in a legal crisis in Indonesia. This legal condition has resulted in the protection and respect of human rights in Indonesia is still apprehensive which can be seen from various human rights violations, including in the form of acts of violence, discrimination, and arbitrariness. One of the issues that have occurred in the last decade that has received widespread attention both at home and abroad is the rise of cases of human trafficking) (Akhmedshina, 2020; Amalia et al., 2019).

With the weak enforcement of human rights for women as one of the marginalized and minority groups, the victims of women trafficking are not insignificant. Women become easy targets of victims and are traded both at home and abroad with various types of perpetrators. Perpetrators may come from unknown persons (job agents) but not infrequently the perpetrators are the closest person to the woman herself, namely her spouse or parents. With the social "nature" that has been formed long ago, and several other reasons, legal protection for women victims of human trafficking has become less strong (Surtees, 2003; Revita & Trioclarise, 2018). This results in the cases of human trafficking, especially women, getting larger and harder to avoid, even prevent.

The purposes of women trafficking vary widely. Women as victims are trafficked not only for prostitution or other forms of sexual exploitation, but also exploited by means of forced labor or forced services, slavery, or practices similar to slavery. The perpetrator of human trafficking recruits, transports, transfers, harbors, or utilizes the person in the practice of exploitation in all its forms by means of threats of violence, use of force, kidnapping, counterfeiting, fraud, abuse of power, or a position of vulnerability, or providing payments or benefits in order to obtain the consent of the person having control over the victim (Bajari, 2013; Yuliatini & Mangku, 2020).

This paper uses a normative juridical writing method through the collection of legal materials carried out through library research, namely research using library facilities to obtain books or materials needed, related to the subject of this discussion by studying books, writings - writings, laws, and regulations and other reading materials that will elaborate on the issue of women trafficking in Indonesia.

Based on the background described previously, this article will focus on two things, namely describing how to enforce the law against women traffickers and analyzing the role of the government in overcoming the recovery of victims of women trafficking.

Literature Review

Legal protection against human trafficking in the applicable law in Indonesia is regulated in the Criminal Code (KUHP) in Article 297 which states that women and children trafficking will be subject to sanctions in the form of a sentence of 6 years imprisonment and the revocation of several criminal rights (Rusito & Suwardi, 2019; Susanti et al., 2020). Currently in Indonesia, the criminal act of human trafficking has been revised and refined in Law Number 21 of 2007 concerning Eradication of the Crime of Human Trafficking. This law has been explicitly regulated regarding sanctions for perpetrators of crimes.

The Indonesian government is not fully able to meet the minimum standards of eradicating human trafficking (Gallagher & Pearson, 2010). The government is making significant efforts to make this happen. The Government of Indonesia showed better efforts compared to the previous reporting period. Regulations regarding human trafficking in Indonesia are strengthened by:

- i. Government Regulation Number 7 of 2018 concerning Provision of Compensation for Restitution and Assistance to Witnesses and Victims;
- ii. Regulation of the Minister of State for Women's Empowerment and Child Protection of the Republic of Indonesia Number 22 of 2010 concerning Standard Operational Procedures for Integrated Services for Witnesses and/or Victims of Human Trafficking; and for the area
- iii. Medan City Regional Regulation Number 3 of 2017 concerning Prevention and Handling of Victims of Human Trafficking

There are many forms of trapping or deception experienced by women. This is where the government's role is tested to what extent efforts and policies and law enforcement should be taken to not allow the increase in victims of this female crime, and how the first

step is to provide information and understanding for rural, urban, and women who do not have access to adequate education to find out the pattern of women's crimes and prevention for herself and her group in human trafficking in Indonesia today.

Protection of victims of women trafficking and children may include forms of protection that are abstract (indirect) or concrete (direct). Abstract Protection is a form of protection that can only be enjoyed or felt emotionally (psychically), such as a sense of satisfaction (satisfaction). Meanwhile, concrete protection is a form of protection that may be enjoyed in real terms as a form of compensation, such as gifts in the form of material or non-material nature. Material gifts can be in the form of compensation or restitution, exemption from living expenses, or education (Yulianti, & Sulchan, 2021). It is this concrete protection that can be fought for in real terms in court, rather than abstract protection.

The provision of non-material protection can be in the form of liberation from threats and news that demeans human honor and dignity. Protection of victims of human trafficking can be performed through the law, either administrative law, civil or criminal. The determination of the criminal act of human trafficking and efforts to prevent human trafficking by law are carried out through various stages. And actually, there are also protection measures for victims of human trafficking although they are still abstract or indirect. However, it can be said that nowadays, the provision of protection for crime victims by criminal law still does not provide clear certainty (Mahardika, & Wicaksono, 2020).

The formulation (stipulation) of the act of human trafficking as a criminal act (with criminal sanctions) in the laws and regulations is essentially a provision of indirect protection for victims of crime (Ariyanti, 2017). Protection of victims of criminal acts is something that every victim of criminal acts wants, but in reality, the victim is never thought of for his rights, the victim of a crime seems to be forgotten about the things that have been harmed, instead, the state is focused only on how to do it. sentence the perpetrators to prison. The provision of compensation to victims of criminal acts can be said to be neglected. Although it is specifically when you want to get compensation it is the realm of civil law, even in criminal law, there should be rules governing compensation for victims of criminal acts.

Law Enforcement Against Women Traffickers

Bond yield are the revenue or return of an investment that will be obtained by an investor who buys a letter of debt or bond for a certain period of time (Bernoth & Erdogan, 2012). The results of the research of Susanti and Permana (2017) bond ratings have significant effect on bond yield, inversely proportional to the research conducted by Bushman and Smith (2001). Bond rating can be predicted by the factors that affect them that are used in the study is profitability and liquidity. Bond rating is very important because it is used to measure the level of risk and return on an investment. If the company provides positive information, it will be positively responded by the investor, the positive information is when the company's reported bond rating increases. The results of research conducted by Susanti and Permana (2017) stated that bond ratings have an influence on bond yield, inversely proportional to Indarsih research (2013).

The urgency of protecting women victims of human trafficking is something that must be addressed immediately. Every year, the numbers and methods of women trafficking are more varied (Rosmalinda et al, 2021). Data shows that in 2021, victims of human trafficking will vary in terms of age. LPSK stated that the victims consisted of "From the age of 30 children, then 180 adults. There were 30 girls and no boys. 75 adult men and 105 women." Of the cases of woman trafficking, LPSK stated that from 2015-2021 cases related to sexual exploitation cases were 30.57%. This human trafficking is still a lot of status as migrant workers, amounting to 37.23%, bride orders 2.58%, and economic exploitation 1.63% (Widodo, & Utami, 2021). Not to mention an old phenomenon that is increasingly being exposed, namely human trafficking in cases involving crew members (ABK) as much as 22.28 percent and organ sales as much as 0.08 percent. LPSK stated, "This shows that the character of the victims is mostly women. Statistically the most impact is women and to a certain extent girl".

Law Number 21 of 2007 concerning the Crime of Human Trafficking, human trafficking is defined as, "Human Trafficking is the act of recruiting, transporting, harboring, sending, transferring, or receiving a person with threats of violence, use of force, kidnapping, confinement, forgery, fraud, abuse of power or position of vulnerability, debt bondage or giving payments or benefits, to obtain the consent of the person having control over the other person, whether carried out within a country or between countries, for exploitation or causing people to be exploited (Hakim & Hadrian, 2020). The element of crime in this law is that it must have a process, method, and purpose to exploit a person or group of people. In its development, especially for cases of child trafficking, these three elements do not have to be entirely fulfilled except for the objectives because in practice the cases are often not preceded by a clear method or process.

In international legal policy, human trafficking is a serious concern. Indonesia as a ratifying country of the Parlemo Convention has not only ratified the Convention on the protection of women's human rights and discrimination against women but also the state is obliged to understand and carry out the contents of the convention in accordance with the mandate of human rights responsibilities owned by the state. The United Nations High Commissioner for Human Rights stated that "The Convention on the Elimination of All Forms of Discrimination against Women requires States to take all appropriate measures to suppress all forms of women trafficking and exploitation of the prostitution of women (Eviningrum et al, 2020). General recommendation No. 19 identifies trafficking as a form of violence against women because it puts women at special risk of violence and abuse. Trafficking is incompatible with the equal enjoyment of rights by women and with the respect for their rights and dignity". Furthermore, Navy

Pillay stated in his statement, "Over the past decade, human trafficking has moved from the margins to the mainstream of international concern... We have witnessed the rapid development of a comprehensive legal framework that comprises international and regional treaties, as well as a broad range of soft-law instruments relating to trafficking. These changes confirm that a fundamental shift has taken place in how the international community thinks about human exploitation."

The birth of the Parliamentary Convention provided a legal umbrella for the importance of eliminating all forms of human trafficking. Article 1 of this Convention states that (Lobasz, 2009):

- i. "Human trafficking" shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or a position of vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude, or the removal of organs;
- ii. The consent of a victim of human trafficking to the intended exploitation outlined in subparagraph (a) of this article shall be irrelevant where any of the means outlined in subparagraph (a) have been used;

This means that the concern or entanglement in the limitation of protection for women victims of human trafficking who are deemed to agree with the agreement that results in them being exploited cannot be used as a reason for the release of the perpetrators. Consensus, especially for children, does not necessarily eliminate violations and crimes of human trafficking. However, gender bias, the legal culture that cannot be separated from the patriarchal social structure creates its problems. Adult women are considered capable enough to refuse or think independently so as not to be entangled in human trafficking. Whereas,

In law enforcement against perpetrators of human trafficking crimes, the concept of responsibility by the state in protecting, promoting, and fulfilling the human rights of every individual, especially marginal groups, namely women, becomes an important concept and perspective that should not be lost. Women's rights are rights that are owned by a woman, either because she is a human being or as a woman. Article 27 paragraph (1) of the 1945 Constitution, explains the recognition of the principle of equality for all citizens without exception. This principle of equality eliminates discrimination; therefore, every citizen has the same rights before the law and government regardless of religion, ethnicity, gender, position, and class. Furthermore, Article 3 paragraph (1) of the Republic of Indonesia Law Number 39 of 1999 states that "every human being is born free with the same and equal human dignity and worth and is endowed with reason and conscience to live in society, nation and state in a spirit of brotherhood".

In the concept of human rights protection, the state must ensure that women are entitled to legal certainty and protection as regulated in Article 3 paragraph (2) of the Human Rights Law no. 39 of 1999 which states that "everyone has the right to recognition and guarantee of protection and fair legal treatment as well as legal certainty and equal treatment before the law". There are many restrictions and violations of women's human rights, it is necessary to pay special attention to women's human rights. There are three reasons for the need to pay attention to women's human rights, namely: 1) to inform women that they have human rights and have the right to enjoy them; 2) expose and fight violations of rights based on sex or gender; 3) establish a new human rights practice that fully pays attention to the human rights of women (Dewi, 2020).

Discriminatory treatment and policies against women are fundamental issues for the protection of women victims of human trafficking. Discrimination breeds violence that leads to human rights violations for women, both civil and political rights as well as economic, social, and cultural rights. Discrimination is regulated in CEDAW which is the basis for protecting women's human rights. CEDAW article 1 defines that: Legal protection for women who are victims of criminal acts of human trafficking is part of the law enforcement process which is closely related to criminal legislation, both material criminal law and formal law since legislation is an enforcement criminal law "in abstracto" which is embodied in law enforcement "in concreto".

Protection of victims of criminal acts has 2 (two) meanings, namely:

- i. legal protection not to become a victim of a crime;
- ii. protection to obtain legal guarantees/compensation for the suffering/loss of people who have become victims of criminal acts.

The criminal law policy in terms of legal protection for victims of the crime of human trafficking is regulated in Law no. 21 of 2007 concerning the Eradication of the Crime of Human Trafficking and Law no. 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning Protection of Witnesses and Victims.

Women trafficking is all acts that directly aim to place a woman in a state of dependence on the will of others, who want to control the woman to commit obscene acts with a third person (prostitution).

Woman trafficking has violated human rights. Article Law no. 39 of 1999 concerning Human Rights states that "no one may be oppressed or enslaved; slavery or servitude, the slave trade, the women trafficking, and all acts of any kind with a similar purpose, are prohibited." The perpetrators of women trafficking, both those who directly take advantage of the victims, and those who do not directly exploit them, include:

- i. pimps and brothel managers who need women and children to work as prostitutes;
- ii. mashers, people with pedophilia and other sexual disorders, as well as foreign workers (ex-patriates) and international businessmen who live temporarily in a country;
- iii. entrepreneurs who need child labor that is cheap, obedient, easy to manage, and easily intimidated;
- iv. entertainment business entrepreneurs who need young women to work in massage parlors, karaoke, and other entertainment venues;
- v. businessmen in the tourism sector who also offer sex tourism services;
- vi. irresponsible employment agency;
- vii. drug syndicates that need new dealers to expand their networks, and
- viii. middle and upper-class families who need women and children to be employed as domestic helpers

Law enforcement against the crime of human trafficking is carried out by means of punishment in the form of imprisonment, fines, and restitution. The imposition of criminal sanctions for the crime of human trafficking is regulated in the Criminal Code in book II Article 295 paragraph (1) points 1 and 2, Article 295 paragraph (2), Article 296, Article 297, Article 298 paragraph (1), (2) and Article 506 Article 297 of the Criminal Code expressly prohibits and threatens women and boys trafficking in which states that "women and teen or minor boys, is punishable by a maximum sentence of six years". Article 298 paragraph (1) of the Criminal Code states that in terms of punishment based on one crime in articles 281, 284, 290, and 297 the revocation of rights based on articles 35 No.1-5 can be stated. Furthermore, Article 298 paragraph (2) of the Criminal Code states that if the guilty commit one of the crimes based on Article 261, 297 in carrying out his livelihood, the right to carry out his livelihood can be revoked.

Article 2 of the Republic of Indonesia Law Number 21 of 2007 states that "Every person who recruits, transports, harbors, sends, transfers, or accepts someone with threats of violence, use of force, kidnapping, confinement, forgery, fraud, abuse of power or a position of vulnerability, debt bondage or giving payments or benefits despite obtaining the consent of a person who has control over another person, to exploit that person in the territory of the Republic of Indonesia, shall be punished with imprisonment for a minimum of 3 (three) years and a maximum of 15 (fifteen) years. and a minimum fine of IDR. 120,000,000.00 (one hundred and twenty million rupiahs) and a maximum of IDR. 600,000,000.00 (six hundred million rupiah).

The regulations for criminalizing human traffickers are not only contained in Article 2 of Law No. 21 of 2007 but in Article 3, Article 4, Article 5, and Article 6 of Law No. 21 of 2007. In Law No. 21 of 2007, there is an additional criminal threat of 1/3 (one-third) contained in Article 7 paragraphs 1 and 2. Article 7 paragraph 1 of Law No. 21 of 2007 states that if the crime as referred to in Article 2 paragraph (2), Article 3, Article 4, Article 5, and Article 6 causes the victim to suffer serious injuries, serious mental disorders, other infectious diseases that endanger their lives, pregnancy, or are disturbed or lost their reproductive functions, then the criminal penalty is added by 1/3 (one third) of the criminal penalty in Article 2 paragraph (2), Article 3, Article 4, Article 5, and Article 6. Article 7 paragraph (2) states that if the crime as referred to in Article 2 paragraph (2), Article 3, Article 4, Article 5, and Article 6 resulting in the death of the victim, shall be sentenced to a minimum imprisonment of 5 (five) years and a maximum of life imprisonment and a minimum fine of IDR. 200,000,000 (two hundred million rupiahs) and a maximum of IDR 5,000,000,000 (five billion rupiah). When compared to the Criminal Code, the criminal threats given through Law No. 21 of 2007 are more assertive, and other advantages regulate norms to cover the weaknesses contained in the Criminal Code. Where Article 297 of the Criminal Code is still incomplete and does not accommodate legal protection against human trafficking. The imposition of severe criminal threats is expected to be able to deter the perpetrators of women as victims in the criminal act of human trafficking.

The Government's Role in Overcoming the Recovery of Victims of Women Trafficking.

In the Palermo Protocol, it is evident that every country is obliged to criminalize and punish human traffickers. This protocol also mandates the state to guarantee the provision of broad remedies for victims of human traffickings, such as:

- i. In appropriate cases and to the extent possible under its domestic law, each State Party shall protect the privacy and identity of victims of human trafficking, including, inter alia, by making legal proceedings relating to such trafficking confidential.
- ii. Each State Party shall ensure that its domestic legal or administrative system contains measures that provide to victims of human trafficking, in appropriate cases:
- iii. Information on the relevant court and administrative proceedings;
- iv. Assistance to enable their views and concerns to be presented and considered at appropriate stages of criminal proceedings against offenders, in a manner not prejudicial to the rights of the defense.
- v. Each State Party shall consider implementing measures to provide for the physical, psychological, and social recovery of victims of human trafficking, including, in appropriate cases, in cooperation with non-governmental organizations, other relevant organizations and other elements of civil society, and, in particular, the provision of:

- a. Appropriate housing;
 - b. Counselling and information, in particular as regards their legal rights, in a language that the victims of human trafficking can understand;
 - c. Medical, psychological and material assistance; and
 - d. Employment, educational and training opportunities.
- vi. Each State Party shall take into account, in applying the provisions of this article, the age, gender, and special needs of victims of human trafficking, in particular the special needs of children, including appropriate housing, education, and care.
 - vii. Each State Party shall endeavor to provide for the physical safety of victims of human trafficking while they are within its territory.
 - viii. Each State Party shall ensure that its domestic legal system contains measures that offer victims of human trafficking the possibility of obtaining compensation for damage suffered.

Thus, there are a series of state roles and state responsibilities in ensuring the rights of victims of human trafficking are carried out. Some of these protection needs have been enshrined in a series of national policies and laws in Indonesia. The guarantee of legal protection is also guaranteed by the Constitution. Article 1 paragraph (3) of the 1945 Constitution has emphasized that Indonesia is a state of law. The rule of law is a state that carries out law enforcement optimally, upholds human rights, and guarantees that citizens are at the same time their position in law, and the government is obliged to uphold the law. Law enforcement is essentially a process to realize legal goals, legal ideas become reality.

Factors that affect the course of law enforcement, namely:

- i. The legal factor itself
- ii. Law enforcement factors
- iii. Factors that support the implementation of the law
- iv. Community factors, the environment in which the law applies
- v. Cultural factors, as a result, work, creativity, and taste are based on the human initiative in social life.

Law is made to create order and peace in society. Peace between humans is maintained by law by protecting certain human interests, honor, independence, life, property, and so on against those who harm them. The state should provide legal protection for its citizens. Legal protection is all forms of efforts to fulfill rights and provide assistance to provide a sense of security to witnesses and/or victims, legal protection of crime victims as part of community protection, can be realized in various forms, such as through the provision of restitution, compensation, medical services, and assistance, law. Legal protection is divided into two, namely preventive legal protection and repressive legal protection. Preventive legal protection aims to prevent disputes from occurring, while repressive legal protection aims to resolve disputes.

Human trafficking may lead to social dysfunction. The loss of family and community support networks makes victims of trafficking very vulnerable to the threats and malice of traffickers. Human trafficking often takes place rooted in the community, resulting in repeated exploitation. Vulnerable groups as victims of human trafficking are women. The definition of the crime of "women trafficking" is an organized crime that transcends national borders and the role of perpetrators of crimes against women who have a division of labor according to their respective skills and abilities. Women trafficking is expressly prohibited and is subject to criminal sanctions in article 297 of the Criminal Code, which states that "trafficking women and trading men who are not yet adults is punishable by imprisonment for a maximum of six years. Book I of the Criminal Code regarding general provisions does not provide an explanation of what is meant by "commerce". What is meant by commerce or human trafficking is carrying out acts to surrender women for prostitution? Perpetrators will look for women to be sent abroad for prostitution.

- i. The form of protection for victims in Law Number 21 of 2007 is specifically regulated in Chapter V and the arrangement is different from Law Number 13 of 2006 namely:
- ii. Protection to obtain confidentiality of identity Contained in Article 44 of Law Number 21 of 2007
- iii. The establishment of a special service room at the local police office. Further provisions regarding this matter are regulated in the Regulation of the Head of the State Police of the Republic of Indonesia, as stated in Article 45. very bad due to the crime of women trafficking who tend to be more sensitive, traumatized, and experience psychological disorders, so they need a place to take refuge that doesn't make them afraid and makes them more depressed. This must start from the local police station, because the police station is usually the first destination after the victim has experienced a bad incident due to the crime of woman trafficking, and this is also the place where investigations are carried out which requires information from victims of woman trafficking.
- iv. An integrated service center is established. This provision is contained in Article 46 of Law Number 21 of 2007
- v. Obtain protection from the Indonesian National Police both before, during, and after the case examination process, for witnesses and/or victims and their families who receive threats that endanger themselves, their lives, and/or their property (Article 47 of Law Number 21 of 2007)
- vi. Restitution. It is regulated in Articles 48 to 50 of Law Number 21 of 2007. The above provisions do not regulate sanctions if the perpetrator does not fulfill his responsibility to pay restitution or compensation to the victim so that it is not coercive. Meanwhile, in Law Number 21 of 2007 there is a provision that compels the perpetrator to pay restitution as stipulated in

Article 50 paragraph (4), where if the perpetrator is unable to pay the restitution, the perpetrator will be subject to imprisonment. This shows that Law Number 21 of 2007 has made significant progress, especially regarding the responsibility of the perpetrator to the victim compared to the previous regulation.

- vii. Health rehabilitation, social rehabilitation, repatriation, and social reintegration. In addition to restitution, victims of the crime of women trafficking are also entitled to assistance and protection in the form of rehabilitation, as regulated in Article 51 - Article 53 of Law Number 21 of 2007.

The form of protection provided in Law No. 26 of 2000 is in the form of physical and mental protection from threats, disturbances, terror, and violence from any party. Apart from that, there is also protection in the form of providing compensation, restitution, and rehabilitation. In the Elucidation of Law Number 26 Year 2000, what is meant by compensation is compensation provided by the state, because the perpetrator is unable to provide full compensation for which he is responsible. Restitution is compensation given to the victim or her family by the perpetrator or a third party, which can be in the form of:

- i. Return of property
- ii. Payment of compensation for loss or suffering, or
- iii. Reimbursement for certain Actions.

While rehabilitation is the restoration to its original position, for example, honor, good name, position, or other rights. Furthermore, the protection of victims and witnesses in Law Number 26 of 2000 is regulated by Government Regulation of the Republic of Indonesia Number 44 of 2008 concerning the Provision of Compensation, Restitution, and Assistance to Witnesses and Victims.

Presidential Decree No. 88 of 2002 concerning the National Action Plan (RAN) for the Elimination of Women and Children Trafficking is an excerpt from the Protocol to Prevent, Suppress and Punish Women Trafficking Especially Women and Children, Supplementing to The United Nations Convention Against Transnational Organized Crime (Protocol to prevent and punishing human trafficking, especially women and children in addition to the United Nations Convention against transnational organized crime, 2000). Presidential Decree No. 88 of 2002 consists of 8 articles and is equipped with 1 (one) attachment to the National Action Plan for the Elimination of Trafficking Women and Children.

The eight articles contain the nature and objectives of RAN-P3A (article 2), the implementation of RAN-P3A Women and Children (Article 3), the RAN-P3A Task Force (Article 4-Article 5), and the Financing of the RANP3A Task Force (Article 7). The regulation of the protection of women trafficking victims in the RAN is not specifically regulated on this matter. However, the protection of women trafficking victims can be found in the formulation of the goals and objectives of the RAN, namely regarding the existence of rehabilitation and social reintegration of women trafficking victims so that they can be legally guaranteed. victim. Then there is guaranteed accessibility for families, women to obtain the education, training, income generation, and social services. This shows that RAN has embraced the definition of victim in a broad sense, which does not only focus on victims who suffer directly but also pays attention to their families and potential victims. The protection of victims in the NAP is not only limited to providing compensation, rehabilitation, restitution but more to social recovery through education, training, income generation, and social services which are expected to be more effective.

Conclusion

Based on the results of the research data, shows that the profitability has significant effect on the bond ratings so that the hypothesis is accepted which means that the small profitability gained will affect the bond rating issued by the rating Company (Pefindo). So, if the profitability of large companies, then the bond ratings are included in the investment grade category and the risk of bonds are assessed low because the company is able to fulfill its long-term obligations under the Agreement. Whereas if the profitability of small companies, then bond ratings are included in the category of non-investment grade and the risk of high-rated bonds due to the company's ability to fulfill their long-term weak obligations so as to fail to pay (default risk).

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Institutional Review Board Statement: Ethical review and approval were waived for this study, due to that the research does not deal with vulnerable groups or sensitive issues.

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