



# Fulfillment of Restitution Rights in Realizing Legal Protection Against Human Trafficking Victims (Review of Court Decisions)

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**Abstract.** Legal protection for victims of human trafficking crime, in particular the fulfillment of the right to restitution is regulated in Article 48 of Law Number 21 of 2007 concerning the Eradication of human trafficking crime. With regard to the rights of the victims to obtain restitution, this study has the following objectives: (1) to analyze the implementation of the fulfillment of the rights of human trafficking crime in the form of compensation (restitution) and (2) to analyze legal protection for human trafficking victims through court decisions. The type of research used is normative research. The use of this method is carried out through the study of legal materials, both primary legal materials, secondary legal materials, tertiary legal materials. The approach used is a statutory or statutory approach and a case approach or case approach by examining cases related to the problems in this research. Based on the data, it was found that the victims of human trafficking have increased from time to time with various modes. The victims are mostly women and children, but several court decisions, especially the Jambi District Court, have very few decisions in the form of compensation decisions (restitution) given to victims, so the decisions that are handed down do not give justice to the victims. The implementation of the provision of restitution in fulfilling the rights of victims of human trafficking is difficult to implement because of several juridical issues in human trafficking victim crime Law as regulated in the provisions of Articles 48 to 50 namely (1) there is still not yet concrete regulation or guidance regarding the procedure for calculating the nominal loss, both material and immaterial that can be used as a guide in applying restitution sanctions.

**Keywords:** Human Trafficking Victim · Restitution · Jurisprudence

## 1 Introduction

Human trafficking is one form of crime that is prioritized to be tackled, because the impact it causes is quite large, so efforts to tackle it need to be taken seriously. The aspects that arise include economic, political, cultural, humanitarian aspects. Human trafficking also one of the crimes that are considered quite dangerous compare to other crimes, namely drug trafficking, money laundering, and illegal arms trade [1].

Human trafficking viewed from the point of view of international law is a form of modern slavery and considered as a violation of human dignity. This crime has developed

quite significantly locally and universally. The development of these actions can not be separated from the increasing advances in technology, information, communication and transportation. Thus, there is also a development of ways to do it no longer conventional but already in a modern way. The perpetrators of this crime in carrying out their operations are carried out in a well-organized manner, their network is quite extensive both nationally and internationally. The perpetrators have also experienced development not only locally but have developed into a cross-country syndicate.

Beside making the victims as a commercial sex worker, the perpetrator of human trafficking also force them to be forced labor and other kinds of services. Not only that, they also forced to do things similar to slavery. In carrying out their actions the perpetrators recruit, transport, transfer, hide or receive people for the purpose of being framed, ensnared or used. In carrying out their actions, the victims are threaten with violence, kidnapped, their identities are faked, they are also deceived or promising something. The perpetrator with their power takes advantage of vulnerable conditions of the victim. For example, they lend the victims some amount of money once the victims can not return the money they will ask the victims to do anything they want as a responsibility for not returning the money back.

In Indonesia, the regulations of human trafficking along with their prohibitions and threats of punishment are stipulated in Law Number 21 of 2007 concerning the eradication of the crime of human trafficking. Formulated in Article 2 paragraph 1, it is stated that no one is allowed to commit acts as specified above. Moreover, those actions may be sentenced to a criminal offense as stipulated in the Act.

Even though there are rules governing the act of human trafficking, in reality the cases still occur and the cases are quite high. Based on data from the International Organization for Migration, Indonesia is in the highest order of the cases in the world with 3,785 people consist of 3,417 women and 368 men. In connection with these data, the victim of human trafficking can occur to any gender including male or female, regardless of age, the victim can be a child or an adult. Basically, victims are in vulnerable situations and conditions, but the most of the victims are women and children.

Women and children are more dominantly targeted, because they are vulnerable, weak and easy to persuade. Most of the victims are deceived by deception, treated inhumanely and exploited. The perpetrator take them then they are employed to sexual exploitation practices and also in the form of organ transplantation. Victims will experience physical and psychological suffering due to pressure and coercion.

Victims of human trafficking in Indonesia have increased from time to time. The number of victims is increasing day by day with various modes. Data obtained from the KPAI (*Indonesia National Commission for Child Protection*) shows that from 2012 to August 2020 there were 2,534 cases of human trafficking. In 2014 an the number of cases is increased, almost reaching 73% or 326 cases. In 2015 there were 548 cases, and in 2016 there were 266 cases, in 2017 there were 347 cases, in 2018 there were 329 cases, in 2019 there were 244 cases and in 2020 there were 144 cases.

According to the Global Alliance Against Traffic on Women (GAATW) report, there are 3 (three) aspects causes human trafficking, including:

1. The existence of pressure conditions, namely poverty and the absence of work, creates a strong desire to change their lives for the better.
2. The increase in illegal labor suppliers in recruiting job seekers because the profits they get are quite large.
3. Increased cases of criminal acts of fraud, in the form of false promises, ensnaring the provision of money loans, coercion, and extortion pressure.

Harkrisnowo in her research also found types of human trafficking, including: “As a housemaid, as workers in nightclubs, as sex workers, as a model, singer in the pornography industry. The victims are also forced to sell drugs, doing contract marriage, exploiting children to become beggars, selling babies by kidnapping, kidnapping pregnant women, giving loans to the baby’s parents, if they are unable to return the baby, they will replace the baby, using a fake doctor’s identity in the hospital, triggering with a big salary, offering high-paying jobs turned out to be employed as prostitutes, providing assistance for childbirth was one of the ways used to trade.

Based on the causative factors and the high number of victims that occurred in Indonesia both domestically and internationally, it indicates that the trafficking problem is already very worrying, so of course it requires serious handling since the problem has become a public problem. A comprehensive solution is needed starting from the formulation of the regulations in resolving the case and of course providing protection to victims in the form of compensation and restitution [2].

Human trafficking cases are also rampant in the city of Jambi. There are several cases that have been handled and processed by the Jambi District Court, namely the number of cases during the last 6 years (2014–2020) with total 9 cases that have been sentenced where the victims were dominated by women and children. They were exploited at least for prostitution or other sexual exploitation. From those cases there is only one cases that impose restitution and the rest of the victims do not get restitution. Looking at the decision handed down against the perpetrator, we can conclude that the provision of restitution to the victim is minimal and the amount of compensation given is very low. Moreover it also does not commensurate with the suffering of the victim. Whereas the provision of restitution given to victims is a form of fulfilling the rights of victims and at the same time providing legal protection for victims. In providing compensation to victims, there are two forms of compensation that can be done, namely those paid by the competent authority through a designated official agency using state funds with the term “compensation/compensation” and the other one is paid by the perpetrator or named as restitution/restution [2].

Restitution given to victims is a form of international human rights law. Restitution is part of efforts for the victims to get justic. Giving restitution or compensation given by the perpetrator to the victim is a form of accountability of the perpetrator as a citizen. However, this is difficult to materialize if the court’s decision does not impose a decision on restitution or compensation to the perpetrator, so that the fulfillment of the rights of the victim is difficult to implement and the protection of the victim is still far from successful.

Based on those things, it is important to do this research to find out and serve as a solution in fulfilling the rights of victims in order to achieve legal certainty, benefit and justice for them. However, two main research question is formulated as follows:

1. How is the implementation of the fulfillment of the right of restitution for victims of human trafficking?
2. How is the legal protection for victims of human trafficking through court decisions?

## **2 Method**

This research is conducted in normative juridical approach with several stages; a) describing legal principles, b) reviewing the systematics of statutory regulations, c) Inventorying positive laws d) Synchronizing positive law and e) analyzing positive law [3]. The juridical approach is a statutory approach, namely research on legal products related to the rights of victims in the form of restitution. Beside using the juridical approach, this research also use conceptual and case approach. Conceptual approach, namely research on legal concepts. The case approach or case approach is by analyzing cases that are related to the issues discussed [3]. In using the case approach, this research uses ratio decidendi, it is a legal considerations used as the basis for judges in determining their decisions [4]. The types and legal materials used include legal materials in the form of primary and secondary legal materials. Primary legal materials are taken from the laws and regulations relating to the issues discussed. Meanwhile the secondary materials are materials that have undergone processing in the form of scientific writing.

In analyzing the data, this research use qualitative approach. The secondary data are got from literature (library research), the primary data got from the result of field research and statutory regulation. The analysis is carried out in the following steps: a). Interpret legal norms according to the subject matter; b). Evaluating the norms under study that are related to the legal issues under study; c). Analyzing the legal material formulated in the legal norms in accordance with the problems discussed.

## **3 Results and Discussion**

### **3.1 Implementation of Restitution Right Fulfillment as a Form of Protection for Human Trafficking Victims**

Legal protection is basically a responsibility given by law, because essentially legal protection aims to provide peace, comfort to the society. Such protection have an impact to all aspects of people's lives. The condition like that can be implemented if there is a strong will from the authorities/government, but in handling it, many victims have not received maximum legal protection. The settlement and legal protection for victims of criminal acts has not yet been maximized, indicating that the fulfillment of rights and assistance provided to victims has not yet provided comfort and security for victims so that justice and welfare development in the community have not been achieved [4].

The importance of victims protection is an effort to realize social comfort. Its realization is carried out continuously by all parties as an effort to provide protection for the rights of everyone who is a victim or receive equal treatment in law. The form of protection is indirect or direct. The indirect protection is a form of protection that can only be felt in feelings, such as the feeling of pleasure that arises after what the victim wants has been obtained. Meanwhile, direct protection is a form of protection that

can be felt directly by the victim, both material and non-material, for example getting compensation or restitution. The non material protection can be in a form of free from preaching that demeans dignity and honor.

The protection for victims in human trafficking law is not only realized in the form of imposing criminal sanctions on the perpetrators, but also in the form of fulfilling the rights of victims, which include: (1) the right to keep their identity secret (Article 44), (2) right to obtain restitution/compensation (Article 48), (3) the right to obtain health, social rehabilitation, repatriation and social reintegration from the government if the victim experiences physical or psychological suffering due to human trafficking (Article 51) [5].

Legal protection for victims is also a form of embodiment in protecting the rights of victims. One of the things that must be done in providing protection and the fulfillment of victims' rights is in the form of giving restitution. Explained that since the middle ages national reparation has arranged a payment of compensation to victims as a result of the crimes they experience. The explanation of restitution is formulated in Article 1 number 13 of the human trafficking law. It states that restitution is "the provision of compensation to victims due to the actions of the perpetrators, both material and immaterial based on permanent legal force as a legal effort to bring back the victim to his original condition". The importance of protecting the victim is because of the loss he suffered.

Restitution given by the perpetrator to the victim is a form of accountability from the perpetrator due to the crime he committed against the victim. So that the main goal expected from the provision of restitution is one way to overcome all losses suffered by the victim, because restitution is basically also to restore the victim's condition to its original condition before the crime occurred. Galaway stated seven reason of the perpetrators should give the compensation: (1) Reduce the suffering of the victim and also reduce the guilt of the perpetrator, (2) As a matter that can be considered by judges in implementing decisions in the form of reducing the perpetrator's sentence, (3) As a form of rehabilitation, (4) Speed up the judicial process, (5) To avoid action from the community in the form of revenge and threats [6].

Regulations concerning restitution are regulated in several laws and regulations; (1) law number 31 of 2014 concerning amendments to law number 13 of 2006 concerning protection of witnesses and victims (Law on LPSK), (2) government regulation number 44 of 2008 concerning provision of restitution, compensation and assistance to witnesses and victims (government regulation of giving restitution, Compensation), (3) The law on human trafficking law.

The human trafficking law specifically gives victims the right to get the right of restitution as formulated in Article 48 paragraph (1) "Every human trafficking victim has the right to get restitution". Furthermore, the provision of restitution in the form of compensation for: (a) loss of property or income; b) cause suffering; (c) Financing for medical and/or psychological treatment; and/or (d) other losses suffered by the victim as a result of human trafficking.

Based on Article 48 of the human trafficking law, the victim can apply for restitution pnce he reports the case to the Police. It means that since the human trafficking victim has submitted the case to the police and the police have received a report from the victim or the family, the police must include the restitution in the police investigation report. The

investigator is obliged to convey to the victim that he has the right to receive compensation from the perpetrator, it is by collecting all evidence in the form of expenses incurred while being a victim, such as receipts or medical bills and others. Proof of expenditure must be attached with the case file. The investigator collects as much information as possible from the victim regarding the loss he has suffered and informs the perpetrator about his ability to compensate the victim. The authority of the Police to include restitution at the investigation level is regulated in the Regulation of the Head of the Indonesian National Police Number 3 of 2008 concerning the Establishment of a Special Service Room and Procedures for Examination of Witnesses and/or or Victim. In examining the victim, one of the things that the investigator must do is ask questions about the losses suffered by the victim and include it in the substance of the case as material for submitting restitution. Thus the police have a very important role in handling victims by seeking restitution in cases of trafficking in persons by paying attention to the interests of the victim in addition to their main task in resolving the case. In this case, the investigator is the first source in providing information related to legal remedies that the victim can take to obtain compensation from the perpetrator. So that the important thing that investigators do is not only prioritize legal certainty but is also oriented towards protecting the victim [7].

When the case was forwarded to the prosecutor's office, the general prosecutor informs the victim about his right to propose restitution and the amount of the loss he suffered along with the prosecutor's demands. In the Technical Instructions for submitting restitution based on JAMPIDUM letter No. 3618/E/EJP/11/2012 dated 28 November 2012 regarding restitution in the human trafficking case: "... Regarding the prosecutor in charge of the human trafficking case, if the victim has not proposed his right of restitution at the investigation level, the general prosecutor will inform the victim concerning his right to propose restitution in the form of compensation for the loss of property or income, financing for medical treatment and other losses suffered by him.

At the pre-prosecution stage, the prosecutor examines the human trafficking case file, if there is no restitution included, the prosecutor gives instructions so that restitution is used as the substance of the examination, both examination of the victim's witness and the suspect and asks the investigator to mediate to get an agreement on the amount of restitution requested by the victim by considering the suspect's ability to pay restitution. This regulation is also in line with what was formulated in Article 48 of the human trafficking law, where the general Prosecutor has an obligation to convey to the victim his right to propose compensation (restitution). The position of the general prosecutor is essential as a representative of the victim, because mostly the victims are children and women whose knowledge and understanding is very minimal about their rights to obtain restitution. Thus, in the process of restitution conduct by the general prosecutor as a criminal justice process should receive special attention from the prosecutor. The prosecutor as a representative of the victim can take steps to provide protection to victims so that victims feel represented The general prosecutor who represents the interests of the victim must know and understand the interests that he can give to the victim through the law enforcement process.

[8] stated that regarding victim handling in obtaining restitution an attorney general's instructor letter No. B-63/E/2/1994 concerning Protection of Victims of Crime is very

needed in prioritizing the legal interests of the victims. The instruction regulates those related to the legal interests of the victims of crime in the criminal justice system, including victims' losses. This refers to Article 98 of the Criminal Procedure Code. The Instruction Letter regulates: (a) Combination of compensation proposed by the victim of a crime with the criminal case. (b) Since the beginning, it has been conveyed to the victim or his family regarding his right to propose a claim for compensation to the perpetrator. (c) assisting victims by increasing the role of the community in preventing crime.

The instructions were then strengthened by the instructions Number: B-187/E/5/3/95 regarding the Protection of Victims of Crime. These instructions formulate the following: (1) Starting from the pre-prosecution stage, the Public Prosecutor has submitted a statement regarding the victim's right to propose a claim for material damages suffered. Meanwhile, other victims' losses can be submitted through a civil process as explained in Chapter IV of the Decree of the Minister of Justice of the Republic of Indonesia Number: M.01/PW.07.03 of 1982. (2) If Article 14c of the Criminal Code is applied, then there is an obligation for the perpetrator to pay compensation to the victim as a special condition. (3) Take other actions that can help recover the losses suffered by the victim, both material and immaterial. (3) This Directive is to confirm and as a complement to Directive Number B-63/E/2/94 dated February 4, 1994, regarding the Protection of Victims of Crime [8].

These instructions are directions that can be applied by prosecutors in protecting the rights and interests of victims, especially in combining claims for compensation. The prosecutor will be more communicative with the victim in relation to gain information about the material loss suffered by the victim. The indictment made by the prosecutor is taken into consideration in counting the material lost by the victim. Meanwhile, the demands submitted contains criminal sanctions against the perpetrators and they are filed as compensation in fulfilling the rights of the victims [9]. The provisions regarding the incorporation of compensation claims are quite clear, but in implementing the provisions in Article 98 of the Criminal Procedure Code are rarely used. So that even though it is equipped with prosecutor's regulations regarding the application of the provisions in Article 98 of the Criminal Procedure Code, there are several weaknesses, weaknesses include: (1) The method of combining a claim for compensation is not in accordance with the purpose of the compensation itself. (2) Limited to material losses only. (3) For immaterial losses, it is filed through a civil lawsuit, which of course can take a long time, which means it is different from the goal, which is to simplify the process. (4) In practice, it raises problems related to the payment of compensation. (5) Claims for compensation that are immaterial are difficult to materialize, because the decision has no technical instructions.

The existence of weaknesses in merging compensation cases is not optimal in protecting the rights of victims. For example at the district court level a perpetrator is subject to criminal sanctions, but the judge's claim for compensation is not granted. Based on the provisions in Article 48 of the human trafficking law, there are also weaknesses related to the fulfillment of restitution for victims. First, the fulfillment of restitution related to the verdict of the criminal case. If the perpetrator is found not guilty (free) by the court, the victim will not receive any compensation in any form, although in reality the victim

suffers material and immaterial losses due to being a victim of human trafficking. Second, if the perpetrator does not provide restitution because he does not have sufficient property, then the victim will not receive any compensation because the perpetrator will only be subject to a substitute imprisonment for a maximum of one year [10]. These weaknesses indicate that the regulation in fulfilling the right of restitution in Law No. 21/2017 is not yet oriented to victim protection.

Thus showing that the protection of victims in obtaining restitution encountered many problems, so that the interests of victims of human trafficking in obtaining restitution rights are difficult to materialize even though the restitution is an effort to achieve justice of the victims.

### **3.2 Legal Protection Against Victims Through Court Decisions**

The law on the eradication of human trafficking is a concrete form of the state in paying attention and protecting the victims, including to fight for the right to obtain restitution from the perpetrators due to the losses suffered by the victims. The application of restitution in human trafficking case is essential and needs to be implemented as a form of accountability for the perpetrator for suffering the victim. As stated by Romli Atmasasmita, that the giving of restitution to the victim is part of the relationship between the perpetrator and the victim in the implementation of the responsibility of the perpetrator as a citizen. It will also attach a sense of social responsibility to the perpetrator, so that the value of restitution in this case is not only the value of helping the victim.

The implementation of restitution provision is not inline with the regulation in Article 48 of the human trafficking law. In reality quite a lot of restitution rights are not obtained by victims through court decisions. If a court decision is found that includes restitution, the perpetrator will choose to undergo additional imprisonment. The fact shows that in applying restitution to cases of human trafficking it is still rarely done.

There are several juridical issues (legal aspects) related to court decisions that do not provide protection for victims through their decisions or the non-realization of restitution in court decisions, so that victims and their heirs are not entitled to receive restitution. This is inseparable from the arrangements governing restitution as stipulated in the provisions of Article 48 to Article 50,

#### **3.2.1 Definition of Restitution**

The explanation regarding the definition of restitution as contained in Article 1 number 13, is not the same as what is meant by compensation in the criminal procedure code, which only mentions material losses. Meanwhile, in the human trafficking law it should cover material losses and/or immaterial losses as well. There is no regulation in the criminal procedure code in determining the immaterial losses from victims, while the legal process in the human trafficking law refers to Article 28, the prosecutions and trial processes in court are carried out according to the Criminal Procedure Code unless there is a separate regulation in the human trafficking law. Thus, there will be problems in the procedure for obtaining the right of restitution for the victim, because there is no clear arrangement, so that even if it is proposed the prosecutor is very difficult to determine the size of the amount of restitution to be submitted.



### 3.2.2 Prosecutor's Authority

The position of the prosecutor is in accordance with his authority, namely carrying out prosecutions against the defendant who represents the interests of the victim. So that his prosecution is an effort to fulfill the interests of the victim. However, there has been no further explanation of how the relationship between the prosecutor and the victim is and the extent of the role of the prosecutor and his authority in filing legal remedies. There is no regulation on the authority of the prosecutor as the executor of the restitution decision as well. The prosecutor's authority is only in confiscation of the perpetrator's assets and even then it is carried out after there is an order from the head of the court as stipulated in Article 50 paragraph (3). If the perpetrator tries to avoid (do not want) to pay restitution to the victim, the prosecutor does not have the coercive power to take action. This problem, of course, makes it difficult for victims to get their right of restitution.

### 3.2.3 Substitute Criminal

Furthermore, the provisions of Article 50 Paragraph (4), if the perpetrator does not have enough money to pay compensation and prefers to undergo a substitute sentence for a maximum of 1 year, then the victim's right automatically loses to obtain restitution. With this regulation, the perpetrators will prefer to serve a maximum imprisonment of 1 (one) year as a sanction if the perpetrator is unable to pay restitution. The replacement penalty in the form of a maximum imprisonment of one year is considered very short compared to the losses suffered by the victim. So that the perpetrator is more likely to choose a substitute punishment rather than paying restitution. As long as the replacement penalty is still being regulated, it is difficult for the victim to get restitution. Therefore, the substitute penalty should be abolished or the perpetrator is given the obligation to repay the replacement money until the specified time limit. Another problem is that there is no provision regarding coercion for perpetrators, so that it has not provided legal implications in supporting the protection of victims.

Several human trafficking cases handled by the public prosecutor service in Jambi province during the last 6 years (2014–2020) with a total of 9 cases and all of them have been handed down by judges and have permanent legal force. From the decision handed down by the judge, only 1 (one) case was carried out for restitution for the victim. The approved restitution has a very small value of only Rp. 2.500.000,- this value is not equal with the suffering of the victims. Meanwhile, the other 8 (eight) decisions did not get restitution. Seeing several decisions that were handed down without any restitution decisions given to victims, it shows that these decisions did not give enough consideration to the losses suffered by the victims and the protection of the interests of the victims was not maximal as well. The results of the research findings in the field show that many court decisions do not impose restitution, it cannot be separated from the submission of restitution made by the victim. Some victims did not apply for restitution, because they did not know that there was a compensation arrangement for victims in the human trafficking law and it was difficult to collect evidence of the losses they experienced. Some victims did not receive restitution because the perpetrators did not have the property to pay for the victims' losses and the perpetrators tended to choose a substitute punishment. One of the decisions of the public prosecutor service in Jambi province is the decision

number 121/Pid.Sus/2018/PN Jmb. In that decision the judge sentenced him to prison for 3 years and a fine of Rp. 120,000,000 to the perpetrators of crimes in accordance with article 2 of the human trafficking law. In the decision, the victim does not get restitution because the perpetrator prefers a substitute sentence imposed by the judge, which is a maximum of 1 (one) year. The existence of a replacement money arrangement as formulated in Article 50 paragraph (4) of the human trafficking law greatly opens opportunities for perpetrators to avoid restitution and choose to undergo imprisonment. Thus the fulfillment of the victim's right to restitution does not materialize.

Related to judge's decision in deciding a case, the judge is the most influence person in giving consideration whether it is in criminal prosecution or compensation. In terms of applying a criminal sanction to the perpetrators, it is not enough to settle the case. Even though the application of criminal sanctions has been given and has fulfilled the purpose of the punishment, in fact giving punishment is not enough, the judge also needs to force the perprerators to pay the compensation. It is also important to be considered by the judge, for the sake of peace and comfort for the perpetrator in the form of conformity in imposing criminal sanctions that are appropriate for him, as well as peace and comfort for the victim in the form of compensation [7]. In addition, the purpose of compensation is none other than to develop justice and welfare for the victim and the benchmark for its implementation is to provide opportunities for victims to obtain their rights and obligations as human beings.

The provision of restitution as regulated in Article 48 of the human trafficking law has not been fully implemented. There are still many cases of human trafficking that do not provide restitution rights to victims, as well as decisions on trafficking cases in public prosecution service in Jambi Province. This is inseparable from the weakness of the Law in providing restitution that there are no implemented rules in applying for restitution, the technical regulations and instructions for implementing restitution are also limited. No provide legal certainty and binding power in its implementation makes it difficult to be implemented. Existing legal provisions should be able to provide a sense of justice and legal certainty. The position of the victim in the legal system has not received serious attention and the form of legal protection in fulfilling the right to restitution is still abstract even though what is desired is legal protection that can be realized in court decisions.

## 4 Conclusion

The public prosecutor service in Jambi province is still having problems in providing restitution rights for the victims of human trafficking as regulated in Article 48 of the human trafficking law. The defendant prefers a substitute punishment in the form of imprisonment if it is decided by the Court to pay restitution. The fact shows that the application of restitution is still rarely carried out in human trafficking cases. Consideration of the judge's decision prioritizes the criminal sanctions on the perpetrator, meanwhile the fulfillment of the restitution right on the victim is still not fully prioritized.

## Advice

1. There is a need for reforming the regulation of replacement money, so that the fulfillment of the victim's restitution rights can be organized well.
2. There is a need for renewal in the regulation regarding the nominal replacement money.

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