

# The Role of the Police in Providing Legal Protection for Victims of Electronic-Based Trafficking

Trimo<sup>1</sup>, Yuliati<sup>1</sup>, Prija Djatmika<sup>1</sup>

<sup>1</sup> *Brawijaya University*

169 Jl. MT. Haryono, Ketawanggede, Lowokwaru Sub-District, Malang, East Java, 65145, Indonesia

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Corresponding Author:

Trimo

[trimosh75@gmail.com](mailto:trimosh75@gmail.com)

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**Abstract** This research is intended to explore two main aspects of protecting victims of electronic-based trafficking in the jurisdiction of the Malang District Police. First, this research aims to implement Article 42 of Law No 12 of 2022 on Victim Protection. Second, this research focuses on the strategies used by the police in protecting victims of electronic-based trafficking. The research method used is a sociological juridical approach, which involves collecting primary data through in-depth interviews with PPA unit officers and victim witnesses and secondary data from desk research. This approach aims to examine the implementation of relevant legal regulations, specifically related to online prostitution and pimping. The results showed that from 2020 to 2023, there were three cases of human trafficking offences in the Malang Police area. The case study at Batu Police Station illustrates the modus operandi of pimps in utilising the MiChat application to offer victims to customers. In implementing the law, there are challenges in law enforcement related to electronic-based prostitution, especially in applying Article 42 of Law No 12 of 2022 and Article 27 § 1 of the ITE Law, which are multi-interpretive. This research concludes that the role of the police is vital in providing legal protection for victims of electronic-based trafficking, but further efforts are needed to clarify and strengthen law enforcement related to this issue.

**Keywords:** Political; Leadership; Women's; Involvement; Economic; Demographic; Cultural aspects; gender inequality.

## INTRODUCTION

Human trafficking, as defined in Article 3 of the UN Protocol, means the recruitment, transportation, transfer, harbouring or receipt of persons using the threat or use of force or other forms of coercion, abduction, fraud, deception or abuse of power or of a position of vulnerability or the giving or receiving of payments or of benefits to obtain the consent of a person having control over another person, for exploitation. Exploitation includes at least exploitation for prostitution or other forms of sexual exploitation, forced labour or service, slavery or practices similar to slavery, servitude or the removal of organs (Article 3 of the UN Protocol to Prevent, Suppress and Punish Human Trafficking, Especially Women and Children, signed in December 2000 in Palermo, Sicily, Italy) [1].

Meanwhile, the definition of Human Trafficking according to Law No 21 of 2007 concerns the Eradication of the Crime of Human Trafficking Beings, such as:

Article 1, § 1: The act of recruitment, transportation or reception of a person by threat of violence, use of force, abduction, harbouring, falsification, deception, abuse of power or a position of vulnerability, debt bondage or giving payments or benefits, to obtain the consent of the person who has control over the other person, whether carried out within the state or between States, for exploitation or resulting in exploitation.

Article 1, § 2: The crime of human trafficking is any act or series of acts that fulfil the elements of a criminal offence specified in this law. The substance of the law is formal because, based on proof

of the purpose of the crime of trafficking, the judge can convict a person.

The Indonesian National Police (Polri) is a law enforcement unit that maintains and improves legal order and, together with all other state security defence forces, fosters public peace within the state territory to create public security and order and is one of the institutions or bodies to investigate and resolve all cases of law violations that are rampant among the public in general [2]. Article 2 of the Law of the Republic of Indonesia No 2 of 2002 concerning the Indonesian National Police clearly states that the police function is one of the functions of state government in maintaining public security and order, law enforcement, protection, and service to the community. One part of the police, by its function, is the investigator [3]. Investigators are one of the police functions in charge of conducting investigations to find confidential information, often called secret police [4]. In this case, investigators have a significant role in disclosing criminal offences that occur in society, one of which is to reveal the crime of human trafficking [5].

The activities and practices of prostitution in Indonesia are broadly manifested in two forms: registered and organised prostitution and unregistered prostitution. Registered prostitution in carrying out its activities where the perpetrators are supervised by the Vice Control section of the police who are assisted and cooperate with the social ministry and health ministry. They are generally localised in a particular area. The residents must periodically check themselves with a doctor or health worker and get injections and treatment as a public safety measure. As W. Bonger in his writing, *Maatschappelijke Oorzaken der Prostitutie* defines prostitution as a social symptom in which women sell themselves to perform sexual acts for a living [6]. According to [6], it is very clearly stated that there is an event of selling oneself as a profession or daily livelihood by engaging in sexual relations [7].

Revolution 4.0 brings rapid technological and information advances, providing benefits at every level of society and in various fields. The technological advancement in question is the existence of an internet network that anyone and anywhere can access. However, technological advances that anyone can enjoy have become an opportunity for crimes to be committed that benefit individuals and corporations for a faster process and low cost. One of the crimes that utilise internet facilities is

prostitution. This prostitution is known as online prostitution. Online prostitution is different from unregistered prostitution, where in carrying out its activities, those who carry out prostitution illicitly and wildly, both individually and in groups. The act is not organised, nor is the place specific. It can be everywhere, looking for prey or through brokers and calls. They do not register themselves with the authorities. So, their health is very doubtful because they do not necessarily want to check their health with a doctor [7].

Furthermore, when compared to online prostitution, the activities carried out have been organised which consisted of commercial sex workers, or pimps and their customers (clients) coupled with technological advances through the internet, where this media is indeed safer when compared to direct peddling on the roadside or localisation places. With this media, one can be more accessible in the transaction, not having to meet each other directly between a prostitute and the person who wants to use his services. As in the case of online prostitution that is rampant in Indonesia, how the work begins Commercial sex workers will promote themselves through social media through pimps, then masher men find advertisements for these sex workers then connect through social media and are connected to the Michat application after there is a word deal want to meet. Usually, if the process is before the deal, the masher is expected to give a down payment first to convince the sex worker. In the advertisements promoted on social media, sex workers have determined the complete services that the masher men will receive. After contacting Michat's application, they will decide where the place of the action will be. After the service is completed, the masher man will usually ask for a phone number to make it easier to call her back one day if needed [7]

One of the prostitution cases using social media applications in 2023 occurred in the Regional Police of Malang Raya. Based on reports from the public in the Batu Police jurisdiction based on police report data, Batu police cyber crime succeeded in conducting surveillance tapping on social media and conducting raids on Guest Houses and Bunga Matahari Hotels in Batu City, East Java, which were allegedly used as places of prostitution transactions. In this case, the perpetrator creates an account in the MiChat application on behalf of the victim with a pseudonym account. With this account, the perpetrator offers victims of prostitution to customers who usually use

prostitution services. The pimp agrees with the service user to transact prostitution through the MiChat application, and if an agreement is made, the victim will be sent to the intended place or vice versa. The prostitution service user comes to the intended place ordered by the perpetrator for his service user.

Based on the explanation above, it is necessary to conduct research on victims of trafficking by using the legislation of the Republic of Indonesia, which has a relationship with the criminal act of victims of online prostitution. Pimps and commercial sex workers are inseparable from one another and are a link in a chain. Moreover, it is seen that what makes a pimp and commercial sex worker continue to operate is because there are customers who need the services of commercial sex workers and this pimp who organises meetings between customers and commercial sex workers.

The phenomenon of prostitution that occurs in society is almost a habit in social life with implications for the emergence of commercial sexual exploitation, better known as the practice of prostitution. Problems regarding the practice of prostitution are complex and very vulnerable issues because they involve immoral human behaviour, contrary to the law and are destructive to the order of social values that apply in an unbound society.

Based on the above description, this research focuses on the rule of law for victims of electronic-based trafficking. The focus of the study is the main study of the problem that will be used as a reference point for the case study. In this case study, the focus of the study is the role of the police in protecting victims of electronic-based trafficking, related to the protection of law No 12 of 2022 Article 42 concerning Victim Protection, § 1 Within 1 x 24 hours since counting receiving reports of criminal sexual violence, the police can provide temporary protection to victims. Paragraph 2 states that temporary protection, as referred to in § 1 is given based on a temporary protection order for a maximum period of 14 days from when the victim is handled. This juridical analysis is in line with the case of prostitution as a form of electronic-based trafficking that we are currently researching.

Based on the background that has been presented, this research aims to explore two main aspects related to victim protection at the Malang Raya District Police. Firstly, this research seeks to implement Article 42 of Law No 12 of 2022

regarding Victim Protection. Secondly, this research aims to find out the strategies used by the police in protecting victims of electronic-based trafficking in the region of Malang Raya Police Station.

## METHODS

The research method used by the author is a juridical sociological approach with legal research that uses secondary data as the initial data, which is then reviewed with primary data or field data by examining the implementation of a law and study wants to find a relationship (correlation) between various symptoms or variables as a data collection tool consisting of an interview and document study.

This sociological juridical approach is carried out to determine how much researchers want to study Law No 12 of 2022 Article 42 concerning Victim Protection. The type of legal research used by the author of this study is empirical Judicial research [8]. In this case, the researcher wants to analyse Law No 12 of 2022 Article 42 concerning Victim Protection, as well as those related to online prostitution and pimping, by performing a legal analysis in Article 27 § 1 of the ITE Law regarding decency which contains multiple interpretations.

This type of research is empirical juridical research, used to examine legal aspects of social interactions in society [9]. Empirical research generally uses three legal data types: primary, secondary, and tertiary. The three types of data will be described as follows:

Primary data is taken directly from sources in the field by obtaining in-depth interviews (dept interviews). Procedures are designed to generate free statements put forward seriously and frankly. The interviews were interviews with PPA unit officers about the process of handling cases of victims of electronic-based trafficking and conducting interviews with witnesses to victims of prostitution.

Secondary data is obtained from library research, including books - literature books, laws, newspapers, and documents related to the problems in this legal research. Secondary data in this writing consists of primary, secondary, and tertiary legal materials.

Secondary legal sources, i.e. legal materials needed by the author to strengthen and provide explanations of primary legal materials, in the

form of explanations of laws and regulations, research results, or opinions of legal experts. This legal material is also in the form of literature books, documents, academic papers, doctrines, expert views of papers, journals, theses, theses, and articles from print and electronic media that contain everything related to this research.

Tertiary legal resources. It is material that provides guidance and explanation of primary and secondary legal materials, which can come from dictionaries and encyclopedias.

The legal data that has been collected will then be analysed, selected and grouped according to the author's needs. After obtaining the appropriate one, it is then associated with the problems that have been raised regarding the legal protection of victims of electronic-based trafficking offences. The author will present in a more systematic form of writing to answer the formulation of the problem that has been formulated appropriately and by the research procedures that have been carried out.

## RESULTS AND DISCUSSION

Implementation of Article 42 of Law No. 12 of 2022 on the crime of sexual violence, relating to the protection of victims of online prostitution in the PPA investigation of Malang Raya Police (Batu Police Resort, Malang Police Resort, Malang City Police Resort)

Based on Table 1, three cases of human trafficking occurred in the jurisdiction of the Malang Police from 2020 to 2023.

Table 1 – Human trafficking cases from 2020-2023 in the area of the Malang Police Jurisdiction

No	Year	Number of Cases	Suspects	Victims
1	2020	None	None	None
2	2021	None	None	None
3	2023	3 people	3 people	3 people
	Total	3 people	3 people	3 people

Furthermore, the author describes the chronology of the case below:

### First Case

*Chronological study of the case at Batu Police Station.* Batu Police Criminal Investigation - Based on a police report from the community on Sunday, 19 March 2023, Batu Police Criminal Investigation succeeded in conducting surveillance and tapping on social media and conducting raids at the Guest House and Bunga Matahari Hotel in Batu City, East Java, which were allegedly used as places of prostitution transactions carried out by online pimps. In this case, the perpetrator creates an account in the MiChat application on behalf of the victim with a pseudonym account; with this account, the perpetrator offers victims of prostitution to customers who usually use prostitution services. The pimp agrees with the service user to transact prostitution through the MiChat application, and if an agreement occurs, the victim will be sent to the intended place or vice versa. The booker comes to the intended place ordered by the perpetrator for the user of prostitution services.

*The method.* The suspect offered the victim to a lustful man through Michat's social media after an agreement was made between the suspect and the passionate man. The suspect asked the man to wait inside the hotel, then escorted the victim/woman into the hotel room, and the suspect took payment of Rp 750,000.

*The victim.* Initials NR, Female, 19 years old, a Moslem, Indonesian Nationality, graduated from junior high school, a student, and came from Ngreno Punjul village Plosoklaten, Kediri regency.

### Second case

*Chronology of the case study at Malang Police Station.* Malang Resort Police Criminal Investigation Unit - based on police reports received from the public that a person was employed as a Commercial Sex Worker (PSK) with an open BO (Booking Order) system through the Michat application. After that, investigators conducted an investigation and managed to arrest 2 (two) pimps, 1 victim and 1 (one) witness in the room of Hotel D'SHARIO at Kepanjen, Malang Regency.

*The method.* The suspect offered the victim to a male customer through Michat's social media after an agreement was made between the suspect and the male customer. The suspect asked the man to wait inside the hotel, and then the suspect escorted the victim/woman into the hotel room, and the suspect took payment of Rp.300,000 - until Rp.700,000 - and for each transaction, the pimp received a profit of Rp.50,000. After the

transaction, the victim entered the room to serve the masher.

*The victim.* Initials CR, age 23, came from Cibinong sub-district, Bogor Regency, West Java.

### Third Case

*Chronology of the case study at Malang City Police Station.* Malang City Police - Based on Police Reports, on Thursday, 15 June 2023, at 15.00 WIB, AJBS, aka vino, offered SP, aka Silvi, sex at the Taichi hotel on Jalan Jaksa Agung, Malang City, vino offered and took advantage of sex services performed by SP, aka Silvi, on Thursday 15 June 2023, by contacting someone through the WeChat application and asking to use the services.

*The method.* The suspect offered the victim to the customers through WeChat. After an agreement was made between the suspect and them, the suspect asked the man to wait in the hotel lobby, where the victim was also staying in the room. After handing over the open BO service money for 500,000, the man entered the room with the suspect and met with SP aka Silvi. After that, the suspect left the victim with the man in the room.

*The victim.* Initials SP, age 19, came from Sukun, Malang City.

Next, the researcher presents the factors that cause people to work as commercial sex workers. According to Novi, she became a sex worker due to economic conditions, where she had to fulfil her daily needs but found it challenging to find a job, making sex work the easiest option. Similarly, Novi stated that the lure of money often draws people into this line of work, eventually leading them into a dark place.

In line with Novi, Silvy said that other reasons include not having enough funds for economic activities and not having the skills or education to get a better job become some reasons for someone to become a sex worker. Furthermore, she also said that working as a prostitute would never be affected by layoffs, so it was the most straightforward job to get money.

From the above opinion, the Head of the PPA Criminal Investigation Unit further said that the reasons why people want to become prostitutes include a) Economic factors, b) Violent factors, c) Environmental factors.

Furthermore, it was stated by the Head of Criminal Investigation that all victims of human

trafficking are given legal protection in coordination with P2TP2A Malang Raya and the Social Service of Malang Raya, where the implementation of legal protection is carried out directly or indirectly against women who are victims of human trafficking referring to existing provisions both at the central and regional levels, such as:

#### 1. Provide an integrated service centre

Legal protection in the form of medical, psychological and counselling care, including shelter and repatriation to the victim's area of origin, is the sectors' responsibility by their duties and functions. The Joint Agreement of the Minister of Women's Empowerment, the Minister of Health, the Minister of Social Affairs and the Chief of the Indonesian National Police No 14/Men.PP/Dep.v/X/2002; 1329/MENKES/SKB/ X/2002; 75/HUK/2002; POL.B/3048/X/2002 concerning Integrated Services for Victims of Violence Against Women and Children, was implemented by establishing Integrated Service Centres in several central and regional public hospitals and police hospitals so that victims can easily access the necessary services, both medical, psychological, and social and legal aspects. The implementers of the Integrated Service Centre are relevant doctors and nurses, psychologists, and police investigators. They can cooperate with social workers in an integrated manner under the coordination of the leadership of the Integrated Service Centre.

#### 2. Safe houses

Safe houses in Indonesia are still a new concept, with few standardised operational procedures. Some regions' Ministry of Social Affairs and P2TP2A have safe houses. However, because there are still no standard guidelines on how a safe house can protect victims, safe houses are often open, and the location is publicly known. This is despite its purpose of being a temporary safe place for victims, either because they need a temporary shelter or because their safety is threatened. The limited availability of safe houses is an obstacle to handling cases of gender-based violence so far.

#### 3. Women and Children's Services Unit

3.1. To expand the reach of services in areas where there are no Integrated Service Centres, which are usually located in Police Hospitals and

RSUD in big cities, the Police Force General Headquarters established Women and Children Services (PPA) in the Provincial Police, Regional Police, and Resort Police (District / City), which Women police manage. These services are provided to women and children victims of crime (including victims of trafficking).

3.2. Referring to the data above, the Head of the Criminal Investigation Unit explained that in the Malang area, the Integrated Service Centre and Women and Children's Services in providing legal protection to victims of trafficking in women and children coordinate with P2TP2A Malang Raya, the Malang Social Service. Follow-up handling of the victim data mentioned above all received legal protection both abstractly (indirectly) and concretely (directly) with the following details:

a) In the abstract, it is enjoyed emotionally as a sense of satisfaction because all perpetrators are tried and punished.

b) In concrete (direct) terms:

- Material: Safehouse is a form of temporary residence before returning to their hometowns as many as one person; Medical assistance at Malang Hospital due to illness two people.

- Non-material: Safe from bad news, as many as three people; Safe from pressure from other parties (family of the perpetrator), as many as three people; Safe from threats from the perpetrators of as many as three people.

This data shows that providing legal protection for victims, especially safe houses, is still uncomfortable because even unauthorised parties can know the victim's whereabouts.

### **Strategies used by the police in protecting victims of electronic-based trafficking at Malang Raya Police Station**

Indonesia is a state of law and not a state based on authority alone. Therefore, the applicable provisions must punish every act that violates the law. In the case of human trafficking offences, effective law enforcement is carried out through the application of criminal sanctions applied through an integrated criminal justice system. The crime of Human Trafficking is one of the worst forms of treatment, and this crime has expanded from the form of an organised network into a form of transnational crime committed by individuals, organised groups, and corporations.

This crime continues to grow nationally and internationally. With the development and advancement of technology, information, communication, and transportation, the mode of crime has also developed, and its operation is often carried out behind closed doors and moves outside the law. Human Trafficking is a complicated crime to eradicate and is mentioned by the international community as a form of violation of human rights, namely as a crime against the fundamental principles of justice, which emphasises the recognition that all human beings have the same dignity.

One effort to enforce the law as a social symptom is implementing criminal legislation through the criminal justice system established by the state. This is also the case with law enforcement of the crime of trafficking in minors, where the process of resolving the case is carried out through the criminal justice system.

The criminal justice system is a system within a society to overcome the problem of crime. Overcoming means an attempt to control crime so that it is within the limits of society's tolerance. This system is not the only way to tackle the problem of crime because the state (society) can also try to do so through social efforts, such as in the field of education, improving the standard of living of members of society who are classified as economically weak, reducing unemployment, and other social strategies [10].

The regulation on the legal protection of victims of human trafficking according to Indonesian criminal law, among others:

#### **1. The Indonesia Criminal Code (KUHP)**

According to the Criminal Code, Human Trafficking is regulated in Article 297, which states that Article 297:

Trafficking in women and underage boys shall be punished for up to six years.

Furthermore, the Criminal Code protects victims of human trafficking in the form of compensation for losses suffered by the victim by the perpetrator through the judge's decision to impose a conditional sentence or as a substitute for the main sentence. This is also clarified in KUHP Article 98 § 1, which reads, "If an act which is the basis of an indictment in an examination of a criminal case by a district court causes damage to another person, the presiding judge at the request of that person may decide to combine the case of a compensation claim to the criminal case". Although there is an

explicit provision for the provision of compensation, the implementation of this provision is not free from various obstacles in its implementation, namely:

1.1. The judge cannot give the determination of compensation as a stand-alone sanction in addition to the main punishment, so it is only a "special condition" for the implementation or execution of the principal sentence imposed on the convicted person;

1.2. This particular condition in compensation is only facultative, not imperative.

1.3. The request for compensation can only be submitted at the latest before the public prosecutor files criminal charges.

2. Law No 21 of 2007 on the Eradication of the Crime of Human Trafficking

Article 2:

1) Any individual who recruits, transports, harbours, sends, transfers or receives a person by threat of violence, use of force, abduction, harbouring, falsification, deception, abuse of power or position of vulnerability, debt entrapment or provides payment or benefit despite obtaining the consent of a person having control over another person, to exploit that person in the territory of the Republic of Indonesia, shall be punished with imprisonment for a minimum period of three years and a maximum period of 15 years and a fine of at least IDR 120,000,000.00 and a maximum of IDR 600,000,000.00.

2) If the act referred to in § 1 results in an exploited person, the perpetrator shall be punished with the same punishment as in § 1.

Article 12: "Any individual who uses or exploits a victim of Human Trafficking using sexual intercourse or other immoral acts with a victim of human trafficking, employs a victim of human trafficking to continue the practice of exploitation, or takes advantage of the proceeds of the human trafficking shall be punished with the same punishment as referred to in Article 2, Article 3, Article 4, Article 5, and Article 6."

3. Law No 31/2014 on the Amendment to Law No 13/2006 on the Protection of Witnesses and Victims.

Article 1 point (8): "Protection is all efforts to fulfil the rights and provide assistance to provide a sense of security to Witnesses and/or Victims that

LPSK or other institutions must implement by the provisions of this Law."

Article 5:

1) Witnesses and Victims are entitled to:

a) Obtain protection for their personal safety, family, and property, and be free from threats related to the testimony they will, are, or have given;

b) Participate in the process of choosing and determining the form of protection and security support;

c) Provide testimony without pressure;

d) Receive an interpreter;

e) Be free from incriminating questions;

f) Receive information on the progress of the case;

g) Receive information about court decisions;

h) Receive information if the convicted person is released;

i) Have their identity kept confidential;

j) Receive a new identity;

k) Receive a temporary place of residence;

l) Receive a new place of residence;

m) Obtaining reimbursement of transportation costs by the needs;

n) Receive legal advice;

o) Obtaining temporary living expenses assistance until the Protection time limit expires;

p) Receive assistance.

2) The rights referred to in § 1 are given to Witnesses and/or Victims of criminal acts in some instances by the LPSK Decision.

3) In other than to Witnesses and/or Victims, the rights granted in some instances, as referred to in § 2, may be given to Witnesses, Reporters, and experts, as well as persons who can provide information related to a criminal case even though they did not hear it themselves, did not see it themselves, and did not experience it themselves, as long as the person's information is related to the criminal offence.

Article 6:

1) Victims of serious human rights violations, victims of criminal acts of terrorism, victims of criminal acts of Human Trafficking, victims of criminal acts of torture, victims of criminal acts of sexual violence, and victims of severe maltreatment, in addition to the rights as referred to in Article 5, are

also entitled to 1) Medical assistance; 2) Psycho-social and psychological rehabilitation assistance.

2) The assistance referred to in § 1 shall be provided based on the Decision of LPSK.

Article 8:

"1) Protection of Witnesses and/or Victims as referred to in Article 5 shall be provided since the investigation stage begins and ends by the provisions stipulated in this law.

2) In certain circumstances, protection can be provided immediately after the application is submitted to LPSK."

Legal protection of victims of human trafficking is to protect the rights of every person who is a victim of human trafficking crimes to get the same treatment and protection by law and legislation. Therefore, for every violation of the law that has occurred to the victim and the impact suffered by the victim, the victim is entitled to receive the necessary assistance and protection by legal principles. What is meant by aid and protection of victims is related to the human rights of victims, such as the right to receive physical assistance, the right to receive assistance in resolving problems, the right to regain their rights, the right to receive guidance and rehabilitation, the right to obtain protection from threats and the right to obtain compensation (restitution/compensation) from the perpetrator or the state. KUHAP only provides legal protection to victims through compensation through case mergers and does not regulate other forms of legal protection. The lack of specific legal protection for victims of crime, especially victims of human trafficking, has caused injustice because often, the public prosecutor representing the victim only drops the charges, or the judge gives a relatively light sentence to the perpetrator.

Human trafficking victim protection can include both abstract (indirect) and concrete (direct) forms of protection. Abstract protection is a form that can only be enjoyed or felt emotionally (psychologically), such as a sense of satisfaction. Meanwhile, concrete protection is a form of protection that can be enjoyed in real terms, such as material or non-material gifts. Material protection can be in compensation or restitution, exemption from living expenses or education. Non-material protection can be in the form of freedom from threats from news that degrades human dignity. Protection of victims of human trafficking can be done through law, either administrative, civil or criminal law. The crime of Human Trafficking and

efforts to counter Human Trafficking by Law, through various stages, actually contain efforts to protect victims of Human Trafficking, although still abstract or indirect. However, it can be said that the provision of protection for victims of crime by criminal law still does not show a clear pattern.

One of the efforts to protect victims in human trafficking cases is through court decisions on these events. The assumption is that the higher number of criminal penalties imposed on the perpetrators of human trafficking means that the victim has received legal protection because, with the imposition of severe penalties against the perpetrators, it is hoped that similar incidents will not occur. In other words, potential perpetrators will think twice if they want to commit human trafficking, considering the severe threat. Sudaryono argues that abstract protection is a form of protection that can only be enjoyed or felt emotionally (psychic), such as a sense of satisfaction. Meanwhile, concrete protection is a form of protection that can be enjoyed in real terms, such as material or non-material gifts.

The community that uses mobile phone communication tools lacks direction regarding its utilisation. This leads to the abuse of communication tools that should be used in terms of benefits but are used for negative matters.

Based on the results of an interview with one of the police members at the PPA Unit in Malang, the form of the legal protection of the rights of child victims of trafficking is the protection policy provided to victims, which is essentially an integral part that cannot be separated from the protection policy. Legal protection for child victims of human trafficking includes:

*1. Legal protection of security.* Legal protection of children over their safety encompasses all activities to ensure and protect children and their rights so that they can live, grow, develop, and participate optimally by the dignity of humanity and receive protection from discrimination.

The form of protection provided by the investigating police in the PPA Unit of the Malang Raya Police in the protection of security is personal, family, and property security, as well as freedom from threats related to the testimony that will, is, or has been given. It provides a sense of security to victims without any pressure and is free from entangling questions.

Every child victim has the right to get a temporary residence until they get a new residence, such as rehabilitation in a special place for children so that the child's mentality feels safe from things that are afraid of disturbing the child's mentality and mind. In the rehabilitation process, children are sent back to school and provided with skills education so that later, after rehabilitation, the child returns and is accepted in the community properly without being ostracised. Children also receive temporary living expenses until the protection period ends.

*2. Legal protection of their privacy.* Legal protection of their privacy is critical to provide to children because every child, as a victim of human trafficking, his identity must be kept secret because it affects the growth and development of the child, and just in case something unwanted happens or disturbs the child's mentality and mind. Getting humans treated and placed in the investigation process is carried out in a unique and closed place and separated from adults, accompanied by social services and their parents in the investigation process.

The form of legal protection of privacy provided by investigators at the PPA Unit of the Malang Raya Police is carried out by keeping their identity secret and obtaining a new identity to protect the child from unwanted things in the future, for example, the child is not bullied or ostracised when he returns to the community. When picking up the child from home or school (if the victim is still a student), it must remain hidden to maintain the child's privacy.

*3. Legal protection of the mind.* Regarding the protection of the mind, children have the right to be protected from attacks of mental and physical disorders of that kind because, later, they are afraid of affecting the growth and development of the child. Children are given an increase in physical and psychological recovery.

The form provided by the investigating police in the PPA Unit of the Malang Raya Police is to provide freedom in testimony without pressure and get assistance in providing testimony until the trial so that they do not feel afraid of being provided with medical assistance, psychosocial and psychological rehabilitation so that the child's soul feels calm. When asking for the child's statement, the investigating police must be careful when speaking so that the child feels calm and unafraid.

*4. Legal Protection for the Family.* The legal protection provided to the child's family is critical, such as the identity of the family must be kept secret for fear of disturbing the mental development of the child and his family so as not to be ostracised from the community later. Therefore, the identity of the family and the child must be kept secret so that the child and his family can continue to do and socialise well in the community. The family, especially the parents, are obliged and entitled to accompany the child in the trial and investigation process and have the right to visit when the child is rehabilitated.

According to the author's analysis from the results of interviews with police investigators at the PPA Unit in Malang Raya, the application of legal protection provided to children as victims of human trafficking is by Law No. 13 of 2006, but there is one of the applications of victims' rights that is not by the Law on Witness and Victim Protection and also Law No. 12 of 2022 concerning criminal acts of sexual violence related to the protection of victims whose application is, based on the results of the author's interviews, the victim's investigation process is carried out in the PPA Unit room of the Malang Raya Police because the PPA Unit in Malang Raya does not have a particular room to conduct victim examinations. One of them has not protected victims.

From these problems, it can be seen that investigating victims and witnesses in the PPA Unit of the Malang Raya Police is not by Law No 35 of 2014, amending Law No 23 of 2002 concerning Child Protection. The examination process in the PPA Unit room is not by article 64 of Law No 35 of 2014, which explains that children who are victims of criminal acts must be given special protection, namely humane treatment, provision of special facilities and infrastructure, and the investigation process against children must be kept confidential. One of them has not protected victims in article 42 of Law no 12 of 2022 concerning criminal acts of sexual violence, which reads Within 1 x 24 hours of receiving a criminal report of sexual violence, the police can provide temporary protection to victims. Paragraph 2 temporary protection, referred to in § 1, is given based on a temporary protection order for 14 days from when the victim is handled.

Meanwhile, the investigation process in the field shows that the investigation or examination process in the PPA Unit room is an open-to-the-public place for adult perpetrators. Hence, the

investigation process of this trafficking crime case is no longer confidential because it is placed in an adult examination that is open to the public.

## CONCLUSIONS

Implementation of legal protection against commercial sex workers as victims of human trafficking according to Indonesian criminal law (case study in Malang police jurisdiction), namely coordinating with P2TP2A Malang Raya and the Malang Social Service to provide integrated services, women's and children's service centres and safe houses provided to victims of human trafficking. The form of legal protection that has been given is protection in the abstract form (indirect) in the form of emotional satisfaction and concrete form (direct) in the form of safety from threats and safety from the news given to all victims, totalling three people. Concrete (direct) forms of protection include medical assistance for two people, compensation, and safe houses for three people. However, this form of legal protection has not been effectively implemented, such as protecting a secure home for three victims. There is also one that has not been given protection to keep the victim away from the perpetrator, and there are still unauthorised parties who know about it regarding the examination.

Strategies used in protecting victims of trafficking  
The legal protection provided to children as

victims of trafficking is by Law No. 13 of 2006. Still, there is one of the applications of victims' rights that is not by the Law on Witness and Victim Protection whose implementation is that the victim's investigation is carried out in the PPA Unit of the Malang Raya Police because the PPA Unit of Malang Raya does not have a particular room to conduct victim examinations. The examination process in the PPA Unit room is not by Article 64 of Law Number 35 of 2014, which explains that children who are victims of criminal acts must be given special protection, namely humane treatment, provision of special facilities and infrastructure, and the investigation process against children must be kept confidential.

There is a need to increase and cultivate moral and religious values in the family environment so that fellow family members can look after each other and advise each other so that behavioural deviations do not occur. There is a need to instil knowledge about early sex education and its effects on those who do.

The government should provide counselling, financial assistance and skills for commercial sex workers as victims of trafficking so that they have the skills to change their future.

The government should pay attention to the legal protection of victims of human trafficking, especially the safe house standard, so that victims feel safe, comfortable and protected.

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