

Legal Certainty of Restitution for Victims of Human Trafficking Crimes

Original Article

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Abstract

Case Number 7834 K/Pid.Sus/2024 concerns a human trafficking offence in which the cassation ruling imposed custodial punishment and mandated restitution calculated by the Witness and Victim Protection Agency (LPSK). This research is motivated by the need to protect victims' rights through restitution, despite ongoing implementation issues. Focusing on the degree of legal certainty in the implementation of restitution, this study analyzes the relevant decision through a normative juridical lens. The methodology incorporates statutory, conceptual, and case-based approaches, all of which are applied to secondary data consisting of primary legal sources, secondary literature, and tertiary references. The results showed that legal certainty regarding restitution for victims of human trafficking still faces various obstacles in Law No. 21 of 2007, which does not clearly regulate how to calculate, determine, and enforce compensation payments. The Supreme Court's decision in this case fills a legal void in Law No. 21 of 2007 by emphasizing that restitution must be calculated accurately based on the actual losses suffered by the victim, and recognizing the LPSK's calculation as a valid basis for determining the amount of restitution. It was concluded that the Supreme Court ruling strengthens legal certainty by legitimizing the LPSK's assessment, thereby providing a more concrete mechanism for enforcing restitution. The findings are expected to generate recommendations for law enforcement authorities and LPSK on the significance of enforcing restitution as an integral component of restoring victims' rights and achieving justice in human trafficking cases.

Keywords: Human Trafficking Crimes, Legal Certainty, Restitution, Supreme Court, Witness and Victim Protection Agency (LPSK).

1. Introduction

Human trafficking is a complex transnational crime that exploits vulnerable individuals, particularly women and children, through both structured and informal criminal networks operating across borders (Muawanah et al., 2020). This offence involves various methods, making it increasingly sophisticated and difficult to prosecute. Perpetrators include not only individuals but also corporations and even state actors who abuse their power and authority for unlawful purposes. Victims typically come from unfavorable economic conditions and lack access to basic needs and rights, including economics, education, and health, rendering them susceptible to exploitation (Gonibala et al., 2025).

Case No. 7834 K/Pid.Sus/2024 concerns a human trafficking offence in which the cassation ruling imposed custodial punishment and mandated restitution calculated by the Witness and Victim Protection Agency (LPSK). This research is motivated by the need to protect victims' rights through restitution, despite ongoing implementation issues. This study examines the degree of legal certainty in the implementation of restitution within this decision. It adopts a normative juridical framework, employing statutory, conceptual, and case-based approaches. The research relies on secondary data comprising primary legal



sources, secondary literature, and tertiary references. The results showed that legal certainty regarding restitution for victims of human trafficking still faces various obstacles in Law No. 21 of 2007, which does not clearly regulate how to calculate, determine, and enforce compensation payments.

The Supreme Court's decision in this case fills a legal void in Law No. 21 of 2007 by emphasizing that restitution must be calculated accurately based on the actual losses suffered by the victim, and recognizing the LPSK's calculation as a valid basis for determining the amount of restitution. It was concluded that the Supreme Court ruling strengthens legal certainty by legitimizing the LPSK's assessment, thereby providing a more concrete mechanism for enforcing restitution. The findings are expected to generate recommendations for law enforcement authorities and LPSK on the significance of enforcing restitution as an integral component of restoring victims' rights and achieving justice in human trafficking cases.

In Indonesia, efforts to combat human trafficking were implemented with the passing of Law No. 21 of 2007 on Combating Human Trafficking. This regulation is considered a significant step because it not only focuses on sanctions for perpetrators, but also provides a comprehensive structure to protect and rehabilitate victims. Based on information from the National Police Criminal Investigation Unit, in 2025 there were at least 404 people who were victims of human trafficking. This data was taken from the National Police Criminal Investigation Unit website for the period January to 15 July 2025 (Aisyah, 2025).

Victims of human trafficking endure a wide spectrum of severe and inhumane experiences. This crime inflicts profound harm on their lives, with consequences that are frequently enduring. From a physical health perspective, victims are commonly subjected to conditions that expose them to various diseases and serious health risks. In addition to mental stress, they can also become infected with diseases due to living and working conditions that greatly affect their health. In addition to health problems, children who are victims often experience growth delays. From a mental perspective, most victims face stress and depression as a result of their experiences. Many victims of human trafficking tend to isolate themselves from social interaction (Nugroho & Roesli, 2017).

Several examples related to human trafficking crimes show that judges have decided that perpetrators should receive additional punishment in the form of restitution. One illustration is Case No. 7834 K/Pid.Sus/2024, which involved the defendants Hajjah Rohyana Dewi, Haji Sarimah, and Jumedhan. The Public Prosecutor brought charges against the defendants for having engaged in criminal conduct by aiding or attempting to perpetrate human trafficking and by unlawfully removing Indonesian citizens from the territory of the Republic of Indonesia, as prescribed under Article 10 in conjunction with Article 4 of Law No. 21 of 2007. In its cassation decision, the Supreme Court not only imposed terms of imprisonment but also mandated the fulfilment of restitution obligations as determined on the basis of loss assessments conducted by the Witness and Victim Protection Agency (LPSK).

Based on this background, two principal issues may be formulated in this study. First, to what extent is legal certainty ensured in the application of restitution for victims of human trafficking as reflected in Case No. 7834 K/Pid.Sus/2024, and what measures have been undertaken to realize the restitution rights of victims of human trafficking crimes? Second, this study seeks to examine and analyze the legal certainty of restitution for victims of human trafficking within the context of Criminal Case No. 7834 K/Pid.Sus/2024. Through this analysis, it is expected that constructive recommendations can be formulated for law enforcement authorities, including judges, prosecutors, legal counsel, state officials, the police, and the Witness and Victim Protection Agency (LPSK), emphasizing the crucial role of

restitution in human trafficking cases as a means of ensuring that victims' rights are fulfilled and that justice is realized during their physical and psychological recovery process.

2. Literature Review

2.1. Theoretical Framework

2.1.1. Theory of Legal Certainty

Legal certainty constitutes an assurance that legal norms are properly applied, that individuals entitled to legal rights are able to realise those rights, and that judicial decisions are capable of effective enforcement. It offers dependable protection against arbitrary conduct, signifying that a person can reasonably attain what is lawfully expected within a particular circumstance. Grammatically, certainty comes from the word *pasti*, which means established, mandatory, and clear (Halilah & Arif, 2021). Legal certainty requires regulatory instruments that can support and implement its operations. In practice, these regulations must be applied consistently and continuously by the human resources that support them (Manan, 1998).

2.1.2. Theory of Legal Protection

Philipus M. Hadjon describes legal protection as an all-encompassing framework designed to shield the rights of people and the wider community through a diverse set of actions and legal structures. The core purpose is to assure that every citizen has equal opportunity to fairness, safety, and unbiased handling within the legal system. This concept spans various fronts, including the prevention of violence, discrimination, power abuses, and human rights infringements. Ultimately, it is brought to life through equitable legislation, an impartial court system, and strong enforcement of the law (Bediona et al., 2024)

Protection in the context of victims of crime broadly covers two aspects, namely: (Mansur & Gultom, 2007)

- 1) Protection so that a person does not become a victim of crime or similar to the protection of human rights and individual legal interests.
- 2) Protection to obtain legal guarantees or compensation for the suffering or losses experienced by individuals who have been victims of crime, including the right of victims to receive assistance and fulfilment of their rights to access justice and fair treatment, such as restitution and compensation, medical services, and legal assistance.

2.2. Conceptual Framework

2.2.1. Restitution

The definition of restitution in the context of victims' rights refers to the provision of compensation by the perpetrator of a crime to the affected person. The reason why victims are entitled to compensation is because they have been the object of criminal acts committed by the perpetrator. The occurrence of crimes that cause harm to victims creates instability in society and damages existing trust. Therefore, in order to restore trust and remedy the situation that has been disrupted, perpetrators are responsible for compensating victims for the harm they have suffered (Sulistiani, 2022).

Restitution denotes compensation paid by offenders to victims on the basis of a court decision that has attained final and binding legal force. As an instrument for the restoration of victims' rights, restitution is designed to, insofar as possible, reinstate victims to the condition they occupied prior to the commission of the offence (Muaja & Lembong, 2024).

2.2.2. Criminal Law

Criminal law is a set of rules governing the sanctions or penalties to be imposed for certain offences, as well as the various types of penalties appropriate to those offences (Susilo et al., 2021). Indirectly, the term Criminal Law encompasses the idea of imposing punishment, which is the main characteristic that distinguishes Criminal Law from other fields of law such as Civil Law and Administrative Law. Many legal experts believe that Criminal Law has a different function within the legal structure, because Criminal Law does not produce new legal norms, but rather reinforces existing norms in various fields of law by threatening punishment for those who violate these norms (Zaidan, 2022).

The term criminal law according to Wirjono Prodjodikoro refers to the translation of the term strafrecht in Dutch during the Japanese occupation. Strafrecht is defined in legal dictionaries as regulations that include commands and prohibitions, as well as sanctions in the form of certain punishments prepared for violators, which are characteristic of criminal law. In both dictionaries mentioned above, the word criminal is usually combined with the concepts of unlawful acts (as crimes), sanctions or punishments, and ways of assessing punishment. This shows that these three aspects are inseparable when the term criminal is used. Criminal law relates to prohibited acts (criminal offences), sanctions or punishments, such as imprisonment, or even ways of punishing offenders (Tomakati, 2023).

2.2.3. Human Trafficking

Law No. 21 of 2007, Indonesia's primary legislation on trafficking, provides a detailed definition of the crime in its first article. It describes human trafficking as a process involving the movement or handling of people through recruitment, transfer, or harboring achieved by improper means. These improper methods range from physical force and kidnapping to psychological manipulation like fraud and deception, as well as economic coercion such as debt bondage. A key element is the abuse of a position of power or vulnerability. The law clarifies that this crime applies to both domestic and international cases. The defining goal behind these actions is exploitation, which the statute explicitly interprets as encompassing sexual exploitation, forced labor, practices akin to slavery, and the illicit trade of human organs (Makhfudz, 2015). Human trafficking is an extraordinary crime that has a widespread impact on human dignity, rights and welfare. Victims of human trafficking not only suffer physical and psychological distress, but also significant economic losses as a result of exploitation by perpetrators (Nurillah et al., 2025).

3. Methods

3.1. Type of Research

The approach adopted for this study is normative legal research. This method, often termed doctrinal legal research, is fundamentally a mode of legal inquiry that relies on the meticulous examination of literature and other secondary data (Soekanto & Mamudji, 2007). In this context, law is commonly perceived as that which is embodied in statutory provisions (law in books), or as a set of rules and norms that function as standards guiding human conduct deemed appropriate within society (Asikin, 2008).

3.2. Research Approach

This study is descriptive in nature, using a legislative approach and a case approach (Marzuki, 2005). This research employs a legislative approach by examining and analysing statutory provisions related to the Law on the Eradication of Trafficking in Persons, as well as legal norms governing restitution within the framework of witness and victim protection,

including regulations promulgated by the Supreme Court. In addition, this study also applies a case approach related to the sentencing of perpetrators of human trafficking with compensation sanctions in the form of restitution in accordance with the Cassation decision of the Supreme Court of the Republic of Indonesia Number 7834 K/Pid. Sus/2024 and compares it with other Cassation decisions of the Supreme Court that already have permanent legal force and are interrelated.

3.3. Data and Data Sources

This investigation relies on secondary data, categorized into three tiers of legal materials. The first tier, primary legal materials, includes key legislative instruments such as the 1945 Constitution of the Republic of Indonesia, the Criminal Code (KUHP), and Law No. 21 of 2007 on the Eradication of the Criminal Act of Trafficking in Persons. It also encompasses amendments and regulations relevant to victim protection and restitution, namely Law No. 31 of 2014, Government Regulation No. 35 of 2020, and Supreme Court Regulation No. 1 of 2022. The second tier, secondary legal materials, comprises doctrinal literature and peer-reviewed journal articles that specifically examine the provision of restitution to victims of human trafficking. Finally, tertiary legal materials including legal dictionaries and encyclopedias serve as supplementary resources to aid in the interpretation and comprehension of the primary and secondary sources.

3.4. Data Analysis

The data analysis technique used in this study employs a qualitative data analysis method with a normative approach. All data obtained, whether from primary, secondary, or tertiary legal sources, is analysed descriptively and analytically to elaborate on the legal provisions governing the provision of restitution to victims of human trafficking.

4. Results and Discussion

4.1. Legal Certainty Regarding the Provision of Restitution for Victims of Human Rights Violations Based on Case Decision Number 7834 K/Pid.Sus/2024

Restitution in cases of human trafficking constitutes a right vested in victims, to be fulfilled by perpetrators or, where applicable, third parties as a form of redress for losses and as an instrument of legal protection. Such restitution may encompass compensation for both material and immaterial harm suffered by victims, including, but not limited to, basic transportation expenses, legal representation fees, and other costs incurred in the course of legal proceedings. Restitution, unlike compensation, may be awarded to victims in a defined set of cases. These include serious human rights violations, acts of terrorism, human trafficking, discrimination based on race or ethnicity, crimes involving minors, and any other offences specified by the Witness and Victim Protection Agency in its decrees, all in accordance with the law (Novianti & Frimer, 2025).

Restitution, as defined in Article 1 point 13 of Law No. 21 of 2007, is a legally mandated payment from a criminal offender to the victim or their heirs. It is only payable upon a final and binding court order. The compensation covers two distinct categories of loss: material losses, such as damage to property, medical bills, and other financial costs incurred due to the crime; and immaterial losses, which address the psychological suffering and social harm caused by trafficking. Substantively, restitution is a recovery mechanism that places the perpetrator as the party directly responsible for the victim's losses. This instrument not only serves as a form of criminal accountability, but also as a means of protecting victims, as its

purpose is to restore the victim's condition as close as possible to what it was before the crime occurred. In the context of human trafficking crimes, which often cause complex, prolonged, and multidimensional suffering, restitution is an important tool to ensure that victims obtain real recovery through formal legal channels.

Under Article 48 of Law Number 21 of 2007, all victims of human trafficking, along with their heirs, are entitled to receive restitution, a form of compensation imposed upon the offender. This entitlement encompasses a range of losses, such as deprivation of property or earnings, the physical and emotional suffering endured, expenditures for medical and psychological care, and any additional damages resulting from the trafficking offense. This provision requires that the amount of restitution be explicitly stated in the court's verdict when the case is decided, and its implementation can begin as soon as the verdict is handed down at the first level. To ensure the effectiveness of recovery, the law also allows for the temporary deposit of restitution money in court until the verdict becomes final and binding. Furthermore, restitution payments must be made within 14 days after the final and binding decision is notified to the perpetrator.

In human trafficking cases, victims may pursue compensation in the form of restitution through two distinct mechanisms. First, a request for restitution may be submitted at the time the offence is reported to the local police authority. Second, victims may also seek restitution by initiating a civil action before the competent District Court to recover the losses they have incurred. Provisions concerning restitution are stipulated in Article 48 of Law No. 21 of 2007 on the Eradication of the Criminal Act of Trafficking in Persons. Nevertheless, the statute does not explicitly delineate the method for determining the amount of restitution to be awarded. In practice, judicial panels commonly rely on loss assessments prepared by the Witness and Victim Protection Agency in determining restitution. Accordingly, several guiding principles must be taken into account in the assessment of restitution compensation, namely as follows (Kriswiansyah, 2023):

- 1) The compensation requested is the loss suffered by the other party, including the victim;
- 2) The amount of compensation that can be requested is limited to the material losses suffered by the other party, including the victim;
- 3) Claims for compensation related to criminal cases must be filed no later than before the public prosecutor files a criminal request;
- 4) Claims for compensation must be filed no later than before the judge issues a decision;
- 5) Claims for compensation must be related to the consequences of the defendant's actions and do not cover other losses.

One example of a case involving the award of restitution compensation to victims of human trafficking is Criminal Case No. 7834 K/ Pid.Sus/2024, which originated from the recruitment of prospective Indonesian Migrant Workers (PMI) carried out by H. Sarimah Ibnu Sedah and Jumedhan, who acted on behalf of Hj. Rohyana Dewi, as Branch Manager of PT. Putri Samawa Mandiri in West Nusa Tenggara Province. The perpetrators offered employment in Taiwan through the company they operated by presenting foreign agency documents that they claimed had been approved by the Indonesian Chamber of Commerce and Industry in Taiwan.

During the recruitment process, 41 prospective PMIs underwent medical examinations and paid a sum of money for administrative costs. However, it was later discovered that PT. Putri Samawa Mandiri did not have any Job Orders (JO) in the building construction sector in Taiwan and did not have a recruitment permit for PMI in that sector. Accordingly, the entire recruitment process was conducted unlawfully and resulted in both material and immaterial

losses to the victims. The case was subsequently adjudicated by the Mataram District Court in Decision No. 11/Pid.Sus/2024/PN Mtr dated 29 May 2024, which declared the defendants guilty of human trafficking as stipulated under Law No. 21 of 2007. At the first instance, the District Court sentenced H. Sarimah Ibnu Sedah and Jumedhan to 7 (seven) years' imprisonment, and Hj. Rohyana Dewi to 8 (eight) years' imprisonment. This verdict was subsequently upheld by the West Nusa Tenggara High Court in its Decision Number 119/Pid.Sus/2024/PT MTR.

At the level of cassation, the Supreme Court, through Decision No. 7834 K/Pid.Sus/2024, not only reaffirmed the defendants' criminal responsibility but also undertook a substantive modification of the judgment, particularly concerning the fulfilment of restitution for the victims. Such modification was imperative to bring the formulation of the ruling into conformity with Article 48 paragraph (6) in conjunction with Article 50 paragraphs (3) and (4) of Law No. 21 of 2007 on the Eradication of the Criminal Act of Trafficking in Persons, provisions which explicitly impose upon judges the obligation to ensure that the mechanism for the payment of restitution to victims of human trafficking is articulated with clarity, possesses enforceable legal effect, and is binding upon the perpetrators. Through this editorial refinement, the Supreme Court affirms that restitution, as a substantive right of victims, can in fact be realized and paid by the defendant as compensation for losses arising from the crime of human trafficking. This cassation judgment underscores the centrality of victim protection through a restorative justice approach as an integral component of the criminal justice system.

The lack of explicit regulatory provisions within Law No. 21 of 2007 on the Eradication of the Criminal Act of Trafficking in Persons concerning the mechanism for the awarding of restitution is distinctly manifested in Supreme Court Decision No. 7834 K/Pid.Sus/2024. In this case, the Supreme Court Panel rectified the judgments of both the District Court and the High Court, as each had erred in determining the form and procedure for the payment of restitution. The *judex facti* had previously held that restitution could be substituted with a term of imprisonment, whereas Article 48 paragraph (6) in conjunction with Article 50 paragraphs (3) and (4) of the TPPO Law unequivocally require restitution to be fulfilled through the legally prescribed mechanism and prohibit its replacement with an alternative form of punishment. Legal certainty regarding restitution for victims of human trafficking is still not guaranteed because Law No. 21 of 2007 does not clearly regulate how to calculate, determine, and collect restitution.

This regulatory vacuum forces judges to seek other references outside the law, including using loss calculations from the LPSK. Although this step helps victims, it does not provide strong legal certainty because it is not directly regulated in Law No. 21 of 2007. Cassation Case Number 7834 K/Pid.Sus/2024 shows that the Supreme Court must revise the previous court ruling so that restitution can be paid correctly to victims. This also confirms that restitution cannot be replaced with other penalties and must follow the correct mechanism. The ruling is proof that the court was forced to fill the legal void to protect victims. Because human trafficking is an extraordinary crime that causes great harm to victims, the state must provide stronger and more certain protection. Therefore, revisions to Law No. 21 of 2007 are urgently needed, particularly to regulate in detail how to calculate the value of restitution, who assesses it, how it is paid, and how to ensure that restitution is actually received by victims.

4.2. Protection of Restitution Rights for Victims of Human Trafficking Offences

Beyond correcting legal procedure, the Supreme Court's decision in Case 7834 fundamentally reinforces the substantive protection of victims' restitution rights. In cases involving victims of human trafficking, such conditions may result in the erosion of fundamental rights, including the right to complete education and the right to pursue a livelihood, both of which constitute obligations of the state to protect and fulfil. Accordingly, the government has instituted a legal protection framework aimed at safeguarding the rights of children who fall victim to human trafficking by recognising and guaranteeing their entitlement to restitution, as provided under Law No. 21 of 2007 on the Eradication of the Criminal Act of Trafficking in Persons, which functions as the prevailing legal basis in Indonesia.

Cassation Decision No. 7834 K/Pid.Sus/2024 underscores the imperative of fulfilling the right to restitution for victims of human trafficking as a form of mandatory and non-negotiable legal protection. Although immaterial restitution was not granted in this case, the Supreme Court emphasised that material losses must be recovered proportionally in accordance with the actual value of the victims' losses. This affirmation also closes a legal loophole that often occurs at the level of *judex facti*, where restitution is often decided in a manner that is not in accordance with the mechanisms of Law No. 21 of 2007. With this correction through the cassation decision, the Supreme Court provides a more consistent interpretation based on victim protection.

In this context, the Witness and Victim Protection Agency (LPSK) play a central role because it is this agency that has the authority to calculate, verify, and recommend the amount of restitution. The role of the Witness and Victim Protection Agency (LPSK) is very important, especially when victims do not have the bargaining power, legal knowledge, or courage to fight for their rights independently. Through a clear and structured administrative mechanism beginning with the submission of an application, followed by verification, substantive assessment, and the determination of the restitution amount, the Witness and Victim Protection Agency (LPSK) ensure that the punishment of perpetrators extends beyond mere imprisonment to encompass the genuine recovery of victims. In this context, the Supreme Court expressly emphasized the use of loss assessments prepared by the LPSK as the foundation for determining a restitution amount that is more proportionate and in accordance with the law.

Provisions governing the Witness and Victim Protection Agency (LPSK) are enshrined in Article 6 of Law No. 31 of 2014, which amends Law No. 13 of 2006 on the Protection of Witnesses and Victims. Pursuant to this provision, the LPSK is entrusted with the mandate to prioritise the protection of human rights for victims of serious criminal offences, including the crime of human trafficking. Accordingly, the cassation decision illustrates the essential continuity and synergy between the role of judges and the LPSK in realizing comprehensive legal protection for victims of human trafficking. Strengthening the role of the LPSK ensures that the fulfilment of restitution rights is not merely a procedural formality, but a right that can be effectively accessed and genuinely realized by victims.

The fulfilment of rights through compensation payments in the form of restitution to victims or affected parties is expected to provide certain protection to compensate for all losses resulting from human trafficking crimes. However, in practice, there are still many obstacles to fulfilling restitution rights for several reasons. First, there are conflicting application processes. The Law on the Eradication of Human Trafficking stipulates that victims must submit compensation claims to prosecutors, who will then detail the number of losses suffered

by the victims in their reports. Meanwhile, the Law on Witness and Victim Protection regulates the process of fulfilling restitution claims with the condition that the Witness and Victim Protection Agency (LPSK) be involved in the restitution application. Second, the Law on Human Trafficking Crimes does not contain clear regulations regarding the implementation of restitution procedures, which causes legal uncertainty. Thirdly, the maximum alternative sanction is only one year, which makes perpetrators prefer alternative sanctions to paying high amounts of restitution (Ilma, 2024).

The Supreme Court, through Supreme Court Regulation (PERMA) No. 1 of 2022, establishes a clearer and more systematic legal framework governing the procedures for submitting requests for and granting restitution and compensation to victims of criminal offences. Although this regulation applies to criminal cases in general and does not specifically address human trafficking crimes, its existence remains significant in enhancing legal certainty and ensuring effective protection for victims of human trafficking. The procedural clarity established in the PERMA ensures that the rights of victims, including victims of human trafficking, can be submitted, examined and decided in a more accountable manner by the courts. Article 8 of PERMA Number 1 of 2022 opens up wider access for victims to claim their restitution rights.

No longer limited to the LPSK, investigators, or public prosecutors, victims themselves can now submit restitution requests directly to the court. This is an important step forward as it strengthens the Indonesian criminal justice system. By providing victims with the opportunity to file claims independently, this PERMA prevents a gap in protection for victims of human trafficking crimes in obtaining their restitution rights. This regulation also provides justice for victims to seek compensation for their losses directly before a panel of judges. Thus, the convicted person cannot guarantee the restitution obligation if, due to lack of assets, it is replaced with imprisonment. This provision reinforces the principle that restitution is part of the victim's recovery and not merely an addition to the principal punishment. This is particularly relevant to Law Number 13 of 2006 as an extraordinary crime, where the suffering of victims is multidimensional and requires real recovery.

5. Conclusion

Legal certainty regarding restitution for victims of human trafficking still faces various obstacles in Law No. 21 of 2007, which does not clearly regulate how to calculate, determine, and implement restitution payments. This regulatory vacuum has led to inappropriate decisions by courts of first instance and appeal courts when determining restitution that can be replaced with imprisonment, even though the law explicitly requires restitution to be paid through a specific mechanism and cannot be replaced with other penalties. The Supreme Court's correction highlights the importance of ensuring that every victim receives their full rights in accordance with their actual losses. In addition, the use of loss calculations from the Witness and Victim Protection Agency (LPSK) ensures that the restitution process is objective, measurable, and accountable. The government should revise Law No. 21 of 2007 to provide legal certainty for victims so that everyone can obtain their rights, not only material but also immaterial.

Cassation Case Number 7834 K/Pid.Sus/2024 shows that fulfilling the right to restitution for victims of human trafficking is an essential part of the legal protection that must be provided by the state. The Supreme Court's decision in this case fills a legal vacuum in Law No. 21 of 2007 by emphasizing that restitution must be calculated accurately based on the actual losses suffered by the victim, and establishing the calculations of the Witness and Victim

Protection Agency (LPSK) as the valid basis for determining the amount of restitution. Through PERMA No. 1 of 2022, the Supreme Court provides a clearer mechanism for victims to file restitution claims, including directly to the court, so that there are no longer any administrative barriers that weaken the recovery of victims. Strengthening the role of the Witness and Victim Protection Agency (LPSK), particularly in verification, loss calculation, and restitution recommendations, is an important instrument to ensure that recovery does not stop at the punishment of the perpetrator, but also provides real recovery to the victim. Thus, the synergy between regulations, court decisions, and victim protection mechanisms demonstrates that the fulfilment of restitution is not only a legal obligation but also a manifestation of the state's commitment to addressing human trafficking as an extraordinary crime that requires a comprehensive, fair, and victim-centred approach to recovery.

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