Concept of Compensation for Child Victims In the Crime of Human Trafficking Based on Justice Values

M. Arief Kurniawan[1], Triono Eddy[2], Adi Mansar[3]
m_arief_kurniawan@yahoo.co.id

[1] **Mahasiswa Program Doktor Hukum Universitas Muhammadiyah Sumatera Utara**
[2,3] **Dosen Program Doktor Hukum Universitas Muhammadiyah Sumatera Utara**

Article Info

Abstract

Children are a gift from God that is inseparable from the survival of a nation, so their existence must be protected from everything that can damage them physically or mentally. Children who are victims of criminal acts of human trafficking should be treated like victims who should be protected by the government through existing laws and regulations so that child victims are no longer victims in a legal process with its various dynamics. Compensation for child victims in criminal acts of human trafficking based on the value of justice is realized through compensation. Compensation from the state is given in the event that the perpetrator of the crime of trafficking in persons is unable to pay restitution and the victim is a child, then the restitution can be replaced by providing compensation from the state to the child victim. Furthermore, with the concept of compensation in the form of compensation for child victims, reconstruction of article 48 of Law no. 21 of 2007 concerning the Eradication of the Crime of Human Trafficking, namely the addition of paragraph 8 (eight) in article 48 which states: "In the event that the perpetrator of the criminal act of human trafficking is unable to pay restitution while the victim is a child, the restitution can be replaced by providing compensation from the state towards the victim's children or their heirs

I. Introduction

Justice is part of the principles in the juvenile criminal justice system as mandated by Article 2 of Law No. 11 of 2012 concerning the Juvenile Criminal Justice System so that by making justice a principle, every action taken against children, especially in the judicial process, must prioritize justice. The value of justice is not only applied to children who are in conflict with the law but is also applied to child victims in a criminal act, especially in the crime of human trafficking as a criminal act which not only concerns economic aspects but also concerns human rights aspects.

Children are a gift from God that is inseparable from the survival of a nation and state. In the Indonesian constitution, children have a strategic role which is explicitly stated that the state guarantees every child's right to survival, growth and development as well as protection from violence and discrimination.

Soerjono Soekanto stated: "A child is someone who is born from the marriage of a woman and a man (including someone who is born to a woman even though she has never been married)." Meanwhile, the definition of child victims is regulated in article 1 paragraph 4 (four) of Law No. 11 of 2012 concerning the Child Criminal Justice System which states: "Children who are victims of criminal acts, hereinafter referred to as child victims, are children who are not yet 18 (eighteen) years old.) years who experienced physical, mental, and/or economic loss caused by criminal acts (Soekanto, 2006)."

The criminal act of trafficking in persons is increasingly widespread, both in terms of mode, quality and quantity. The widespread development of criminal acts of human trafficking cannot be separated from the poverty factor which is still endemic in Indonesia. Many people are tempted by the lure of jobs with high salaries, thus encouraging children, especially in areas far from the city center, far from information about crime, to follow the perpetrator's invitation, which ultimately results in children, as a group considered vulnerable, always becoming victims of criminal acts of human trafficking. Children become victims of criminal acts of human trafficking due to various forms of exploitation, including:

a. a. Children who are involved in the world of prostitution by making children into commercial sex workers, either in the localization area or outside the localization area;
b. b. Children who are exploited become street beggars on the streets or in big cities where recruits usually come from suburban areas far from the city center. These children are usually promised work in the city with decent work but when they arrive in the city they are told to beg on the side of the road or at a crossroads;
c. c. Girls are employed as servants in the household because this job is a job that is easy to get for girls who have no skills and weak education;
d. d. Children are used as victims as intermediaries or narcotics dealers with the promise of a fairly large salary and they can often join a narcotics syndicate.

e. Other work carried out by children is exploitative in nature, for example employing children in jermals or companies by providing children with cheap income (Irwanto, 2001).

The term human trafficking in the international arena was initially presented at the United Nations General Assembly in 2000 using a protocol in the context of preventing and eradicating and punishing perpetrators of human trafficking called the Palermo Protocol (Sitania, 2020). The Palermo Protocol is an agreement that binds all countries in the world to ratify legislation regarding human trafficking (Sinlaeloe, 2020). Indonesia, as a country that is active in eradicating human trafficking, has also ratified the Palermo Protocol by ratifying Law Number 21 of 2007 concerning the Eradication of Criminal Acts in Persons on April 19 2007.

Human trafficking is a form of slavery that has been modernized and occurs not only on a national scale but also across countries. The ratification of the Palermo Protocol by the Indonesian state implicitly provides an obligation for the UN to participate in making efforts to prevent criminal acts of human trafficking, especially cross-border human trafficking (Kristin, 2017). With the development of information, communication and transformation technology, the crime of human trafficking is also becoming more sophisticated and modern.

Children who are victims of criminal acts of human trafficking should be treated like victims who deserve to be protected by the government by guaranteeing the rights they should have so that child victims are no longer victims in a legal process with its various dynamics. In criminal law, the granting of rights to victims of a criminal act is based on 2 (two) models, namely:

a. Procedural rights model, namely that services are provided with greater emphasis on the victim's activeness in fighting for their rights in a criminal process.
b. Service model, namely the services provided are more focused on the preparation of official service standards for victims by law enforcement officials so that legal officials in carrying out actions against victims pay more attention to the regulations that have become operational standards..

If viewed from a criminological perspective, victims can be divided into several types of victims, namely:

a. Victims who do not care about crime prevention, including those who themselves are victims of the crime;
b. Victims who have a character so that with that character they often make themselves the victim;
c. Victims who become victims because of stimulation from themselves;
d. Victims who become victims because of their behavior that makes them victims;
e. Victims who become victims because of their own actions;

Regardless of the various criteria for victims as stated by experts, child victims in the crime of human trafficking must still be given compensation that reflects the value of justice so that the goal of the best interests of children, especially child victims in

the crime of human trafficking, is achieved.

2. Research Method

The type of research in this research is normative legal research. Normative legal research is a method or method used in legal research by examining existing library materials (Soekanto, 2009). This normative legal research is exploratory and prescriptive. Exploratory research is excavation research, digging to find (concepts or problems) (Kadarudin, 2021). Prescriptive is research that aims to get suggestions about what should be done to overcome certain problems (Purwati, 2020).

3. Results and Discussion

Concept of Compensation for Child Victims in Human Trafficking Crimes Based on the Value of Justice

One form of providing justice for child victims is compensation. Compensation is a gift to the party who suffers losses by taking into account the damage or loss of something suffered by the victim (Bentham, 2006). Most victims of human trafficking experience trauma due to physical, psychological and/or sexual violence so they need to be given protection, one of which is the right to obtain restitution (Permatasari, 2019).

In the context of human rights, restitution is a form of fair recovery for victims without the need to link it to the judicial process (Wagiman, 2007). Meanwhile, in the context of state life and in the context of protecting and providing justice to victims, the state has an obligation, one of which is to ensure that restitution from the perpetrator to the victim of the crime of human trafficking can be carried out as expected (Marlina, 2015). Victims in a criminal act must receive their rights in the form of compensation from the perpetrator and the perpetrator's family (Kunarto, 1996). The losses experienced by victims can be divided into several forms, namely:

a. Material losses, which can be in the form of damage to the victim's belongings or injuries suffered by the victim;
b. Immaterial losses, namely losses that are difficult to assess because they are subjective and usually these losses are related to psychological fear or trauma that is difficult to heal so that it can result in a loss of self-confidence in the victim (Muladi, 1992).

Legal protection for crime victims, which is part of community protection, can be realized in various forms, including through the provision of restitution (Mansyur, 2007). For child victims in criminal acts of human trafficking, restitution is not only a form of protection for child victims but also a form of providing justice for child victims. It is not uncommon for victims to feel disappointed with the administration of law which sometimes tends to pay attention to the human rights of suspects or defendants while the human rights of victims are often ignored (Marzuki, 1995).

Children who are victims of criminal acts of human trafficking will experience suffering, material or non-material losses due to the perpetrator's actions, so to compensate for these losses, the perpetrator must be charged with paying restitution as a form of responsibility for the actions they have committed. For perpetrators, giving restitution is a form of responsibility, while for child victims, giving restitution is a form of providing a sense of justice for child victims in the crime of human trafficking.

Restitution for child victims in criminal acts of human trafficking has objectives

including:

1. There are costs or additional costs in rehabilitating child victims;
2. Provide relief for the suffering experienced by child victims;
3. There is a return in the form of material for something lost as a result of a criminal act committed by the perpetrator;
4. As a cold antidote for the heirs if the victim's child dies.

Meanwhile, restitution for perpetrators of criminal acts of human trafficking is aimed at:

1. Becomes a mitigating circumstance for the defendant in the event of sentence being imposed by the Judge;
2. Reducing vigilante actions by child victims or families of child victims due to a sense of wanting to take revenge for the actions committed by traffickers;
3. As an effort to socially rehabilitate perpetrators in society.

Compensation in the form of restitution is part of Indonesian customary law that has existed since the Majapahit era, known as panglicawa which was regulated in written regulations at that time (Prakoso, 1987). The compensation arrangements regulated in Panglicawa are contained in several articles, namely:

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If a thief applies for life, then he must redeem his release in the amount of eight ropes, pay a fine of four laksa to the ruling king, pay the loss (panglisyawa) to the person who was stolen by returning everything he took twice as much (Sudarto, 1986) .

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Whoever rides a cart, horse or any other vehicle if it violates or tramples a person to death, he himself or his driver will be fined two laksa by the ruling king, replaced by eight cords of compensation (pamidara) to the owner of the offense or to the person's relatives the dead one.

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Whoever kills an innocent woman must pay the woman twice as much and be subject to compensation (patukusyawa) four times.

Further L.H.C. Hulsman estimates that some of the conflicts that occurred in society from the Middle Ages to the thirteenth century could be resolved with a system of compensation between victims and perpetrators (Gandasubrata, 2000). In practice, although initially the amount of compensation depends more on the wishes of the victim as the party who feels disadvantaged by negotiating with the perpetrator, later the government, in this case the state, determines the amount of the loss in the form of stipulating it in statutory regulations (Sianturi, 2002).

Law No. 21 of 2007 concerning the Eradication of the Crime of Human Trafficking in article 1 paragraph (14) provides a definition of restitution, namely: "Restitution is the payment of compensation charged to the perpetrator based on a court decision that has permanent legal force for material and/or immaterial losses. suffered by the victim or his heirs."

Regarding restitution, it is further regulated in article 48 of Law No. 21 of 2007 concerning the Eradication of the Crime of Human Trafficking which states:

(1) Every victim of a criminal act of trafficking in persons or experts His heirs are entitled to restitution.

(2) Restitution as intended in paragraph (1) is in the form of compensation loss on:
   a. loss of wealth or income;
   b. suffering;
   c. costs for medical treatment and/or
   d. psychological; and/or
   e. other losses suffered by the victim as a result
   f. human trafficking.

(3) The restitution is given and included at the same time in a court decision regarding a criminal case human trafficking.

(4) Providing restitution as intended in paragraph (1) implemented since the decision of the level court was handed down First.

(5) Restitution as intended in paragraph (4) is possible deposited in advance at the court where the case occurs disconnected.

(6) Restitution is given within 14 (fourteen) days starting from the notification of the decision obtain permanent legal force.

(7) In the event that the perpetrator is acquitted by the level court appeal or cassation, then the judge orders in the decision is to return the restitution money deposited to those concerned

Furthermore, Article 49 of Law No. 21 of 2007 concerning Eradication of the Crime of Human Trafficking which states:

(1) The implementation of the granting of restitution is reported to the chairman of the court which decided the case, accompanied by proof of the implementation of the granting of restitution..

(2) After the chairman of the court receives the evidence as intended in paragraph (1), the chairman of the court announces the implementation on the notice board of the relevant court.

(3) A copy of the proof of implementation of the provision of restitution as intended in paragraph (1) shall be delivered by the court to the victim or his heirs.

In the event that restitution cannot be fulfilled by the restitution provider, then Article 50 of Law No. 21 of 2007 concerning Eradication of the Crime of Human Trafficking which states:

(1) In the event that the implementation of the provision of restitution to the victim is not fulfilled until after the time limit as intended in Article 48 paragraph (6), the victim or his heirs shall notify the court of this matter.

(2) The court as intended in paragraph (1) gives a written warning letter to the restitution provider, to immediately fulfill the obligation to provide restitution to the victim or their heirs.

(3) If the warning letter as intended in paragraph (2) is not implemented within 14 (fourteen) days, the court orders the public prosecutor to confiscate the convict's assets and auction the assets to pay restitution.

(4) If the perpetrator is unable to pay restitution, then the perpetrator is subject to substitute imprisonment for a maximum of 1 (one) year.

Indonesian positive law for compensation in the form of restitution paid by perpetrators in criminal acts of human trafficking has no coercive power. Non-payment of restitution by the perpetrator can only be replaced by substitute imprisonment for a

maximum of 1 (one) year as in paragraph (4) of article 50 of Law no. 21 of 2007 concerning the Eradication of the Crime of Trafficking, whereas for victims or children of victims in criminal acts of human trafficking, if restitution is not paid by the perpetrator, the child victim does not have any legal remedy to obtain compensation for something he experienced.

Law no 21 of 2007 concerning the Eradication of the Crime of Human Trafficking also does not provide a concrete solution if in a criminal act of human trafficking the victim is a child while the perpetrator is unable to provide compensation in the form of restitution as regulated in article 48 of the law.

Article 1 number 4 of Government Regulation Number 35 of 2020 concerning Amendments to Government Regulation Number 7 of 2018 concerning Providing Compensation, Restitution and Assistance to Witnesses and Victims states: "Compensation is compensation for losses provided by the state because the perpetrator of a criminal act is unable to provide compensation. the losses are his full responsibility."

Although Government Regulation Number 35 of 2020 concerning Amendments to Government Regulation Number 7 of 2018 concerning Providing Compensation, Restitution and Assistance to Witnesses and Victims provides a definition of compensation, this compensation only regulates compensation for victims of criminal acts of serious human rights violations and also victims of criminal acts of terrorism, while compensation for victims or victims' children is not regulated in the Government Regulation.

Compensation is something that is very useful and beneficial for child victims in criminal acts of human trafficking. However, there are times when the perpetrator in the criminal act of trafficking in persons who is supposed to provide restitution to the child victim does not have the money and even his assets are not sufficient to pay restitution to the child victim so that the child victim experiences psychological, mental, physical, sexual, economic and/or social suffering. , resulting from the criminal act of trafficking in persons do not receive the right to compensation.

When the perpetrator is unable to pay restitution while the child victim in the act of human trafficking still has to obtain his or her rights in the form of compensation, then at that time the state should be present in order to provide guarantees for the child victim to obtain his or her rights by providing compensation. The state is obliged to provide compensation to victims basically based on several reasons, namely:

a. The state has an obligation to provide protection to its citizens;
b. It is possible that the perpetrator is financially unable to provide restitution to the victim;
c. Legal sociology has the view that a crime that occurs cannot be separated from society's share of blame or crime as a natural child of society (Soeharto, 2007).

Bruce J. Cameron believes that philosophical compensation is a gift from the state to victims of crime based on the state's obligation and form of responsibility towards its people who suffer bad luck and also as a form of state responsibility for the state's failure to prevent crimes from occurring in society (Santoso, 1997).

The criminal act of human trafficking is not only related to human rights violations, but the criminal act of human trafficking is also an economic crime. The majority of children who are victims of criminal acts of human trafficking come from poor families, not

infrequently some of them are willing to become victims of criminal acts of human trafficking because in order to fulfill their daily needs and those of their families, this is of course a failure of the state in ensuring the welfare of its citizens, especially children. as a vulnerable group.

The state is also guilty of causing a criminal act to occur which gives rise to the state's obligation to compensate the victim. The failure of the state to guarantee the welfare and best interests of the child is one of the bases for compensation as a form of state responsibility for the crime of human trafficking. The state has the responsibility to provide special protection and ensure the welfare of children, including child victims, as mandated by Law Number 17 of 2016 concerning the Establishment of Government Regulations in Lieu of Law Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection in Article 23 paragraph (1) which states:

> "The State, Government and Regional Government guarantee the protection, maintenance and welfare of Children by taking into account the rights and obligations of Parents, Guardians or other people who are legally responsible for the Children."

The state's obligation to provide protection and welfare for children is reaffirmed by the Law above in Article 59 paragraph (1) which states: "The Government, Regional Government and other state institutions are obliged and responsible for providing Special Protection to Children."

Based on this responsibility, norms should be established in laws and regulations related to the crime of human trafficking which state that child victims in the crime of human trafficking must be given compensation by the state. This is also in accordance with the UN declaration regarding the Basic Principles of Justice for Victims of Crime and Abuse of Power in 1985 which provides several recommendations regarding victims of crime, namely:

a. Access justice and obtain justice for crime victims;
b. There is restitution from the perpetrator of the crime to the victim or his family;
c. If the perpetrator of the crime is from a poor group and is unable to make restitution payments, the state provides compensation in the form of compensation to the victim, family or dependents of the victim;
d. Assistance in the form of material, health, psychology and social is provided to victims from the state or society (Muladi, 1995).

The birth of the UN declaration regarding the basic principles of justice for victims of crime and abuse of power in 1985 was the culmination of a global movement to empower victims and restore a criminal justice system that pays attention to the rights and interests of crime victims (Raharjo, 2011).

Compensation in the form of providing compensation is not only a manifestation of the state's responsibility towards child victims as citizens, but providing compensation is an embodiment of Indonesia as a rule of law country, namely by providing justice for all its citizens. The state is required to provide policies to achieve justice for all its citizens, including justice for child victims of criminal acts of human trafficking.

It is not uncommon for child victims in human trafficking crimes to only be used as instruments of evidence for law enforcers as an extension of the state in proving the wrongdoings committed by the perpetrators. Child victims who have suffered from crimes committed by the perpetrator are actually burdened by law with the obligation to become

witnesses at every level of the investigation. What is even more ironic is that child victims of human trafficking crimes who have experienced suffering from the perpetrator's crimes and are then burdened with the obligation to act as witnesses must themselves bear the medical costs resulting from the crime even though the child victims already have a BPJS (Social Security Administering Agency) card. The non-coverage of medical costs for victims of criminal acts of human trafficking is stated in Article 52 paragraph (1) of the Presidential Regulation of the Republic of Indonesia Number 82 of 2018 concerning Health Insurance which states:

Health services that are not guaranteed include::

a. Health services that do not comply with statutory provisions;
b. Health services provided in health facilities that do not collaborate with bpjs health, except in emergency situations;
c. Health services for illnesses or injuries resulting from work accidents or work relations which are guaranteed by the work accident insurance program or are the responsibility of the employer;
d. Health services guaranteed by the mandatory traffic accident insurance program up to the value covered by the traffic accident insurance program in accordance with the participant's treatment class rights;
e. Health services provided abroad;
f. Health services for aesthetic purposes;
g. Services to treat infertility;
h. Teeth straightening or orthodontic services;
i. Health problems/illnesses due to drug and/or alcohol dependence;
j. Health problems due to intentionally hurting oneself or as a result of engaging in hobbies that endanger oneself;
k. Complementary, alternative and traditional medicine, which has not been declared effective based on health technology assessments;
l. Treatment and medical procedures that are categorized as trials or experiments;
m. Contraceptive devices and drugs, cosmetics;
n. Household health supplies;
o. Health services resulting from disasters during emergency response, extraordinary events/epidemic;
p. Health services for preventable adverse events;
q. Health services provided in the context of social service;
r. Health services resulting from criminal acts of abuse, sexual violence, victims of terrorism, and criminal acts of human trafficking in accordance with the provisions of statutory regulations;
s. Certain health services related to the ministry of defense, the indonesian national army, and the national police of the republic of indonesia;
t. Other services that are not related to the health insurance benefits provided or;
u. Services that are already covered under other programs."

It's like having fallen on a ladder against a child victim in a criminal act of human trafficking who has experienced suffering both physically and mentally and whose medical costs are not covered by BPJS, but is then required to become a witness in the interests of the state to prove the perpetrator's guilt. With the above conditions,

researchers are of the opinion that using child victims only as instruments of evidence constitutes legal exploitation of children if it is not accompanied by the right to compensation for the suffering the child experiences due to a crime.

Compensation in the form of compensation is a form of justice and protection provided by the state for the losses experienced by child victims in the criminal act of human trafficking in the event that the perpetrator is unable to pay restitution, so that with this compensation the child victim will not only become an object of legal exploitation for legal officials in in order to prove the perpetrator's guilt by making the victim's child a witness in the criminal act of human trafficking.

The crime of trafficking in persons is a crime that is not only related to business but is a crime that is closely related to violations of human rights so that the impact of suffering experienced by victims is not light, so the state needs to make victims or children victims of the crime of trafficking in persons. receive compensation like victims of criminal acts of serious human rights violations and also victims of criminal acts of terrorism as regulated in Government Regulation Number 35 of 2020 concerning Amendments to Government Regulation Number 7 of 2018 concerning Providing Compensation, Restitution and Assistance to Witnesses and Victims.

Compensation for child victims in trafficking crimes must be provided by the state for several losses, namely:

a. Loss of wealth or income of the victim's child while being a victim in the crime of human trafficking;
b. Financing for victims for the health and social care and rehabilitation of children who are victims of criminal acts of human trafficking;
c. Inmaterial losses such as pain, shame and loss of happiness that the victim's child should have had;
d. Other losses suffered by the child victim as a result of the perpetrator's actions.

Based on various legal and sociological considerations of researchers relating to justice and child protection, in the criminal act of human trafficking, it is necessary to provide compensation in the form of compensation. The compensation in question is compensation given by the state as a substitute for restitution to child victims in the case of perpetrators, whether child perpetrators or adult perpetrators, who are unable to pay restitution to child victims.

Reconstruction of compensation in Article 48 of Law no. 21 of 2007 concerning Eradication of the Crime of Human Trafficking

The concept of compensation for child victims in criminal acts of human trafficking based on the value of justice is realized through compensation. Compensation from the state is given in the event that the perpetrator of the crime of trafficking in persons is unable to pay restitution and the victim is a child, then the restitution can be replaced by providing compensation from the state to the child victim. With this conception, a reconstruction of article 48 of Law no. 21 of 2007 concerning the Eradication of the Crime of Human Trafficking, namely the addition of paragraph 8 (eight) in the article which states: "In the event that the perpetrator of the crime of human trafficking is unable to pay restitution while the victim is a child, then the restitution can be replaced by providing compensation from state towards the victim's children or their heirs." So the sound of article 48 and article 48 after reconstruction reads as in the table below:

Article 48 Law no. 21 of 2007 concerning Eradication of the Crime of Human Trafficking	Article 48 Law no. 21 of 2007 concerning Eradication of the Crime of Human Trafficking after reconstruction
(1) Every victim of a criminal act of trafficking in persons or their heirs has the right to receive restitution. (2) Restitution as intended in paragraph (1) is in the form of compensation for losses: a. loss of wealth or income; b. suffering; c. costs for medical and/or psychological treatment; and/or d. other losses suffered by victims as a result of human trafficking. (3) The restitution is given and included at the same time in the court decision regarding the criminal act of trafficking in persons. (4) The provision of restitution as intended in paragraph (1) is carried out from the time the first instance court decision is handed down (5) Restitution as intended in paragraph (4) can be deposited in advance at the court where the case was decided. (6) Restitution is given within 14 (fourteen) days from the notification of the decision which has permanent legal force. (7) In the event that the perpetrator is acquitted by the court of appeal or cassation level, the judge orders in his decision that the restitution money entrusted to him be returned to the person concerned.	(1) Every victim of a criminal act of trafficking in persons or their heirs has the right to receive restitution. (2) Restitution as intended in paragraph (1) is in the form of compensation for losses: a. loss of wealth or income; b. suffering; c. costs for medical and/or psychological treatment; and/or d. other losses suffered by victims as a result of human trafficking. (3) The restitution is given and included at the same time in the court decision regarding the criminal act of trafficking in persons. (4) The provision of restitution as intended in paragraph (1) is carried out from the time the first instance court decision is handed down. (5) Restitution as intended in paragraph (4) can be deposited in advance at the court where the case was decided. (6) Restitution is given within 14 (fourteen) days from the notification of the decision which has permanent legal force. (7) In the event that the perpetrator is acquitted by the court of appeal or cassation level, the judge orders in his decision that the restitution money entrusted to him be returned to the person concerned. (8) In the event that the perpetrator of the criminal act of trafficking in persons is unable to pay restitution while the victim is a child, the restitution can be replaced by providing compensation from the state to the victim's child or their heirs.

Table. 1. Reconstruction Article 48 of Law no. 21 of 2007
concerning the Eradication of the Crime of Human Trafficking.

4. Conclusion

The concept of compensation for child victims in criminal acts of human trafficking based on the value of justice is realized through compensation. Compensation from the state is given in the event that the perpetrator of the crime of trafficking in persons is unable to pay restitution and the victim is a child, then the restitution can be replaced by providing compensation from the state to the child victim. With the concept of compensation in the form of compensation for child victims, reconstruction of article 48 of Law no. 21 of 2007 concerning the Eradication of the Crime of Human Trafficking, namely the addition of paragraph 8 (eight) in article 48 which states: "In the event that the perpetrator of the criminal act of human trafficking is unable to pay restitution while the victim is a child, the restitution can be replaced by providing compensation from the state towards the victim's children or their heirs."

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