

ABSTRAK

PERLINDUNGAN HUKUM KORBAN TINDAK PIDANA PERDAGANGAN ORANG MELALUI PLATFORM MEDIA SOSIAL

(Studi Putusan Perkara Nomor: 70/Pid-Sus/2023/Pn.Liw)

Oleh

SANSETO ERIANDO HIDAYAT

Perkembangan teknologi digital telah menghadirkan tantangan baru dalam penegakan hukum, terutama terhadap tindak pidana perdagangan orang. Hal tersebut tercermin dalam perkara Putusan Pengadilan Negeri Liwa Nomor 70/Pid.Sus/2023/PN Liwa menggambarkan adanya kesenjangan perlindungan hukum korban tindak pidana perdagangan orang melalui platform media sosial. Permasalahan yang dikaji dalam penelitian ini terkait perlindungan hukum bagi korban tindak pidana perdagangan orang melalui platform media sosial dan faktor penghambat perlindungan hukum bagi korban tindak pidana perdagangan dalam perkara No. 70/Pid.sus/2023/Pn.Liw.

Penelitian ini menggunakan metode hukum normatif dengan pendekatan perundang-undangan, konseptual, dan kasus. Data diperoleh dari bahan hukum primer dan bahan sekunder, serta didukung wawancara dengan aparat penegak hukum. Analisis dilakukan secara kualitatif-deskriptif untuk menilai kesesuaian antara norma hukum dan praktik penerapannya dalam kasus tersebut. Melalui pendekatan ini, penelitian menelaah efektivitas perlindungan hukum yang diberikan kepada korban, serta kendala penegakan hukum dalam membuktikan unsur-unsur PTPPO yang berbasis media sosial.

Hasil penelitian menunjukkan bahwa perlindungan hukum terhadap korban dalam putusan tersebut belum optimal. Hak-hak korban seperti restitusi, rehabilitasi psikologis, dan perlindungan identitas tidak diberikan karena hakim tidak menerapkan hukum khusus PTPPO. Hambatan utama berasal dari kesulitan pembuktian unsur posisi rentan dan lemahnya pemahaman aparat terhadap karakteristik kejahatan berbasis digital. Faktor lain seperti keterbatasan sarana penyidikan, koordinasi antarinstansi, dan minimnya dukungan Lembaga Perlindungan Saksi dan Korban (LPSK) juga memperlemah perlindungan terhadap korban. Akibatnya, pendekatan hukum yang diterapkan masih bersifat represif, belum berorientasi pada pemulihan korban sebagaimana amanat Undang-Undang PPTPPO.

Penelitian ini merekomendasikan perlunya penerapan asas *lex specialis derogat legi generali* secara konsisten agar kasus perdagangan orang dengan modus digital. Perlunya peningkatan kapasitas aparat penegak hukum dan penguatan koordinasi dengan LPSK dalam memberikan perlindungan psikologis dan hukum bagi korban. Pemerintah juga perlu membangun mekanisme deteksi dini dan edukasi publik agar masyarakat memahami risiko perdagangan orang melalui media sosial.

Kata kunci: Perlindungan hukum, Korban, Tindak Pidana Perdagangan Orang, Media Sosial.

ABSTRACT

LEGAL PROTECTION FOR VICTIMS OF HUMAN TRAFFICKING THROUGH SOCIAL MEDIA PLATFORMS

(A Study of Decision Number 70/Pid.Sus/2023/PN Liwa)

By

Sanseto Eriando Hidayat

The rapid development of digital technology has posed new challenges to law enforcement, particularly in relation to the crime of human trafficking. This is reflected in the Decision of the Liwa District Court Number 70/Pid.Sus/2023/PN Liwa, which illustrates the existing gap in legal protection for victims of human trafficking committed through social media platforms. This study examines issues concerning legal protection for victims of human trafficking through social media platforms, as well as the factors that hinder the provision of such legal protection in Case Number 70/Pid.Sus/2023/PN Liwa.

This study employs a normative legal research method with statutory, conceptual, and case approaches. Data were obtained from primary legal materials, secondary legal materials and were supported by interviews with law enforcement officials. The data were analyzed using a qualitative-descriptive approach to assess the conformity between legal norms and their practical application in the case. Through this approach, the study examines the effectiveness of legal protection provided to victims and identifies obstacles in law enforcement when proving the elements of human trafficking conducted through social media.

The findings indicate that legal protection for victims in the decision has not been optimal. Victims' rights, such as restitution, psychological rehabilitation, and identity protection, were not granted because the judge did not apply the special legal framework on human trafficking. The main obstacles stem from difficulties in proving the element of a vulnerable position and the limited understanding of law enforcement officers regarding the characteristics of digital-based crimes. Other contributing factors include limited investigative facilities, weak inter-agency coordination, and insufficient support from the Witness and Victim Protection Agency (LPSK), all of which further undermine victim protection. Consequently, the legal approach adopted remains predominantly repressive and has not been oriented toward victim recovery as mandated by the Anti-Trafficking Law.

*This study recommends the consistent application of the principle of *lex specialis derogat legi generali* in handling human trafficking cases involving digital *modus operandi*. It also emphasizes the need to enhance the capacity of law enforcement officers and strengthen coordination with LPSK in providing psychological and legal protection for victims. Furthermore, the government should develop early detection mechanisms and public education programs to raise awareness of the risks of human trafficking through social media.*

Keywords: legal protection, victims, human trafficking crime, social media.