

Analysis Of The Judge's Considerations In Imposing Criminal Sentences On Perpetrators Of The Criminal Acts Of Human Trafficking Related To *Online Prostitution* Through The Michat Application (Decision Study Number: 892/Pid.Sus/2024/PN.Tjk)

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Abstract

The phenomenon of human trafficking (TPPO) is considered an extraordinary crime due to its complex and multidimensional characteristics. TPPO does not only involve individual perpetrators, but is often carried out through organized criminal networks that have certain structures, roles, and strategies in recruiting, moving, and exploiting victims. The formulation of the problem in this study is what is the basis for the Judge's considerations in sentencing perpetrators of human trafficking related to online prostitution through the Michat application based on Decision Number: 892 / Pid.Sus / 2024 / PN.Tjk? and how is the relevance of the Judge's considerations in sentencing perpetrators of human trafficking related to online prostitution through the Michat application reviewed from the aspects of legal certainty, justice, and benefit in Decision Number: 892 / Pid.Sus / 2024 / PN.Tjk?. The research method uses a normative and empirical juridical approach. The types of data used are secondary data and primary data. Data collection through library research and field research. The data analysis used is qualitative juridical. Based on the results of the research and discussion, conclusions can be drawn, including the basis for the Judge's considerations in sentencing the perpetrator of the crime of human trafficking related to online prostitution through the Michat application based on Decision Number: 892/Pid.Sus/2024/PN.Tjk covering legal aspects, facts, and the purpose of the sentence. From a legal perspective, the judge referred to Law Number 21 of 2007 concerning the Eradication of Human Trafficking, Law Number 44 of 2008 concerning Pornography, and the ITE Law so that the defendant's actions are clearly qualified as human trafficking and digital-based pornography violations. From a factual perspective, the judge assessed the trial evidence that showed the recruitment, transportation, and exploitation of victims through the Michat application, as well as

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the victim's socially and psychologically vulnerable condition. Considerations for the purpose of sentencing include general prevention, specific prevention, and protection and rehabilitation of victims. The relevance of the Judge's considerations in sentencing perpetrators of human trafficking related to online prostitution through the Michat application is reviewed from the aspects of legal certainty, justice, and benefit in Decision Number: 892/Pid.Sus/2024/PN.Tjk. Legal certainty is reflected in the consistent application of the Human Trafficking Law, the Pornography Law, and the ITE Law. Justice is demonstrated through protection of victims and the imposition of proportional sentences for perpetrators. The benefits of law are seen from the preventive, corrective, and rehabilitative objectives of criminal law, as well as providing a deterrent effect for perpetrators and the community. Based on the above conclusions, it can be suggested that law enforcement officers are expected to increase the systematic collection of digital evidence and strengthen psychological assistance and protection for victims to support an effective judicial process. Judges are advised to integrate legal certainty, justice, and benefit in criminal decisions through the application of consistent procedural standards, victim protection, and prevention and rehabilitation programs oriented towards social benefits and a deterrent effect.

Keywords: Judge's Considerations; Human Trafficking Crime; *Online Prostitution*; Michat Application.

INTRODUCTION

The phenomenon of human trafficking (TPPO) is considered an extraordinary crime due to its complex and multidimensional characteristics. TIPPO involves not only individual perpetrators but is often carried out through organized criminal networks that have specific structures, roles, and strategies in recruiting, transporting, and exploiting victims. This crime is transnational in nature, thus requiring international cooperation in prevention, investigation, and law enforcement. The complexity of TIPPO is also reflected in the various forms of exploitation, ranging from labor trafficking and sexual trafficking to the use of children in illegal activities.

Human trafficking (TPPO) cases not only cause losses to individual victims but also have significant impacts on the social order, economy, and national security. TIPPO is considered an extraordinary crime because it involves complex, transnational organized criminal networks, necessitating international cooperation in prevention and law enforcement. This crime encompasses various forms of exploitation, from labor trafficking and sexual exploitation to the exploitation of children, which directly threaten human rights. The complexity and breadth of TIPPO's impacts demand a comprehensive legal approach, supported by cross-sectoral coordination, including the police, prosecutors, victim protection agencies, and international



organizations. Furthermore, prevention and rehabilitation efforts are an integral part of the response strategy to enable communities and victims to recover from the social and psychological impacts.¹

As an extraordinary crime, human trafficking (TPPO) requires law enforcement officials to implement more coordinated, expeditious, and adaptive investigative and judicial procedures to address the dynamic *modus operandi* of criminal networks. Handling TIP cases also emphasizes the protection of victims' rights and international cooperation to prevent and eradicate human trafficking. Recognition as an extraordinary crime allows for more effective and strategic legislative, law enforcement, and victim advocacy efforts.²

The rise in cases of human trafficking (TPPO) involving labor and sexual exploitation abroad represents a worrying trend and requires serious attention from law enforcement officials. This mode of exploitation often exploits regulatory loopholes, weak oversight, and limited protection for potential victims, making it easier for criminal networks to operate transnational human trafficking practices. Such cases not only have psychological and social impacts on victims but also impact the country's reputation and security internationally. Effective handling requires inter-institutional coordination, both at the national level and through bilateral or multilateral cooperation with destination countries. Furthermore, this increase in cases emphasizes the need to strengthen prevention policies, outreach, and community empowerment to minimize the potential for victimization.³

Research by M. Yogi Bahtiar and Bagus Saebani on the causal factors of human trafficking in Indonesia indicates that poverty, low access to education, weak social norms, corruption by officials, and misuse of technology are the dominant factors driving human trafficking. Recommended mitigation strategies include community education and outreach, strengthening the role of traditional leaders and social institutions, reforming the law enforcement system, strict oversight of informal labor deployment practices, and improving digital literacy. This research emphasizes the importance of cross-sector collaboration in creating a fair, comprehensive, and

¹ Intan Nurina Seftiniara. 2017. *Disparity in Sentencing in Human Trafficking Cases* , Progressive Justice Volume 8 Number 2, pp. 45-67.

² International Labor Organization. 2020. *Global Estimates of Modern Slavery: Forced Labor and Forced Marriage* , ILO, Geneva, p. 89.

³ United Nations Office on Drugs and Crime. 2022. *Global Report on Trafficking in Persons 2022* , UNODC, Vienna, p. 79-80.



sustainable protection system for vulnerable groups.⁴

The results of research by Khairul Nas and Mhd Ridawan Lubis on Legal Protection for Women as Victims of Human Trafficking (Trafficking) (Case Study of Medan District Court Decision No. 1451 /PID. SUS /2021 Medan District Court) shows that legal protection for victims of this human trafficking crime can be realized not only in the form of criminal punishment for the perpetrator, but also in the form of fulfillment of rights, including the right to obtain identity confidentiality, the right to obtain restitution or compensation, and the right to obtain. Declaring that the Defendant Hanita Sari Nasution Als Nona above has been legally and convincingly proven guilty of committing the crime of "Human Trafficking". Sentencing the Defendant therefore to imprisonment for 4 (four) years and a fine of Rp. 120,000,000.00 (one hundred and twenty million rupiah) with the provision that if the fine is not paid, it will be replaced with a sentence of 3 (three) months.⁵

The judge's role in sentencing is crucial, as the decision must reflect the principles of justice, legal certainty, and the benefit of the law to society. Judges serve not only as enforcers of norms but also as those who ensure that the sanctions imposed are proportionate to the offense, taking into account both aggravating and mitigating factors.

Judges' decisions serve as instruments to uphold public trust in the justice system and prevent future criminal activity. Furthermore, the judge's role includes protecting the rights of victims and ensuring that perpetrators receive appropriate counseling, not simply punishment. This approach makes the judicial process more than just formalistic, but also prioritizes the social and moral benefits of the law.⁶

One of the important decisions related to the crime of human trafficking related to online prostitution through the Michat application is recorded in Decision Number 892/Pid.Sus/2024/PN.Tjk, where based on the consideration that the defendant Ayu Susilawati binti H. Rasidin (Alm) was legally and convincingly proven guilty of committing the crime of participating in the sale and trafficking of children as charged by the two Public Prosecutors, the defendant was sentenced to imprisonment for 4 years and 4 months and a fine of IDR 300,000,000, - with the provision that if the fine is not paid it is replaced with a prison sentence

⁴ M. Yogi Bahtiar and Bagus Saebani. 2025. *Factors Causing Human Trafficking in Indonesia* , CAUSA: Journal of Law and Citizenship, Vol. 12 No. 2, p. 1

⁵ Khairul Nas and Mhd Ridawan Lubis. 2022. *Legal Protection for Women as Victims of Human Trafficking (Trafficking) (Case Study of Medan District Court Decision No. 1451/Pid.Sus/2021 Medan District Court)* , Smart Law Journal (JSH) , p. 261.

⁶ Satjipto Rahardjo. 2015. *Legal Science* , Citra Aditya Bakti, Bandung, pp. 112-113.



of 3 months, and the period of detention that has been served is deducted entirely from the sentence imposed; in addition, the defendant is burdened with paying court costs in accordance with Article 222 paragraph (1) of the Criminal Procedure Code. This decision takes into account Article 83 in conjunction with Article 76 F of Law of the Republic of Indonesia No. 35 of 2014 concerning amendments to Law No. 23 of 2002 concerning Child Protection, Law No. 8 of 1981 concerning Criminal Procedure Law, as well as other relevant laws and regulations.

This ruling affirms the court's commitment to prosecuting perpetrators of human trafficking using a firm legal approach, while also respecting the rights of the victims who are the injured parties. This case serves as a clear example of how transnational exploitation can occur, including the smuggling of victims abroad for forced labor or sexual exploitation. Furthermore, this ruling provides guidance for law enforcement officials in handling similar cases, including the need for cross-border coordination and the application of criminal sanctions commensurate with the severity of the crime.

The urgency of examining the relevance of judicial considerations in decisions related to human trafficking (TPPO) lies in the complexity and broad impact of these cases. Judicial considerations are key in determining the appropriateness of the application of the law to the facts and evidence, while ensuring that decisions reflect justice, certainty, and legal benefit. Furthermore, this study is crucial for assessing the consistency of decisions across TIP cases, identifying best practices, and reducing the potential for legal uncertainty that could harm victims and the public. By understanding the relevance of judicial considerations, policymakers, law enforcement officials, and academics can provide input for improving the quality of criminal justice, particularly in handling transnational cases that require international legal coordination. This study also plays a role in strengthening the protection of victims' rights and ensuring proportionate sentences are imposed on perpetrators, thereby supporting effective efforts to eradicate TIP.⁷

METHOD

The research method in this study uses a normative and empirical juridical approach. The normative juridical approach is carried out by examining laws and regulations, doctrines, and court decisions relevant to the research problem. Meanwhile, the empirical juridical approach is used to observe the application of law in practice through facts that occur in the field. The types of data

⁷ Muhammad Ridawan Lubis. 2021. *Legal Protection for Victims of Human Trafficking*, Rajawali Pers, Jakarta, pp. 88-90.



used include secondary data obtained from primary, secondary, and tertiary legal materials, as well as primary data obtained directly from the research subjects. Data collection was carried out through library research and field research. Furthermore, the obtained data were analyzed using qualitative juridical methods to provide a comprehensive picture of the problem being studied.

DISCUSSION

The Judge's Considerations in Sentencing Perpetrators of Human Trafficking Crimes Related to Online Prostitution Through the Michat Application Based on Decision Number: 892/Pid.Sus/2024/PN.Tjk

A judge's reasoning is the reasoning or basis used by a judge in making a decision or issuing a verdict in a case. This consideration includes an assessment of the evidence, trial facts, applicable legal norms, and the objectives of the sentence, such as deterrence, deterrence, and rehabilitation of the perpetrator. Through careful consideration, a judge's decision is not only legally valid but also just, proportional, and beneficial to society and the victim. A judge's reasoning is at the core of a judge's authority to interpret and apply the law, ensuring that the decision has legal, moral, and social legitimacy.

Based on an interview with Hamid Andri Soemantri, an investigator at the Lampung Regional Police, it was explained that the investigation into human trafficking perpetrators through the Michat application was conducted by collecting digital evidence in the form of chats, transactions, and supporting documents demonstrating the recruitment and exploitation of victims. Hamid emphasized that this evidence is a crucial basis for determining the articles violated and ensuring that the defendant's actions meet the elements of the crime of human trafficking.

An interview with Baharuddin, a prosecutor at the Bandar Lampung District Attorney's Office, stated that during the prosecution process, legal considerations, trial facts, and the purpose of the sentence were used as references in drafting the indictment. The prosecutor emphasized the importance of highlighting the elements of exploitation, the perpetrator's modus operandi, and the victim's condition to ensure the criminal charges comply with Law Number 21 of 2007 concerning Human Trafficking, the Pornography Law, and the Electronic Information and Transactions (ITE) Law.

An interview with Enan Sugiarto, a judge at the Tanjungkarang District Court, stated that when sentencing, judges consider a combination of legal certainty, justice for the victim, and the legal benefits for society. Enan emphasized that criminal decisions must be proportionate, provide a deterrent effect, while also considering the victim's rehabilitation and preventing the perpetrator from repeating their actions. These considerations reflect the integration of formal

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legal aspects, trial facts, and the objectives of sentencing, ensuring that the judge's decision has strong legal and social legitimacy.

Based on the analysis of decision No. 892/Pid.Sus/2024/PN.Tjk, the judge's considerations in sentencing the perpetrator of human trafficking (TPPO) related to online prostitution through the Michat application were based on a combination of legal considerations, facts, and the purpose of the sentence. Legal considerations included the application of relevant articles of Law No. 21 of 2007 concerning the Eradication of the Crime of Human Trafficking as well as Law No. 44 of 2008 concerning Pornography and the ITE Law, so that the defendant's actions clearly qualify as TPPO and technology-based pornography violations.

Factual considerations show that the defendant was proven to have recruited, transported, and exploited the victim through the Michat platform for the purpose of prostitution, thus fulfilling the elements of TPPO such as recruitment, manipulative methods, and the purpose of exploitation.^{^2} The trial facts also emphasized the vulnerable conditions of the victim, including age and socio-economic situation, which the judge took into account in assessing the level of guilt and the impact of the defendant's actions on the victim.

In addition, the judge considers the objectives of sentencing, namely general deterrence to provide a deterrent effect on the wider community, specific deterrence to prevent the defendant from repeating his actions, and rehabilitation and protection for the victim. These considerations reflect the integration of absolute and relative sentencing theories, emphasizing the proportionality of punishment for the perpetrator and the protection of the rights of victims of human trafficking. The judge's considerations also emphasize the principle of legal certainty, so that the type and length of punishment imposed on the defendant are consistent with statutory provisions and similar decisions. Furthermore, the aspect of legal benefit is taken into account through the social impact of the punishment given, both for society and for the rehabilitation of the victim.

The criminal verdict against the perpetrator of human trafficking through online prostitution on the Michat app confirms that the judge used a multidimensional approach that integrates formal legal considerations, trial facts, the purpose of sentencing, and socio-moral aspects. This ruling sets an important precedent in addressing technology-based human trafficking crimes and strengthens legal protections for victims of online prostitution in Indonesia.

Based on the description above, it can be analyzed that the basis for the Judge's considerations in sentencing the perpetrator of the crime of human trafficking related to online prostitution through the Michat application based on Decision Number: 892/Pid.Sus/2024/PN.Tjk



includes legal aspects, facts, and the purpose of the sentence. From a legal perspective, the judge referred to Law Number 21 of 2007 concerning the Eradication of Human Trafficking, Law Number 44 of 2008 concerning Pornography, and the ITE Law so that the defendant's actions are clearly qualified as human trafficking and digital-based pornography violations. From a factual perspective, the judge assessed the trial evidence that showed the recruitment, transportation, and exploitation of victims through the Michat application, as well as the victim's socially and psychologically vulnerable condition. Considerations for the purpose of sentencing include general prevention, specific prevention, and protection and rehabilitation of victims.

The Relevance of Judges' Considerations in Sentencing Perpetrators of Human Trafficking Crimes Related to Online Prostitution Through the Michat Application Reviewed from the Aspects of Legal Certainty, Justice and Benefit in Decision Number: 892/Pid.Sus/2024/PN.Tjk.

The relevance of a judge's considerations in sentencing lies in their role in ensuring that the decision rendered is not only legally valid but also fair, proportional, and provides social benefits. Judges' considerations help balance the interests of the law, the victim, the perpetrator, and society, ensuring that the punishment imposed is commensurate with the level of culpability and the impact of the act. Through these considerations, judges can simultaneously apply the principles of legal certainty, justice, and legal benefit. Furthermore, the relevance of judges' considerations is also evident in assessing trial facts, evidence, and the objectives of sentencing, such as general deterrence, specific deterrence, and perpetrator rehabilitation. Judges' considerations are a crucial instrument in achieving effective, humane criminal decisions that are oriented toward victim protection and social order.

Based on the results of an interview with Hamid Andri Soemantri as an investigator at the Lampung Regional Police, it was explained that the judge's considerations have high relevance in terms of legal certainty, because criminal decisions against perpetrators of human trafficking through the Michat application must be consistent with applicable laws and regulations, including Law Number 21 of 2007 concerning Human Trafficking, Law Number 44 of 2008 concerning Pornography, and the ITE Law. Hamid emphasized that this legal certainty is important to ensure that the actions of law enforcement officers, from investigation to prosecution, are based on valid evidence and correct procedures.

An interview with Baharuddin, a prosecutor at the Bandar Lampung District Attorney's Office, stated that, from a justice perspective, the judge's considerations are highly relevant, ensuring that the victim receives maximum protection, while the perpetrator is sentenced proportionately to the severity of the crime and the impact of their actions. The prosecutor



emphasized that these considerations of justice serve as the basis for drafting charges that reflect a balance between the rights of the victim, the rights of the accused, and the interests of society.

Meanwhile, the results of an interview with Enan Sugiarto as a judge at the Tanjungkarang District Court stated that from the aspect of legal benefits, the judge's considerations emphasized the preventive, corrective, and rehabilitative objectives of criminal law. Enan emphasized that criminal decisions not only enforce the law, but also provide a deterrent effect for perpetrators and society, prevent the recurrence of technology-based human trafficking, and restore victims. The integration of legal certainty, justice, and legal benefits in the judge's considerations makes criminal decisions against human trafficking through the Michat application effective, fair, and have strong social legitimacy.

The judge's considerations in decision Number 892/Pid.Sus/2024/PN.Tjk have strong relevance to the principle of legal certainty, because the type and length of the sentence imposed are consistent with the provisions of Law Number 21 of 2007 concerning the Eradication of Human Trafficking, Law Number 44 of 2008 concerning Pornography, and the ITE Law. By referring to clear articles and similar jurisprudence, the judge ensures that the perpetrator is sentenced in accordance with applicable legal norms, so that the decision is predictive and can be used as a reference for similar cases in the future.

justice perspective, the judge's considerations emphasize a balance between the interests of the victim, the defendant, and society. The judge considers the victim's vulnerability, the level of exploitation, and the perpetrator's intent in committing human trafficking through the Michat application. This demonstrates that the decision is not merely formalistic but also substantive, ensuring that the victim receives maximum protection and the perpetrator receives a punishment commensurate with their actions. This approach reflects the principles of distributive and restorative justice, which minimize negative social impacts and strengthen the legitimacy of the justice system.

The aspect of legal utility is also clearly evident in the judge's considerations, as the punishment imposed aims to provide a deterrent effect for the perpetrator and society, prevent the recurrence of similar crimes, and guide the perpetrator towards rehabilitation. This approach demonstrates that the law not only enforces formal norms but also produces tangible social benefits for society and victims. Thus, the judge's considerations integrate preventive, corrective, and restorative objectives into one comprehensive decision.

The relevance of judicial considerations in the context of technology-based human trafficking (TPPO) crimes like Michat is crucial because these crimes are modern and complex. This



ruling demonstrates how judges can interpret the law adaptively to changing criminal modus operandi, ensuring that law enforcement remains effective and relevant. This affirms that the principles of legal certainty, justice, and expediency can be applied simultaneously without compromising any one aspect.

Decision No. 892/Pid.Sus/2024/PN.Tjk sets an important precedent in upholding human trafficking based on online prostitution. The judge's considerations demonstrate the integration of three legal principles: legal certainty, justice, and expediency, ensuring that the decision is not only legally valid but also has a positive social impact on society. This relevance serves as a reference for law enforcement officials, academics, and legal practitioners in handling modern human trafficking cases that utilize digital technology.

Based on the above description, it can be analyzed that the relevance of the Judge's considerations in sentencing perpetrators of human trafficking related to online prostitution through the Michat application reviewed from the aspects of legal certainty, justice, and benefit in Decision Number: 892/Pid.Sus/2024/PN.Tjk is that legal certainty is reflected in the consistent application of the Human Trafficking Law, the Pornography Law, and the Electronic Information and Transactions (ITE) Law. Justice is demonstrated through protection of victims and the imposition of proportionate punishments for perpetrators. The benefit of the law is seen from the preventive, corrective, and rehabilitative criminal objectives, as well as providing a deterrent effect for perpetrators and the community. This decision emphasizes the importance of integrating these three legal principles to tackle technology-based human trafficking effectively and fairly.

CONCLUSION

1. The Judge's considerations in sentencing the perpetrator of the crime of human trafficking related to online prostitution through the Michat application based on Decision Number: 892/Pid.Sus/2024/PN.Tjk include legal aspects, facts, and the purpose of the sentence. From a legal perspective, the judge referred to Law Number 21 of 2007 concerning the Eradication of Human Trafficking, Law Number 44 of 2008 concerning Pornography, and the ITE Law so that the defendant's actions are clearly qualified as human trafficking and digital-based pornography violations. From a factual perspective, the judge assessed the trial evidence that showed the recruitment, transportation, and exploitation of victims through the Michat application, as well as the victim's socially and psychologically vulnerable condition.



Considerations for the purpose of sentencing include general prevention, specific prevention, and protection and rehabilitation of victims.

2. The relevance of the Judge's considerations in sentencing perpetrators of human trafficking related to online prostitution through the Michat application, reviewed from the aspects of legal certainty, justice, and benefit in Decision Number: 892/Pid.Sus/2024/PN.Tjk, is that legal certainty is reflected in the consistent application of the Human Trafficking Law, the Pornography Law, and the Electronic Information and Transactions Law. Justice is demonstrated through protection of victims and the imposition of proportionate punishments for perpetrators. The benefits of law are seen from the preventive, corrective, and rehabilitative objectives of punishment, as well as providing a deterrent effect for perpetrators and the community.

FUTURE DIRECTIONS

1. Judges are expected to systematically improve the collection and documentation of digital evidence to facilitate the investigation and prosecution process. Furthermore, the need for psychological assistance and protection for victims must be strengthened, so that their social and psychological conditions can be optimally taken into account in court. It is also recommended that judges continue to integrate the objectives of sentencing , including prevention, rehabilitation, and victim protection, so that criminal decisions not only uphold the law but also provide tangible social benefits.
2. Judges are expected to strengthen legal certainty through consistent standard procedures for investigation and prosecution , so that criminal decisions can set a precedent for similar cases. From a justice perspective, victim assistance and education programs are needed to raise legal awareness and prevent social stigma against victims of human trafficking. Meanwhile, regarding legal benefits, it is recommended that prevention and rehabilitation programs for perpetrators, as well as technology-based legal outreach, be implemented in an integrated manner, so that criminal decisions not only punish but also provide a deterrent effect and social benefits for the wider community.

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