Abstract

This study analyzed the considerations of judges in the Decision of the Gorontalo District Court No. 91/Pid.Sus/2024/PN Gto regarding the criminal act of human trafficking (TPPO). The research focused on two main areas: (1) the considerations of judges in adjudicating TPPO cases, and (2) the criminal liability of perpetrators in relation to the issue of "victim consent." The study employed a normative legal method with a descriptive-analytical approach, examining primary legal materials in the form of court decisions and statutory regulations, as well as secondary legal materials consisting of legal theories.The results indicated that the judges' considerations were careful, that they fulfilled the elements of the offense under the TPPO Law, and that they rejected the argument of "victim consent," asserting that vitiated consent resulting from deception and the exploitation of vulnerability does not absolve the perpetrators of criminal liability. Although the decision was formally adequate and demonstrated a progressive nuance, the study identified weaknesses in the integration of restorative justice, including the absence of mandatory restitution orders and insufficient analysis of the gender perspective.This research recommended strengthening court decisions by integrating restorative justice, enhancing law enforcement personnel's capacity, and revising legislation to reinforce the obligations of restitution and victim protection.

Keywords: *Judge Considerations; Human Trafficking (TPPO); Criminal Liability; Victim Consent; Gorontalo District Court Decision*

Abstrak

Penelitian ini menganalisis pertimbangan hakim dalam Putusan Pengadilan Negeri Gorontalo Nomor 91/Pid.Sus/2024/PN Gto terkait tindak pidana perdagangan orang (TPPO). Fokus penelitian adalah pada dua hal utama: (1) pertimbangan hakim dalam memutus perkara TPPO, dan (2) pertanggungjawaban pidana pelaku dalam kaitannya dengan persoalan "kemauan" korban.Penelitian ini menggunakan metode yuridis normative dengan pendekatan deskriptif analitis, yang mengkaji bahan hukum primer berupa putusan pengadilan dan peraturan perundang-undangan, serta bahan hokum sekunder berupa teori-teori hukum. Hasil penelitian menunjukkan bahwa pertimbangan hakim telah komprehensif, memenuhi unsur-unsur delik dalam UU TPPO, serta menolak argumen "kemauan korban" dengan menegaskan bahwa persetujuan yang cacat (vitiated consent) akibat penipuan dan eksploitasi kerentanan tidak menghapus pertanggungjawaban pidana pelaku. Meskipun putusan telah memadai secara formil dan menunjukkan nuansa progresif, penelitian mengidentifikasi kelemahan dalam integrasi keadilan restoratif, seperti ketiadaan perintah restitusi yang mandatori dan analisis perspektif gender yang belum mendalam. Penelitian ini merekomendasikan penguatan amar putusan dengan integrasi keadilan restoratif, peningkatan kapasitas aparat penegak hukum, serta revisi undang-undang untuk mempertegas kewajiban restitusi dan perlindungan korban.

Kata Kunci: Pertimbangan Hakim; Tindak Pidana Perdagangan Orang (TPPO); Pertanggungjawaban Pidana; Kemauan Korban; Putusan Pengadilan Negeri Gorontalo