

Legal Protection for Victims in The Resolution of Criminal Cases Through Restorative Justice Mechanisms

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Abstract. *The application of restorative justice within Indonesia's criminal justice system has developed significantly alongside the enactment of various regulations governing restorative-based case resolution. However, in practice, this mechanism continues to face fundamental challenges concerning the legal protection of victims. This study aims to analyze the legal protection afforded to victims in criminal case resolution through restorative justice, identify normative gaps and regulatory disharmony, and formulate an ideal model of victim protection oriented toward victim-centered justice. The research employs a normative juridical method with statutory and conceptual approaches through library research. The findings indicate that although a normative framework for restorative justice exists, victim protection has not been comprehensively integrated. Differences in standards of victim voluntariness, the absence of proportional compensation guidelines, and weak post-agreement monitoring mechanisms potentially place victims in vulnerable positions and open space for revictimization. From a human rights perspective, these conditions demonstrate that restorative justice has not yet been fully implemented as an instrument for fulfilling victims' rights. This study proposes an ideal model of victim protection in restorative justice that emphasizes layered protection at the pre-process, process, and post-agreement stages as an effort to strengthen substantive justice.*

Keywords: *Criminal; Justice; Restorative; Victim.*

1. Introduction

The criminal justice system is fundamentally designed to maintain social order, enforce legal norms, and protect the rights of citizens. However, in practice, the system remains predominantly offender-oriented through the imposition of criminal sanctions, while the interests and rights of victims tend to be placed in a subordinate position. This retributive approach views crime merely as an offense against the state, resulting in insufficient attention to the physical, psychological, and social suffering experienced by victims. Consequently, victims are often marginalized within a formalistic and procedural criminal justice process,

producing outcomes that fall short of comprehensive and substantive justice (Sudiman Bakti & Watkat, 2023).

Along with the development of modern criminal law thought, there has been growing recognition that justice cannot be achieved solely through punishment but must also involve the restoration of losses and damaged social relations caused by criminal acts. In this context, restorative justice has emerged as an alternative model of criminal case resolution that emphasizes dialogue, offender accountability, victim participation, and community involvement (Elizabeth Theresia et al., 2025). This approach conceptualizes crime as a social conflict that causes tangible harm, thereby directing resolution efforts toward restoring the original condition rather than merely retaliating against the offender.

Within the restorative justice framework, legal protection for victims constitutes a fundamental element. Without guarantees of safety, respect for dignity, and fulfillment of victims' rights, the objectives of restoration cannot be optimally achieved. Victims require formal recognition of their suffering, certainty regarding compensation or recovery, and assurances that their participation in the restorative process is voluntary and free from coercion (Rizky et al., 2024). Accordingly, the implementation of restorative justice must be accompanied by a clear legal foundation and consistent enforcement to prevent victims from becoming increasingly vulnerable within informal resolution mechanisms.

The complexity of modern society—characterized by dynamic social, cultural, and value transformations—demands a criminal justice system that is adaptive and responsive to evolving notions of justice. Criminal case resolution can no longer be understood merely as a mechanism for imposing punishment but must address societal demands for more humane and victim-oriented justice. Criminal law reform therefore becomes an urgent necessity to ensure that legal certainty operates in harmony with substantive justice, particularly for victims who bear the direct consequences of criminal conduct (Adelia Wulandari, 2024).

Previous studies have examined the implementation of restorative justice within the Indonesian criminal justice system. Several studies emphasize the role of law enforcement officials, particularly the police, in facilitating dialogue between victims and offenders to reach fair restorative agreements. Other research highlights the effectiveness of restorative justice in the juvenile justice system as an alternative to prevent the negative impacts of punishment while still providing space for victim recovery (Marlina, 2025). Conversely, critical studies question the appropriateness of applying restorative justice to serious crimes due to the difficulty of achieving full victim restoration, while prosecutorial perspectives caution against mechanisms that may ultimately protect offenders more than victims.

Despite the growing body of literature, most existing studies have not specifically formulated a structured, comprehensive, and measurable model of legal protection for victims across all

stages of the restorative justice process. In practice, victims frequently occupy unequal positions during mediation, increasing the risk of revictimization. The absence of standardized procedural guidelines has resulted in inconsistent interpretations among law enforcement agencies regarding voluntariness, case eligibility, and the form and scope of restitution. In many cases, restorative justice initiatives are driven more by procedural efficiency than by the genuine recovery needs of victims, compounded by limited oversight and insufficient legal and psychological assistance.

This research aims to analyze in depth the forms of legal protection afforded to victims in the resolution of criminal cases through restorative justice mechanisms. The study seeks to identify normative and practical weaknesses while formulating legal requirements necessary to ensure effective victim restoration. The analysis focuses on procedural, substantive, and psychological protection for victims to prevent coercive, manipulative, or detrimental practices. By placing victims at the center of analysis, this research offers a victim-centered restorative justice framework that may serve as both a normative and practical reference for law enforcement agencies in ensuring that restorative processes genuinely uphold victims' dignity, security, and rights.

2. Research Methods

This research applies a normative juridical approach, which positions law as a system of norms embodied in statutory regulations and legal doctrines. This approach is employed to examine and analyze forms of legal protection for victims in the resolution of criminal cases through restorative justice mechanisms. The primary focus of the study is directed toward the assessment of legal norms, principles of criminal law, legal doctrines, and policy frameworks governing the implementation of restorative justice in Indonesia.

The type of research used is normative legal research, with data collection conducted through library research. The legal materials utilized consist of primary legal materials and secondary legal materials. Primary legal materials include statutory regulations, internal regulations of law enforcement agencies, and relevant court decisions related to the application of restorative justice (Suartini & Maslihati Nur Hidayati, 2023). Secondary legal materials comprise legal textbooks, peer-reviewed journal articles, previous research findings, and scholarly opinions addressing victim protection and restorative justice within the criminal justice system.

The research specification is descriptive-analytical. This research describes existing legal arrangements concerning restorative justice while analytically evaluating their adequacy and effectiveness in protecting victims' rights. Through this specification, the study seeks to identify normative shortcomings and structural weaknesses in the current legal framework governing restorative justice practices.

Data analysis is conducted using a qualitative juridical analysis method through legal interpretation techniques. The analysis examines the consistency, sufficiency, and synchronization of relevant legal regulations, as well as potential regulatory disharmonization among law enforcement institutions. The findings are subsequently formulated into systematic and logical legal arguments to provide normative recommendations aimed at strengthening legal protection for victims in restorative justice-based criminal case resolution.

3. Results and Discussion

3.1. Forms of Legal Protection for Victims in Restorative Justice Mechanisms

Legal protection for victims constitutes a fundamental element that determines the legitimacy and effectiveness of restorative justice mechanisms within the criminal justice system. In the Indonesian legal context, such protection does not exist as a single unified norm but is constructed through the interaction of various legal instruments, ranging from statutes and implementing regulations to internal guidelines issued by law enforcement institutions. These instruments collectively regulate victims' rights, case resolution procedures, and the scope of authority granted to officials in offering and implementing restorative justice. Therefore, an analysis of victim protection must be conducted by examining the interrelation between general norms, specific norms, and their practical implementation in law enforcement.

Normatively, the primary legal foundation for victim protection is provided by Law Number 31 of 2014 concerning the Amendment to Law Number 13 of 2006 on the Protection of Witnesses and Victims (Suwandono et al., 2025). This law affirms victims' rights to personal security, humane treatment, access to information regarding case developments, medical and psychological assistance, as well as compensation and restitution. These provisions emphasize that the application of restorative justice must not reduce or eliminate victims' rights but instead reinforce guarantees of recovery and safety. Consequently, any dialogue-based resolution must remain subject to victim protection principles as minimum standards of justice.

The Indonesian Criminal Procedure Code (Law Number 8 of 1981) also provides a basis for victim protection, although in a limited and non-comprehensive manner. Articles 98 to 101 concerning the joinder of civil claims in criminal proceedings reflect recognition of victims' rights to compensation. Although this mechanism is litigation-oriented, the principle of compensation embedded therein serves as an important reference for restorative reparation. Within restorative justice, compensation should not rely solely on informal agreements but must align with victims' rights to proportional and fair recovery.

Strengthening victim protection is further evident in Law Number 11 of 2012 on the Juvenile Criminal Justice System, which marked a milestone in the formalization of restorative justice

in Indonesia (Sayyed & Kaushik, 2024). The provisions on diversion explicitly require victims' voluntary consent and mandate assistance from social counselors, community advisors, or other competent parties. These requirements demonstrate that victim voluntariness and professional accompaniment are substantive conditions to ensure that restorative justice does not place victims in vulnerable or pressured positions.

At the investigation stage, victim protection is regulated in greater detail through Regulation of the Indonesian National Police Number 8 of 2021 on the Handling of Criminal Cases Based on Restorative Justice. This regulation obliges investigators to ensure voluntariness, objectively assess the impact of crime on victims, provide victim accompaniment, and prohibit the application of restorative justice to certain serious offenses (Taufan et al., n.d.). It also regulates documentation of agreements and monitoring of their implementation, indicating the state's effort to establish procedural safeguards that position victim protection as a prerequisite for terminating investigations.

Victim protection is also reinforced at the prosecution stage through Regulation of the Attorney General Number 15 of 2020 on the Termination of Prosecution Based on Restorative Justice. This regulation requires that victims receive comprehensive explanations regarding the legal consequences of terminating prosecution, provide informed consent, and obtain adequate restoration prior to any decision (Ardhan et al., n.d.). Psychological and social dimensions are incorporated as evaluation indicators, extending victim protection beyond formal legal aspects to encompass emotional and social recovery.

At the adjudication stage, Supreme Court Circular Letter Number 4 of 2021 limits the types of cases eligible for restorative justice and emphasizes that such mechanisms may only be applied in the absence of victim objection. This provision underscores the strategic position of victims as decisive actors in determining whether restorative justice may proceed, rather than as mere objects of judicial policy (Capera, n.d.).

Overall, victim protection within restorative justice mechanisms is multidimensional. Voluntariness constitutes a legal requirement, yet substantively it must be assessed by considering victims' psychological conditions, power relations with offenders, and potential social or economic pressures. Rights to information, proportional compensation, psychological protection, and guarantees of post-agreement enforcement form an inseparable unity (Awaluddin, n.d.). The post-agreement stage is particularly critical, as failure by offenders to fulfill obligations may result in repeated harm to victims, making supervision and enforcement mechanisms essential forms of legal protection.

3.2. Challenges in the Implementation of Restorative Justice from a Victim Protection Perspective

The implementation of restorative justice in Indonesia has shown significant progress following the enactment of various legal instruments governing recovery-based criminal case resolution. Laws and regulations such as the Law on Witness and Victim Protection, the Juvenile Criminal Justice System Law, Police Regulation Number 8 of 2021, and Attorney General Regulation Number 15 of 2020 have normatively strengthened the legitimacy of restorative justice (Pradityo, n.d.). Nevertheless, practical implementation continues to face serious challenges, particularly in ensuring the fulfillment of victims' rights and sense of security.

One fundamental challenge lies in the imbalance of power relations between victims and offenders. In many cases, especially those involving vulnerable groups, victims occupy weak bargaining positions when confronted with offenders, law enforcement officials, or social pressures from their communities. Although restorative justice agreements are normatively required to be voluntary, covert coercion, social pressure, or fear often influence victims to accept settlements that do not genuinely reflect their interests. This situation is frequently observed in cases of domestic violence, bullying, and crimes characterized by unequal power relations (Chandra, n.d.).

Another challenge concerns victims' limited understanding of their rights within restorative justice processes. Many victims are unaware of the legal consequences of case termination, the forms of compensation to which they are entitled, or the mechanisms for post-agreement supervision. This lack of information undermines the principle of informed consent, reducing restorative justice to informal negotiation rather than a legally protected recovery mechanism.

Additional challenges arise from the limited availability of psychological assistance and recovery services. Although regulations emphasize the importance of victim accompaniment, access to professional psychologists and social workers remains scarce, particularly in rural areas. Consequently, many mediation processes proceed without adequate psychological assessment, exposing victims to risks of retraumatization and contradicting the restorative objective of healing rather than exacerbating harm.

In terms of restitution, the absence of standardized guidelines for determining compensation presents another significant challenge. Without detailed national standards, compensation amounts are often based on offenders' financial capacity or social compromise rather than on objective calculations of victims' material and immaterial losses (Perdana Ginting et al., 2025). This practice conflicts with restorative principles that seek to restore victims as closely as possible to their pre-offense condition.

Institutional capacity limitations among law enforcement officials further complicate implementation. Not all officials possess sufficient understanding of victim-sensitive approaches that account for psychological, social, and cultural dimensions. In practice, restorative justice is often administered procedurally and administratively, prioritizing case resolution efficiency over genuine victim recovery, thereby shifting restorative justice from a healing process to a pragmatic case management tool (Sukedi et al., 2024).

Community and cultural pressures also contribute to implementation difficulties. In societies that emphasize social harmony, victims are frequently encouraged to forgive for collective interests. Such pressures, though framed in cultural values, may erode victims' autonomy in determining their own recovery needs. In certain cases, dominant community figures exert influence that restricts victims' ability to freely articulate their interests.

Another critical challenge relates to weak monitoring mechanisms for enforcing restorative justice agreements. Numerous agreements are not consistently fulfilled by offenders, while supervision and enforcement systems remain limited. As a result, victims face renewed harm and legal uncertainty, ultimately undermining trust in the justice system.

Uncertainty regarding case eligibility for restorative justice also poses serious risks. Despite regulatory criteria, inconsistent application persists in practice. Some cases that should not be resolved through restorative justice are nevertheless forced into such schemes for pragmatic reasons, exposing victims of serious crimes to coerced reconciliation (Ardhan et al., n.d.).

Finally, deficiencies in documentation and record-keeping further hinder victim protection. Inadequate documentation complicates proof when agreements are breached, even though proper records are essential for ensuring legal certainty and victim protection.

These challenges demonstrate that victim protection in restorative justice extends beyond normative adequacy to encompass institutional structures, legal culture, professional capacity, and consistency of implementation. From a victim protection perspective, restorative justice can function effectively only when victims are genuinely positioned at the center of recovery. Without such commitment, restorative justice risks becoming a mechanism that benefits offenders and institutions at the expense of victims' rights, dignity, and substantive justice.

3.3. Normative Gaps and Regulatory Disharmonization in Restorative Justice

Normatively, the implementation of restorative justice within the Indonesian criminal justice system is supported by a relatively extensive legal framework consisting of statutory regulations and internal policies of law enforcement institutions. Laws on Witness and Victim Protection, the Juvenile Criminal Justice System, the Criminal Procedure Code, as well as

technical regulations such as Police Regulation Number 8 of 2021, Attorney General Regulation Number 15 of 2020, and Supreme Court Circular Letter Number 4 of 2021 reflect the state's commitment to adopting recovery-oriented approaches in criminal case resolution. Nevertheless, the existence of multiple legal instruments has not automatically produced a coherent and consistent system of victim protection (Alamdari, 2023). On the contrary, regulatory pluralism has generated normative gaps and disharmonization that directly affect legal certainty for victims in restorative justice practices.

One normative gap is evident in the differing foundational orientations among regulations. The Law on Witness and Victim Protection is grounded in a human rights paradigm that positions victims as legal subjects entitled to protection, recovery, compensation, and restitution. In contrast, the Criminal Procedure Code remains largely oriented toward a retributive and procedural justice model, granting victims a limited role primarily through civil claims attached to criminal proceedings. Within restorative justice practices, this divergence results in victim recovery being treated merely as an informal agreement outcome rather than as a fulfillment of legally guaranteed victim rights.

Regulatory disharmonization is also apparent in the standards governing victim voluntariness. The Juvenile Criminal Justice System Law explicitly requires that diversion be conducted only with victims' voluntary consent, establishing voluntariness as a substantive legal requirement. However, although Police Regulation Number 8 of 2021 and Attorney General Regulation Number 15 of 2020 similarly mention voluntariness, they do not provide clear normative mechanisms to assess whether consent is genuinely free from psychological, social, or structural pressure (Rif'an & Isnawati, 2024). As a result, determinations of voluntariness often depend on subjective assessments by law enforcement officials, potentially overlooking unequal power relations between victims and offenders.

Further normative gaps arise in the regulation of compensation and victim recovery. While the Law on Witness and Victim Protection provides a comprehensive legal basis for compensation and restitution as victim rights, technical restorative justice regulations do not adequately integrate these mechanisms into penal mediation processes. Compensation is mentioned merely as part of recovery agreements without standardized calculation methods, proportionality benchmarks, or enforcement guarantees. Consequently, compensation is frequently determined by offenders' financial capacity or social compromise rather than by victims' actual losses, revealing a disparity between ideal victim protection norms and practical restorative outcomes (Sitompul et al., n.d.).

Disharmonization is also evident in determining case eligibility for restorative justice. Supreme Court Circular Letter Number 4 of 2021 sets criteria for cases eligible for restorative resolution at the judicial stage, yet these criteria are not fully aligned with those in police and prosecutorial regulations. Such inconsistencies create broad interpretive space, allowing cases

that should not be subject to restorative justice to be directed into restorative mechanisms. From a victim protection perspective, this uncertainty poses serious risks, particularly the coercion of reconciliation in cases involving serious harm.

Another normative weakness concerns post-agreement supervision. Although police and prosecutorial regulations require monitoring of restorative justice agreements, these provisions remain general and lack explicit sanctions for non-compliance by offenders. The absence of robust enforcement mechanisms leaves victims vulnerable when agreements are breached, especially when formal legal remedies have already been discontinued.

Fragmentation of authority among law enforcement institutions further exacerbates regulatory disharmonization. Each institution maintains internal restorative justice regulations without an integrated normative framework ensuring consistent victim protection across all stages of criminal proceedings (Lubis et al., n.d.). Consequently, victim protection depends more on the handling institution than on uniform legal standards, generating legal uncertainty and unequal treatment of victims in similar cases.

Conceptually, these normative gaps indicate that restorative justice in Indonesia remains in a transitional phase between retributive and restorative paradigms. Existing regulations emphasize case termination and procedural efficiency, while victim protection has not been fully integrated as a primary objective. As a result, restorative justice risks functioning as an administrative tool rather than as a rights-based recovery mechanism. Strengthening victim protection therefore requires regulatory harmonization, uniform standards on voluntariness, compensation, and supervision, and the establishment of an integrated legal framework binding all law enforcement institutions.

3.4. Restorative Justice from a Human Rights and Victim-Centered Justice Perspective

The restorative justice approach cannot be separated from a human rights framework, as criminal acts inherently constitute violations of human dignity and fundamental individual rights. From a human rights perspective, criminal justice is not solely defined by the punishment of offenders but also by the fulfillment of victims' rights to protection, recovery, and recognition of their suffering. Accordingly, the application of restorative justice must be situated within a *victim-centered justice* framework, a model of justice that places victims as the primary subjects in the resolution of criminal cases.

Conceptually, victim-centered justice is grounded in the principle that victims possess the right to be heard, respected, and comprehensively restored. This principle is consistent with universal human rights values, particularly the rights to security, justice, and effective remedies. In the context of restorative justice, recovery extends beyond material compensation to include psychological, social, and moral restoration. Thus, restorative justice

should ideally function as an instrument for the fulfillment of victims' human rights rather than merely as an alternative mechanism to avoid formal judicial proceedings (Sitompul et al., n.d.).

In practice, however, the implementation of restorative justice in Indonesia has not fully reflected a human rights-based approach. Although various regulations formally recognize victims' rights, their implementation often remains oriented toward procedural efficiency and the reduction of the judicial system's workload. Such orientations risk shifting the focus of restorative justice away from victim recovery toward administrative interests of law enforcement institutions or offenders' interests in avoiding criminal sanctions. From a human rights perspective, this condition is problematic as it may negate victims' rights to substantive justice.

Victims' rights to provide *free and informed consent* constitute a core element of victim-centered justice. From a human rights standpoint, consent obtained under pressure, fear, or lack of adequate information cannot be regarded as morally or legally valid. Consequently, restorative justice processes that fail to ensure informed consent may themselves result in violations of victims' rights (Putu Agus Eka Sanjaya, n.d.). In this regard, the state bears a positive obligation to ensure that victims receive sufficient information concerning their rights, the legal consequences of restorative justice, and alternative legal avenues available outside restorative mechanisms.

Beyond consent, the human rights perspective emphasizes victims' rights to protection from degrading treatment and from the risk of revictimization. Dialogue-based restorative processes that lack sensitivity to victims' psychological conditions may trigger retraumatization, particularly in cases involving gender-based violence, sexual violence, or crimes characterized by unequal power relations. Within a victim-centered justice framework, safeguarding victims from the harmful effects of recovery processes constitutes an integral part of human rights fulfillment. Therefore, psychological assistance and victim condition assessments should function as mandatory prerequisites rather than optional supplements.

Human rights principles further require that restorative justice guarantees victims' rights to *effective remedies*. Effective recovery cannot be reduced to symbolic agreements or formal apologies but must provide tangible benefits to victims. These benefits include economic restitution, psychological healing, and the restoration of social relationships disrupted by criminal acts. Within victim-centered justice, the success of restorative justice is measured by the extent to which victims' rights are genuinely restored rather than by the speed with which cases are resolved (Rofi & Nisa, 2024).

At the same time, a human rights-based approach underscores the importance of balancing the interests of victims, offenders, and society. Victim-centered justice does not imply the exclusion of offenders' rights but affirms that offenders' rights must not be fulfilled at the

expense of victims' rights. In the context of restorative justice, such balance can only be achieved when the state acts as a guarantor of rights rather than as a passive facilitator that leaves recovery entirely to the parties' agreement. The state remains responsible for ensuring that restorative justice processes comply with human rights standards.

In practice, restorative justice that lacks a human rights foundation risks producing distortions of justice. When victims are encouraged to reconcile for the sake of social harmony or legal efficiency while their rights remain inadequately restored, restorative justice may instead reinforce structural inequalities. This outcome contradicts the original purpose of restorative justice as a more humane and equitable approach to criminal justice.

Based on this analysis, the integration of human rights principles and victim-centered justice emerges as a normative prerequisite for the legitimate and just application of restorative justice. Restorative justice can be considered consistent with human rights principles only when both its processes and outcomes genuinely respect victims' dignity, ensure effective recovery, and prevent revictimization. Without such a framework, restorative justice risks losing its moral and legal legitimacy as an instrument of substantive justice within the criminal justice system.

3.5. An Ideal Model of Victim Protection in Restorative Justice (Prescriptive Analysis)

The discussion of restorative justice should not be limited to mapping normative frameworks and identifying implementation challenges but must be directed toward formulating an ideal model capable of ensuring effective victim protection. Within the context of criminal law, prescriptive analysis is essential as it provides direction for anticipated legal reform. An ideal model of victim protection in restorative justice must be constructed by positioning victims as the central subjects of recovery (*victim-centered restorative justice*), rather than as supplementary parties in the resolution of criminal cases.

Conceptually, the ideal model must be grounded in the principle that restorative justice functions as an instrument for fulfilling victims' rights, not merely as an alternative dispute resolution mechanism. Accordingly, victim protection should not be reactive or incidental but systematically designed across all stages of the process, including the pre-process, process, and post-agreement phases. This model requires the integration of normative, procedural, and institutional approaches to ensure sustainable victim recovery (Rizky et al., 2024).

The first stage of the ideal model concerns pre-restorative justice protection. At this stage, the state bears the obligation to ensure that victims possess sufficient capacity and appropriate conditions to participate in recovery processes. Pre-process protection includes psychological and social assessments to evaluate trauma levels, power relations with offenders, and potential external pressures. These assessments should be conducted by independent

professionals, such as psychologists or social workers, rather than solely by law enforcement officials. Without objective preliminary assessments, victim consent risks being merely formal and may not reflect genuine free will .

In addition to assessment, the ideal model requires the provision of comprehensive legal information to victims. Such information includes victims' rights, legal consequences of resolving cases through restorative justice, available alternative mechanisms, and post-agreement supervision procedures. Information must be delivered in clear and accessible language, avoiding technocratic complexity. From a victim-centered justice perspective, victim consent is valid only when based on full understanding (*informed consent*), not on situational pressure or lack of knowledge.

The second stage involves protection during the restorative justice process. At this stage, the ideal model mandates victim accompaniment as an absolute requirement. Accompaniment should not function merely as administrative facilitation but as active protection of victims' interests throughout the dialogue process. This assistance must encompass legal, psychological, and social dimensions to ensure that victims do not occupy subordinate positions when engaging with offenders. Dialogue processes should be designed to be safe, non-intimidating, and oriented toward victims' needs rather than the expedient achievement of agreement.

Within this framework, standards of victim voluntariness must be formulated more rigorously. Voluntariness cannot be assessed solely through verbal statements or signatures on official records but must be evaluated based on substantive indicators, such as the absence of psychological pressure, lack of social or economic threats, and victims' mental readiness to engage in dialogue (Adelia Wulandari, 2024) Law enforcement officials must terminate restorative justice processes whenever indications of pseudo-voluntariness are identified. This requirement constitutes a form of preventive protection against the risk of revictimization.

The third stage of the ideal model concerns post-agreement protection. Victim protection does not end with the achievement of a restorative agreement but must be continued through effective supervision mechanisms. Restorative justice agreements should possess binding legal force and be accompanied by clear monitoring systems to ensure offender compliance. The ideal model requires the establishment of integrated supervisory units or mechanisms responsible for overseeing agreement implementation and providing prompt responses in cases of non-compliance.

Regarding loss recovery, the ideal model demands proportional standards for compensation and restitution. Compensation determination must not rely solely on offenders' financial capacity or social compromise but should be based on objective calculations of victims' actual material and immaterial losses. In certain cases, non-financial recovery measures—such as

rehabilitation services, security guarantees, or meaningful social actions—may form part of the agreement, provided they genuinely address victims' needs. These standards are essential to prevent restorative justice from devolving into symbolic reconciliation without substantive recovery.

The ideal model also requires mechanisms for agreement annulment when offenders fail to fulfill their obligations. In such circumstances, victims must retain access to formal legal processes without forfeiting their rights. This mechanism functions as a legal safeguard to prevent victims from being trapped in detrimental agreements. Without such guarantees, restorative justice risks creating disguised impunity and undermining victims' trust in the legal system.

From an institutional perspective, the ideal model necessitates integrated coordination among law enforcement agencies and victim support institutions. Police, prosecutors, courts, and witness and victim protection agencies must operate within a unified policy framework with standardized victim protection measures (Khalil Ibrahim Ali et al., n.d.). Regulatory and authority fragmentation must be addressed through policy harmonization to ensure that victim protection is systemically guaranteed rather than institution-dependent.

At the normative level, this ideal model points to the need for strengthened regulations specifically governing victim-protective restorative justice. Such strengthening may be achieved through the formulation of binding national guidelines applicable to all law enforcement agencies or through the enactment of a specific statute positioning victim protection as the core principle of restorative justice. These regulations should explicitly adopt a victim-centered justice approach and designate victim recovery as the primary indicator of restorative justice success.

Ultimately, the ideal model of victim protection in restorative justice represents a normative construct that demands a paradigm shift from offender-oriented or case-oriented approaches toward victim-centered restorative justice. This model affirms that restorative justice can be considered just only when all stages of the process consistently guarantee victim protection, recovery, and dignity. Without a comprehensive and binding protection design, restorative justice risks losing its legitimacy as an instrument of substantive justice within the criminal justice system.

4. Conclusion

This study concludes that although restorative justice in the Indonesian criminal justice system is normatively supported by various legal instruments, its implementation has not yet ensured consistent and comprehensive protection for victims. Normative gaps and regulatory disharmonization—particularly regarding standards of voluntariness, compensation, and

post-agreement supervision—have weakened the position of victims and risk reducing restorative justice to a mechanism of procedural efficiency rather than rights fulfillment. From a human rights and victim-centered justice perspective, restorative justice can only achieve substantive legitimacy when victims' dignity, free and informed consent, and effective recovery are fully guaranteed. As its novelty, this research formulates a prescriptive, victim-centered model of restorative justice that integrates layered protection before, during, and after the restorative process, providing an operational and measurable framework to strengthen victim protection and realign restorative justice with its core objective of substantive justice.

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