

## **Urgency of Fulfilling Rights to Restitution for Victims of Serious Assault (Decision Number 297/Pid.B/2023/Pn Jkt.Sel)**

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**Abstract.** *Indonesia as a country of law adheres to the Civil Law system, where the law is stated in systematically arranged laws and regulations. This legal system covers two main areas, namely public law and private law. Criminal law, which is included in public law, aims to regulate the interests of society in general. This law regulates the relationship between the state or society and individuals who violate legal provisions. This type of research is legal research conducted using the type of socio-legal research. Explaining that law can be studied and researched as a study of law that actually lives in society as a non-doctrinal and empirical study. 1. Fulfillment of the right to restitution for victims of serious assault crimes in Indonesia is a crucial aspect of the criminal law system that prioritizes restorative justice. However, until now there has been no comprehensive and explicit regulation governing the restitution mechanism specifically for serious assault cases. 2. The urgency of fulfilling the right to restitution is very high in the context of restorative justice that balances the punishment of the perpetrator and the recovery of the victim. The rights of victims are often neglected even though the perpetrator has been punished, whereas the losses experienced by victims of serious abuse are multidimensional, covering physical, psychological, social, and economic aspects. 3. Fulfillment of the right to restitution for victims of serious assault crimes is a concrete manifestation of the value of justice, as contained in the Pancasila Theory of Justice and the principle of the rule of law (rechtstaat).*

**Keywords:** *Criminal Act; Restitution; Urgency.*

### **1. Introduction**

Indonesia as a country of law adheres to the Civil Law system, where the law is stated in systematically arranged laws and regulations. This legal system covers two main areas, namely public law and private law. Criminal law, which is included in public law, aims to

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regulate the interests of society in general. This law regulates the relationship between the state or society and individuals who violate legal provisions.<sup>1</sup>

Serious assault is one of the crimes that often occurs in society and has serious impacts on its victims. The impact is not only in the form of serious physical injuries, but also deep psychological disorders, both for the victim and his family. In some cases, serious assault even results in the death of the victim, which further worsens the suffering of the family left behind.

The increasing number of serious assault cases demands firm and fair law enforcement. Criminals must be given punishment commensurate with their actions. This punishment aims to provide a deterrent effect, prevent similar crimes from occurring in the future, and ensure justice for victims and their families. Effective law enforcement not only protects victims' rights, but also creates a sense of security and public trust in the justice system.

In addition to punishing the perpetrators, law enforcement must pay equal attention to restoring the rights of victims. One form of this recovery is the provision of restitution, which is compensation that is directly given to victims for the losses they experience due to criminal acts. This restitution includes compensation for material and immaterial losses, so that it can help restore the victim's physical, psychological, and economic condition.<sup>2</sup>

With effective recovery, justice is not only felt by the victim and his/her family but also by the community in general. This conveys the message that the legal system does not only focus on the perpetrator but also cares about the victim as the party directly affected. Moreover, this effort contributes to the restoration of the social trust system, creates harmony in the community, and increases the sense of security. A community environment that feels protected and its rights are respected is an important foundation for the creation of a just and sustainable social order.<sup>3</sup>

Abuse is an arbitrary act that is prohibited by law or the Criminal Code. The act of abuse in the Criminal Code is regulated to include the consequences of the violation committed and is classified into several forms including minor, serious and planned abuse which is regulated in Book II Chapter XX Articles 351 to Article 356 of the Criminal Code. The crime of serious abuse is regulated in Article 354 of the Criminal Code. Serious abuse is defined as an act that injures another person's body which is done intentionally. Article 90 of the Criminal Code explains the criteria for serious injuries including wounds that cannot heal, paralysis, five senses not functioning, to death and so on.

Based on the definition of serious injury that has been outlined in the Criminal Code, the impact caused by the crime of serious assault on the victim does require special attention. In addition to physical losses that can disrupt the victim's life in the long term, serious assault often causes deep psychological trauma. Therefore, in addition to sentencing the perpetrator, it is very important to ensure the fulfillment of the victim's rights during the trial process.

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<sup>1</sup>Yachead, KS, 2024. LEGAL ANALYSIS OF THE CRIMINAL ACT OF ASSAULT RESULTING IN SERIOUS INJURY (STUDY OF DECISION NUMBER 245/PID/2023/PT DKI). Causa: Journal of Law and Citizenship, 9(4), pp.1-10.

<sup>2</sup>Tompodung, HR, 2021. Legal Study of Criminal Acts of Assault Resulting in Death. Lex Crimen, 10(4).

<sup>3</sup>Tompodung, HR, 2021. Legal Study of Criminal Acts of Assault Resulting in Death. Lex Crimen, 10(4).

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Fulfillment of victims' rights is not only limited to providing restitution, but also includes adequate legal protection, such as protection of the safety and security of victims and their families. A transparent and responsive judicial process to the needs of victims will provide a sense of security and trust in the legal system. In addition, psychological support and rehabilitation also need to be provided to restore the mental condition of victims, so that they can return to living a normal life.

By ensuring the fulfillment of victims' rights during the judicial process, in addition to providing more comprehensive justice, the state also upholds the principle of protecting human rights. This not only provides a sense of security for victims and their families, but also strengthens a legal system that is just and can be trusted by the community.<sup>4</sup>

In essence, the law should be a protective shield for all people, especially for victims of crime. The value of justice can be reflected in the implementation and enforcement of law in a country. Protection of victims is an integral part of the entire criminal system. One form of such protection is the fulfillment of victims' rights, known as restitution.<sup>5</sup>

Restitution, in the context of victim rights, is defined as the provision of compensation by the perpetrator of a crime to the victim. This compensation is given to the victim due to the perpetrator's actions that cause losses either physically, psychologically, or materially. Losses resulting from a crime can be material or immaterial. Immaterial losses are losses that are difficult to measure in monetary terms, such as mental suffering, trauma, shame, loss of self-confidence, or other forms of suffering. While material losses are economic losses that can be measured in the form of a sum of money, such as losses to the victim's property or wealth.<sup>6</sup>

Restitution has been regulated in several special criminal laws outside the Criminal Code, such as Law Number 26 of 2000 concerning the Human Rights Court, Law Number 15 of 2003 concerning the Eradication of Criminal Acts of Terrorism, and Law Number 21 of 2007 concerning the Eradication of Criminal Acts of Human Trafficking. Each of these laws provides a legal basis for fulfilling the rights of victims regarding compensation for losses arising from certain criminal acts.

In addition, compensation and restitution are also regulated in Law Number 31 of 2014 concerning Protection of Witnesses and Victims. This law regulates the rights of victims of criminal acts, including the fulfillment of the right to restitution and compensation. In Article 1 number 9 of Law Number 31 of 2014, restitution is defined as compensation given to the victim or his/her family, or a third party who is harmed due to a criminal act committed by the perpetrator.<sup>7</sup>

Apart from the Law there is Government Regulation Number 43 of 2017 concerning the Implementation of Restitution for Children Who Are Victims of Criminal Acts and Article 31 paragraph (4), Government Regulation Number 7 of 2018 concerning the Provision of

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<sup>4</sup>Parengkuan, FV, 2021. Legal Analysis of Serious Assault Crimes Reviewed from Article 355 of the Criminal Code. *Lex Crimen*, 10(4).

<sup>5</sup>Hasan, Z. and Al, AY, 2024. RESTITUTION AS AN EFFORT TO RESTORE VICTIMS' RIGHTS FROM A CRIMINAL LAW PERSPECTIVE. *Causa: Journal of Law and Citizenship*, 5(11), pp.81-90.

<sup>6</sup>Sulistiani, L., 2022. Problems of Victims' Restitution Rights in Criminal Acts Regulated by the Criminal Code and Outside the Criminal Code. *Jurnal Bina Mulia Hukum*, 7(1), pp.81-101.

<sup>7</sup>Law Number 31 of 2014 Concerning Protection of Witnesses and Victims

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Compensation, Restitution and Assistance to Witnesses and Victims as amended by Government Regulation Number 35 of 2020 concerning Amendments to Government Regulation Number 7 of 2018 concerning the Provision of Compensation, Restitution and Assistance to Witnesses and Victims<sup>8</sup>.

Further provisions regarding the technical implementation of the examination of Restitution Applications are regulated by the Supreme Court Regulation (Perma), namely Perma Number 1 of 2022 concerning Procedures for Settling Applications and Granting Restitution and Compensation to Victims of Criminal Acts.<sup>9</sup>

This shows that the provision of restitution is not only intended to provide compensation for the losses suffered by the victim, but also to ensure that the victim's rights are well protected in the Indonesian legal system. In this context, the state plays an important role in ensuring the implementation of restitution and compensation for victims through legal mechanisms that have been regulated in the relevant laws.<sup>10</sup>

Victims of human rights violations are entitled to restitution filed through the Witness and Victim Protection Agency (LPSK). This is because victims of a crime experience losses that have the potential to create imbalances in society, causing various problems such as damaging the sense of justice and destroying the social trust system. Therefore, the granting of restitution aims to restore the situation, restore balance, and repair social relations that have been disrupted by the crime. The perpetrator is responsible for replacing the losses suffered by the victim as part of the recovery effort.

However, in practice, the fulfillment of restitution rights is still very limited, both in terms of the number of applications submitted, the types of crimes that can be subject to restitution, and the level of success of its fulfillment. Various technical and legal obstacles, as well as limited resources, often become obstacles to the effective implementation of restitution for victims.<sup>11</sup> So that many victims still do not receive the right to restitution to recover psychological and material losses.<sup>12</sup>

Legal protection for victims of crime, especially in cases of serious abuse, is still very lacking. In cases that often occur in society, such as serious abuse, victims are often in a very weak position and need adequate legal protection. Protection for victims in cases of serious abuse can ease their condition and help the recovery process.<sup>13</sup>

The 1945 Constitution of the Republic of Indonesia, Article 1 Paragraph 3, states that Indonesia is a country of law, which means that the law must be enforced to provide a sense of security, order, and justice in society. However, in the implementation of the law related

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<sup>8</sup>Government Regulation Number 35 of 2020 concerning Amendments to Government Regulation Number 7 of 2018 concerning Provision of Compensation, Restitution, and Assistance to Witnesses and Victims

<sup>9</sup>Regulation Number 1 of 2022 Concerning Procedures for Settlement of Applications and Granting of Restitution and Compensation to Victims of Criminal Acts

<sup>10</sup>Ramadhani, ARA and Ruslie, AS, 2022. Fulfillment of Restitution Rights to Victims of Criminal Acts. Bureaucracy Journal: Indonesia Journal of Law and Social-Political Governance, 2(3), pp.823-833.

<sup>11</sup>Sulistiani, L., 2022. Problems of Victims' Restitution Rights in Criminal Acts Regulated by the Criminal Code and Outside the Criminal Code. Jurnal Bina Mulia Hukum, 7(1), pp.81-101.

<sup>12</sup>Irawan Adi Wijaya, Hari Purwadi, Granting Restitution as Legal Protection for Victims of Criminal Acts, Journal of Law and Economic Development, Vol 6 No 2, 2018, p. 53

<sup>13</sup>Muhamad Sadi Is, Introduction to Legal Science, Jakarta; Prenadamedia Group, 2015, p. 186

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to the right to restitution for victims of serious assault, there are still various obstacles, especially in the process of submitting the right to restitution which is not easy to do.<sup>14</sup> For this reason, the role of law enforcement is very important in ensuring the fulfillment of restitution rights for victims. This is closely related to the position of victims in the criminal justice system, which needs more attention. By empowering victims in the law enforcement process, through a more inclusive criminal justice system, it is hoped that victims' rights can be better fulfilled and the criminal justice system can be more just.<sup>15</sup>

However, in practice, the settlement of serious assault cases regulated in Articles 351, 353, 354, and 355 of the Criminal Code, has not reflected the judge's considerations regarding appropriate and fair compensation for the victim. This shows a gap in the application of restitution rights for victims of serious assault crimes.<sup>16</sup>

Based on data from LPSK, the number of restitution requests submitted and granted is dominated by two types of crimes, namely sexual violence, especially sexual violence against children, and human trafficking. In 2022, LPSK noted that of the 18 restitution requests, 44% (8 people) were victims of sexual violence, 38% (7 people) were victims of human trafficking, and 18% were victims of abuse and violence against children. From this data, it can be concluded that the fulfillment of restitution rights for victims of serious abuse is still limited. When compared to the number and types of crimes recorded in the Criminal Code and outside the Criminal Code, this figure is still very small and not comparable to the number of serious abuse crimes that occur in society.<sup>17</sup>

Previous studies on restitution tend to be limited to certain categories or types of crimes that dominate restitution applications, such as human trafficking and sexual violence. The focus of these studies is more on examining the implementation of restitution for victims of crimes that are more frequently identified and receive special attention in the justice system, while serious assault crimes have not received equal attention.

Therefore, there is still a lack of studies related to the application of restitution in the context of serious assault crimes. In fact, serious assault has a very serious impact on the victim, both in physical, psychological, and social aspects. Therefore, this study aims to fill the gap in the study by discussing how the mechanism and implementation of restitution for victims of serious assault crimes. This study is expected to provide a significant contribution in understanding the role of restitution in improving the condition of victims and exploring the challenges and obstacles faced in providing restitution for types of serious assault crimes.

## 2. Research Methods

This type of research is legal research conducted using the type of socio-legal research. Explaining that law can be studied and researched as a study of law that actually lives in society as a non-doctrinal and empirical study. While it is known that sociological legal research emphasizes the importance of empirical observation, observation and analytical

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<sup>14</sup>Article 1 Paragraph 3 of the 1945 Constitution of the Republic of Indonesia

<sup>15</sup>Rena Yulia, legal protection for victims of crime, Yogyakarta; Graha Ilmu, 2013, p. 1

<sup>16</sup>C. Maya Indah S., Victim Protection, Jakarta; Prenadamedia Group, 2014, p. 169

<sup>17</sup>Bureau for Fulfillment of Witness and Victim Rights, LPSK RI, Jakarta, 2022



steps or better known as sociolegal research.<sup>18</sup> Based on the view that law is a manifestation of the symbolic meaning of social actors as seen from the interactions between them (society), the data obtained by researchers, both primary and secondary data, will be analyzed qualitatively and presented descriptively, namely by explaining, describing and depicting problems and their solutions that are closely related to the research.<sup>19</sup>

### 3. Results and Discussion

#### 3.1. Regulations on the Fulfillment of Restitution Rights for Victims of Serious Abuse Crimes in Indonesia

Fulfillment of the right to restitution for victims of criminal acts, especially serious assault, is an integral part of the criminal law system that prioritizes restorative justice. Unfortunately, until now there has been no comprehensive regulation in Indonesian laws and regulations that explicitly regulates the mechanism for granting restitution in cases of serious assault. This gap has serious implications for the restoration of victims' rights, because there is no legal clarity regarding who is responsible, how the mechanism for submitting and determining restitution is, and how it is executed if the perpetrator does not pay.

In this context, victims of serious abuse experience very complex suffering. In addition to physical suffering due to permanent injuries or disabilities, victims also experience psychological and social suffering that often lasts a lifetime. In the case of adult victims, disabilities experienced due to serious abuse often cause victims to be unable to work as usual, or even be dismissed from their jobs. As a result, victims have difficulty in meeting their living needs and become dependent on others. Meanwhile, for children, serious abuse can destroy their future. Damage to organs such as the brain can cause permanent cognitive impairment, which has implications for disrupting the child's education, growth and quality of life in the future.

Unfortunately, although Indonesian criminal law has accommodated the interests of victims in certain crimes such as terrorism and human trafficking, the crime of serious assault has not received the same attention. The provisions regarding restitution in Law No. 31 of 2014 concerning Protection of Witnesses and Victims do provide a legal basis for victims to receive compensation. However, the absence of specific provisions in the Criminal Code or Criminal Procedure Code makes its implementation difficult to realize in practice. The definition of a victim in various regulations basically includes people who experience physical, mental, and/or economic suffering caused by a crime.<sup>1</sup> However, without strong legal instruments, restitution claims in cases of serious abuse are often ignored.

A concrete example of the importance of restitution regulations in cases of serious abuse can be seen in the Decision of the South Jakarta District Court Number 297/Pid.B/2023/PN Jkt.Sel. In this case, the perpetrator committed serious abuse that was planned against the victim's child, causing the victim to be in a deep coma. Based on medical information, the victim's chance of recovery is only 5%, and even if he recovers, the damage to the brain nerves cannot be restored to its original state. The victim's child was hospitalized for a long

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<sup>18</sup>Sabian Utsman, 2013, Basics of Sociology of Law: Complete with Legal Research Proposal, Pustaka Belajar, Yogyakarta, p. 310

<sup>19</sup>Ibid,

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time, was unable to receive education as usual, and the parents' economic activities were disrupted because they had to accompany their child during treatment. The large medical costs prompted the victim's parents to file for restitution through the Witness and Victim Protection Agency (LPSK). This request was granted by the Panel of Judges, who decided that the perpetrator must pay restitution of Rp25,140,161,900.00 and determined that one Rubicon car belonging to the perpetrator would be auctioned off to cover part of the restitution..<sup>20</sup>

This decision is an important precedent because restitution in a case of serious child abuse was granted by the Panel of Judges, whereas previously restitution was generally only granted in cases of terrorism and human trafficking. However, the ruling does not contain provisions regarding substitute punishment if the perpetrator does not pay restitution. In cases of terrorism, for example, provisions on substitute punishment have been regulated in Government Regulations and Laws, where if restitution is not paid, it can be replaced with imprisonment..<sup>21</sup>The absence of this provision in cases of serious assault creates confusion in the execution process. The prosecutor as executor does not have a strong enough legal basis to seize the perpetrator's assets if it is not mentioned in the verdict.

The absence of clear rules on the consequences if restitution is not paid is also a major weakness. In this case, the Panel of Judges did not include a substitute sentence in the form of imprisonment if the perpetrator did not pay restitution, unlike decisions in terrorism or human trafficking cases. As a result, the prosecutor as the executor faces a dilemma: whether to continue confiscating the perpetrator's assets, or to stop because there is no explicit basis for the sentence. In practice, this opens up a gap for the victim's rights not to be fully implemented, even though philosophically and normatively, restitution is part of comprehensive recovery for victims..<sup>22</sup>

Restitution is compensation paid by the perpetrator of a crime to the victim as a form of compensation for suffering, physical injuries, psychological trauma, loss of income, and other costs arising from the crime. In the context of child victims of serious abuse, restitution is very important as a form of restoration of rights and justice for the victim, considering the multidimensional impact of the violence. In Indonesia, the fulfillment of the right to restitution for child victims of serious abuse has been regulated in several regulations as follows:

#### **a. Law Number 35 of 2014 concerning Child Protection**

This law strictly prohibits all forms of violence against children as stated in Article 76C. This article states that everyone is prohibited from placing, allowing, committing, ordering, or participating in committing violence against children.

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<sup>20</sup>Remal, S., Ketaren, A., Mutaqin, F., Natalia, J., Tobing, AL, Azza, Y., Achriansyah, AS, Setiawan, FS, & Putri, AF (2023). Legal Analysis of Law Enforcement against Perpetrators of Abuse, Case Study of Mario Dandy. *Pengabdian Cendikia*, 2(3), 66–74.

<sup>21</sup>Yossafa, SA (2022). Regulation of Restitution Charges on Child Offenders as a Form of Accountability for Losses to Victims of Criminal Acts. *Journal of Procedural Law*, 10(3), 475–485. <https://doi.org/10.20961/jv.v10i3.70430>

<sup>22</sup>Sulistiani, L. (2022). Problems of Victims' Restitution Rights in Criminal Acts Regulated by the Criminal Code and Outside the Criminal Code. *Jurnal Bina Mulia Hukum*, 7(1), 81–101. <https://doi.org/10.23920/jbmh.v7i1.948>

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Articles 59 and 59A state that the state, regional governments, and other state institutions are obliged to provide special protection to child victims of violence, including victims of serious abuse. This protection includes:

1. Prompt medical, psychological and social treatment;
2. Psychosocial assistance;
3. Provision of social assistance;
4. Accompaniment during the judicial process;
5. Fulfillment of restitution.

However, this law does not provide an explicit enforcement mechanism if the perpetrator does not fulfill the restitution obligation, so that the fulfillment of the victim's rights is often neglected.

#### **b. Law Number 31 of 2014 concerning Protection of Witnesses and Victims**

This law is an amendment to Law No. 13 of 2006, and provides a stronger legal basis for victims, including children, to obtain protection and restitution. Article 5 paragraph (1) states that victims have the right to:

1. Personal and family security protection;
2. Information on case developments;
3. Legal assistance and support;
4. Compensation and restitution.

Article 7A states that child victims of serious crimes have the right to restitution in the form of:

1. Compensation for loss of property or income;
2. Compensation for suffering directly related to the crime;
3. Compensation for medical and/or psychological care costs.

However, the implementation of the right to restitution still faces major challenges, especially in terms of executing court decisions and the lack of understanding among law enforcement officers about the urgency of restitution for victims.

#### **c. Law Number 11 of 2012 concerning the Juvenile Criminal Justice System**

This law stipulates that every child victim of a crime has the right to complete recovery. Article 1 paragraph (4) states that a child victim is a child under the age of 18 who experiences physical, mental and/or economic suffering due to a crime.

Article 90 states that child victims have the right to:

1. Medical and social rehabilitation;
2. Safety assurance;
3. Access to case information.

However, this provision does not provide sufficient legal pressure on perpetrators to carry out restitution, unlike the TPPO (Human Trafficking Crime) Law which provides additional sanctions if restitution is not paid.



### **3.2. Urgency of Regulation on Fulfillment of Restitution Rights for Victims of Serious Abuse in Indonesia**

Fulfillment of restitution rights for victims of criminal acts, especially children who are victims of serious abuse, is a crucial issue in a criminal law system based on restorative justice. In the Indonesian context, the urgency of regulations that specifically regulate and implement restitution is becoming increasingly important because there is still a gap between legal norms and practices in the field. The absence of strong executory provisions means that victims' rights are often ignored, even after the perpetrator has been sentenced to criminal punishment.<sup>23</sup>

One of the main objectives of criminal law is to provide justice not only for perpetrators of crimes through the principles of legality and due process of law, but also for victims as parties who experience direct losses. In practice, the criminal justice system in Indonesia still focuses heavily on punishing perpetrators, while the aspect of victim recovery has not been a priority. This has implications for the neglect of basic rights of victims, especially the right to recovery in the form of restitution.

Especially in cases of serious child abuse, the losses suffered by the victim are multidimensional: physical, psychological, social, and even economic. Restitution is one concrete form of the perpetrator's responsibility to restore some of these losses. Without firm and operational regulations regarding restitution, the victim's recovery is only symbolic and does not touch on substantive justice that should be guaranteed by law.

Although several laws and regulations have recognized the victim's right to restitution, such as in the Child Protection Law, the Witness and Victim Protection Law, and the SPPA (Child Criminal Justice System) Law, there are no regulations that technically and adequately regulate the mechanism for implementing restitution. For example, there are no clear regulations on who is responsible for monitoring restitution payments, how the collection mechanism works, and the legal consequences if the perpetrator is unable or unwilling to pay restitution.

This has resulted in many victims ultimately not receiving their restitution rights, even though they have been legally declared entitled through a court decision. The low effectiveness of these regulations indicates the need for the formulation of new legal policies that explicitly provide a strong legal basis for the implementation and enforcement of restitution.

The need for strong restitution regulations is also closely related to the strengthening of the restorative justice paradigm, which is currently being implemented in the Indonesian criminal justice system, including in handling child cases. Restitution is one of the main components of restorative justice, because it provides space for victims to have their rights restored in real terms.<sup>24</sup>

Without any guarantee of restitution, the restorative approach will lose its meaning because it does not provide direct benefits to the victim. Therefore, strengthening restitution

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<sup>23</sup>Ismaidar, Rahmayanti, & Panenggaran, N. (2024). Legal Study of Children Who Are Victims of Criminal Acts of Abuse. *Darma Agung Journal*.

<sup>24</sup>Febriana, MD (2023). Analysis of Restitution for Victims Reviewed from a Human Rights Perspective: Case Study of David Ozora. *Global Education Journal*, 1(3), 415–426.

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regulations will strengthen the implementation of restorative justice and create a balance between the interests of the perpetrator and the victim in the legal process.

Children as victims of serious abuse are a group that has special rights to legal protection. The Child Protection Law has emphasized that child victims have the right to physical, psychological, and social recovery. However, without restitution regulations that can be implemented effectively, this recovery is only a normative concept.<sup>25</sup>

The absence of a clear restitution system causes the victim's family to bear the burden of medical costs, psychological counseling, and various other losses that should be the responsibility of the perpetrator. This situation shows that regulations on the fulfillment of restitution rights for child victims of serious abuse are very urgent as a form of real protection for children from a human rights perspective.

The absence of regulations governing the mechanism for implementing restitution risks creating a space for impunity for perpetrators. In many cases, perpetrators can still avoid the obligation to pay restitution even though it has been decided in court. This legal ambiguity reduces the deterrent effect, and worse, adds to the suffering of victims who do not receive complete justice.

Furthermore, this also increases the risk of revictimization, where victims are re-traumatized by a legal process that does not provide adequate restitution. In other words, without strict restitution regulations, the legal system can actually become a source of new suffering for victims.

In Indonesia, various laws and regulations have regulated restitution, including Law No. 8 of 1981 concerning Criminal Procedure Law, the Criminal Code, Government Regulation No. 27 of 1983 concerning Restitution, Law No. 26 of 2000 concerning Juvenile Courts, Law No. 13 of 2006 concerning Protection of Witnesses and Victims, and several other implementing regulations. However, the regulation of restitution in these regulations is still scattered and has not been systematically integrated. As a result, restitution is difficult for victims to access, especially those from vulnerable groups such as children and women.<sup>26</sup>

In the Criminal Procedure Code, for example, Article 98 paragraph (1) stipulates that judges can combine compensation claims with criminal cases, but this requires victims to actively demand their rights and the process must be combined with the examination of the criminal case. This procedure is a major obstacle for victims, because they must face a long and complex legal process and must be able to prove the losses they have experienced. Especially for child victims, the complicated legal process can cause deeper psychological trauma.

In addition, the restitution given is usually limited to material losses and does not include

Restitution is a form of fulfillment of the victim's right to receive compensation from the perpetrator of a crime for the losses experienced, whether physical, psychological, or material losses. In the context of serious abuse, the victim not only experiences serious

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<sup>25</sup>Angkasa, A., Yulia, R., & Juanda, O. (2021). Urgency of Victim Precipitation Considered by Judges in Sentencing Decisions. *Jurnal Wawasan Yuridika*, 5(1), 1. <https://doi.org/10.25072/jwy.v5i1.431>

<sup>26</sup>Rohman, M., Purwoto, A., Amalia, M., Musahib, A., Rumalean, Z., Kurniawan, Romdoni, M., Ingratubun, F., Utami, R., Mahrida, BRW, Wardani, DEK, & Hamid, A. (2022). *Principles of Criminal Law*. PT Global Executive Technology.

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physical injuries, but also profound psychological and social impacts, so that restitution is one way to help the victim recover completely.

The urgency of the existence of regulations governing the fulfillment of restitution rights for victims of serious abuse in Indonesia is very high for the following reasons:

1. **Protecting Victims' Rights Constitutionally:** Clear laws and regulations on restitution ensure that victims are not only objects in the judicial process, but also receive recognition and compensation for their suffering. This is in line with the principles of the rule of law and the protection of human rights.
2. **Accelerating the Victim Recovery Process:** Restitution allows victims to receive compensation or financial support that can be used for medical expenses, psychological rehabilitation, and other living expenses arising from the act of abuse.

Although there are several regulations governing victim restitution, such as Article 45 of Law Number 35 of 2014 concerning Child Protection and Article 47 of Law Number 13 of 2006 concerning Protection of Witnesses and Victims, these regulations still have limitations, including:

1. **Complex and Unequal Procedures:** The restitution application process is still complicated and has not been well integrated with the criminal justice system. In addition, its implementation has not been evenly distributed throughout Indonesia, making it difficult for victims in remote areas to access restitution rights.
2. **Lack of Law Enforcement of Perpetrators' Obligations:** There are many cases where perpetrators are unable or unwilling to fulfill their restitution obligations, while sanctions or mechanisms for enforcing these obligations are not yet optimal.
3. **Lack of Protection for Vulnerable Victims:** Children and women as victims of serious abuse need extra protection, but restitution regulations and implementation have not fully accommodated their special needs.

To overcome this problem, several strategic steps are needed:

1. **Preparation of Comprehensive Special Restitution Regulations:** These regulations must clearly regulate the procedures, implementation mechanisms, types of compensation, and special protection for victims of serious abuse, including children and women.
2. **Integration of Restitution System in Criminal Justice Process:** Restitution must be a mandatory part of court decisions and supervision of their implementation by relevant institutions.

The urgency of regulations to fulfill the right to restitution for victims of serious assault crimes in Indonesia is very important as part of a comprehensive legal protection system. Clear regulations and effective implementation not only provide justice for victims, but also strengthen the justice system and maintain public trust in law enforcement. By fulfilling the right to restitution, victims can recover more quickly and return to living a decent life after experiencing the trauma of serious assault.

Thus, the regulation on the fulfillment of restitution rights must include clear provisions regarding the mechanism for submitting restitution, the obligations of the perpetrators, the enforcement mechanism, and sanctions for perpetrators who do not fulfill their obligations. The regulation must also be supported by increasing the understanding and capacity of law

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enforcement officers and socialization to the community so that the right to restitution can be known and fought for by the victims.

Overall, the urgency of having adequate regulations on the fulfillment of restitution rights for victims of serious assault crimes is very great. These regulations are important instruments to guarantee justice for victims, provide comprehensive legal protection, and support the process of physical, psychological, and social recovery of victims. Without strong and implementable regulations, the rights of victims to restitution will only be a formality that is difficult to realize in reality, so that justice for victims is difficult to achieve.

## **DISCUSSION**

### **1. Regulations on the Fulfillment of Restitution Rights for Victims of Serious Abuse Crimes in Indonesia**

This study reveals that the fulfillment of restitution rights for victims of serious assault crimes in Indonesia still faces serious obstacles at the normative and implementation levels. The lack of regulations that specifically regulate restitution in cases of serious assault puts victims in a weak position before the law. The absence of explicit provisions in the Criminal Code and Criminal Procedure Code regarding the mechanism for submitting, determining, and executing restitution causes the process of restoring victims' rights not to run optimally. This is different from crimes such as terrorism and human trafficking which already have complete legal instruments, including sanctions against perpetrators if they do not fulfill their restitution obligations.

One concrete example that has become an important precedent is the Decision of the South Jakarta District Court Number 297/Pid.B/2023/PN Jkt.Sel, in the case of the Defendant Mario Dandi who planned to meet the victim David Ozora in advance and then beat him towards the head, repeated kicks towards the head, and even stepping on the back of the victim's child David's head with all his might and ending with a beating to the victim's child David's face, resulting in the victim's child David being helpless, having convulsions, bleeding, and being unconscious in a prone position on the asphalt, resulting in the victim witness David Ozora was in a coma and was treated at the witness's house. The case was then decided by the Panel of Judges in addition to being sentenced to prison, the Panel of Judges also granted the restitution demands imposed on the Defendant Mario Dandi, however, the verdict did not include substitute criminal sanctions if the perpetrator did not pay restitution. The absence of a legal basis for the executor to confiscate the perpetrator's assets outside the explicit provisions in the verdict is one of the major obstacles in the implementation of restitution.

Fulfillment of restitution rights for victims of serious assault crimes in Indonesia still faces various legal and implementation challenges. Although there are several regulations governing restitution, there is no comprehensive and effective mechanism to guarantee victims' rights, especially in cases of serious assault.

One example of a case that highlights this issue is the South Jakarta District Court Decision Number 297/Pid.B/2023/PN Jkt.Sel, in which the defendant Mario Dandy Satriyo was sentenced to prison and ordered to pay restitution of Rp25,140,161,900.00 to the victim, David Ozora. However, the decision did not include provisions regarding substitute

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punishment if the perpetrator did not pay restitution, thus causing confusion in the execution process.<sup>27</sup>

Law Number 31 of 2014 concerning Protection of Witnesses and Victims provides a legal basis for victims to obtain compensation, including restitution. However, its implementation still faces obstacles, especially in terms of executing court decisions and the lack of understanding of law enforcement officers about the urgency of restitution for victims. Likewise, Law Number 35 of 2014 concerning Child Protection stipulates that child victims of criminal acts have the right to restitution. However, this law does not provide an explicit enforcement mechanism if the perpetrator does not fulfill the obligation to restitution, so that the fulfillment of victims' rights is often neglected.

In comparison, Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking provides stricter provisions regarding restitution, including sanctions for perpetrators who do not pay restitution. In this case, the prosecutor can confiscate and auction the perpetrator's property to pay restitution, and if the perpetrator does not have property, it is replaced with imprisonment.<sup>28</sup>

This difference shows that the regulation of restitution in cases of serious abuse is still not as strong as the regulation in cases of human trafficking. Therefore, it is necessary to strengthen the regulation regarding restitution, especially for victims of serious abuse. The Supreme Court needs to issue a Supreme Court Regulation (Perma) that regulates the technical implementation of restitution in cases of serious abuse, including the procedure for filing, proving losses, calculating the amount of restitution, and sanctions if the perpetrator does not pay. In addition, the scope of protection must also be expanded, not only for child victims, but also for adult victims who experience serious physical and economic impacts due to the crime.<sup>29</sup>

Furthermore, a stronger coordination system needs to be built between law enforcement officers, the Witness and Victim Protection Agency (LPSK), and the judiciary to ensure that restitution can be submitted, examined, and executed optimally. Without an integrated system, victims' rights will continue to be neglected and the justice aspired for in criminal law will never be fully realized. The state must be present not only in punishing the perpetrators, but also in ensuring the victims' complete recovery.

In the perspective of restorative justice, the existence of comprehensive restitution rules is not an option, but a necessity. The state is obliged to be present to ensure that victims not only receive formal justice in the form of criminal punishment of the perpetrator, but also substantive justice through physical, psychological, and economic recovery. So far, the

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<sup>27</sup> Decision of the South Jakarta District Court Number 297/Pid.B/2023/PN Jkt.Sel. (2023). Accessed from [https://jdih.mahkamahagung.go.id/storage/uploads/produk\\_hukum/Decision%20of%20South%20Jakarta%20State%20Court%20Nomor%20297/Pid.B/2023/PN%20JKT.SEL/1702262505\\_PN\\_JKT.SEL\\_2023\\_Pid.B\\_297\\_final\\_decision%20.pdf](https://jdih.mahkamahagung.go.id/storage/uploads/produk_hukum/Decision%20of%20South%20Jakarta%20State%20Court%20Nomor%20297/Pid.B/2023/PN%20JKT.SEL/1702262505_PN_JKT.SEL_2023_Pid.B_297_final_decision%20.pdf) Scribd+2JDIH Supreme Court+2JDIH Supreme Court+2

<sup>28</sup> Law of the Republic of Indonesia Number 31 of 2014 concerning Protection of Witnesses and Victims. (2014). Retrieved from <https://peraturan.bpk.go.id/Details/38701/uu-no-31-tahun-2014> Regulation Database | JDIH BPK+5 Regulation Database | JDIH BPK+5 Regulation Database | JDIH BPK+5

<sup>29</sup> Law of the Republic of Indonesia Number 35 of 2014 concerning Child Protection. (2014). Retrieved from <https://peraturan.bpk.go.id/Download/28052/UU%20Nomor%2035%20Tahun%202014.pdf> Regulation Database | JDIH BPK+1 Regulation Database | JDIH BPK+1



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implementation of restitution is still very dependent on institutions such as LPSK which act as facilitators and proposers, even though this responsibility should be an integral part of the criminal justice process itself.

As a concrete step, the Supreme Court needs to immediately respond to this legal vacuum by issuing a Supreme Court Regulation (Perma) that regulates the procedures for granting restitution in cases of serious assault. The Perma should include a broad understanding of victims, procedures for requesting restitution, standards for proving losses, and sanctions or substitute punishment if restitution is not paid. In addition, the government and the Indonesian House of Representatives need to include a restitution clause in the Draft Criminal Code or through a revision of the Criminal Procedure Code so that restitution regulations are not limited to certain crimes, but become a general norm that applies to all types of crimes that cause suffering to victims.

The main difference between this study and other studies lies in the focus of the analysis on the legal vacuum in the implementation of restitution for victims of serious abuse, especially in the aspect of executing decisions and sanctions for perpetrators who do not fulfill their restitution obligations. This study also highlights the need for regulatory harmonization and the active role of judicial institutions in guaranteeing victims' rights, which have not been widely discussed in previous studies.

This study also highlights the lack of understanding of law enforcement officers regarding the importance of restitution as part of restorative justice. In many cases, prosecutors and judges are more oriented towards punishing the perpetrator rather than restoring the victim. In fact, from a victimology perspective, victims have the right to be fully restored, including physical, psychological, and economic recovery.<sup>30</sup> This lack of training and awareness is a major obstacle in the submission and implementation of restitution, especially in cases of serious abuse which have multidimensional and long-term impacts.

Based on these findings, this study emphasizes the urgency for the Supreme Court to issue a Supreme Court Regulation (Perma) that technically regulates the restitution mechanism in cases of serious assault. In addition, harmonization of regulations between laws needs to be carried out immediately so that restitution becomes an automatic right in every criminal justice process, not just a right that must be fought for independently by the victim.<sup>31</sup> Thus, the criminal justice system in Indonesia will move towards a more humanistic and victim-oriented approach, not just on imposing sanctions on perpetrators.

## **2. Urgency of Regulation on Fulfillment of Restitution Rights for Victims of Serious Abuse in Indonesia**

The results of the study above show that the urgency of strengthening regulations regarding the right to restitution for victims of serious assault crimes is very urgent. Normatively, the right to restitution has been regulated in Law Number 31 of 2014 concerning Amendments

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<sup>30</sup> Republic of Indonesia Law Number 21 of 2007 concerning the Eradication of Criminal Acts of Human Trafficking. (2007). Retrieved

from <https://peraturan.bpk.go.id/Download/29441/UU%20Nomor%2021%20Tahun%202007.pdf> Regulation Database | JDIH BPK+5 Regulation Database | JDIH BPK+5 Regulation Database | JDIH BPK+5

<sup>31</sup> Republic of Indonesia Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. (2012). Retrieved from <https://peraturan.bpk.go.id/Details/39061/uu-no-11-tahun-2012> Regulation Database | JDIH BPK+1 Regulation Database | JDIH BPK+1

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to Law Number 13 of 2006 concerning Protection of Witnesses and Victims, which states that victims of criminal acts have the right to receive restitution from the perpetrator for the losses they have experienced.<sup>32</sup> However, these provisions are still general in nature and do not specifically regulate the mechanism for fulfilling the right to restitution, especially in the context of serious assault crimes.

Previous research has revealed that one of the biggest obstacles in implementing restitution in Indonesia is the absence of operational and adequate legal instruments.<sup>33</sup> Although the Witness and Victim Protection Agency (LPSK) has been given the authority to submit restitution applications on behalf of victims, the process of submitting and implementing restitution decisions is often hampered by lengthy judicial processes and limited understanding by law enforcement officers regarding the importance of victim recovery.<sup>34</sup>

Meanwhile, the crime of serious assault causes multidimensional losses for the victim. These losses are not only physical, but also psychological, social, and economic. In this case, restitution becomes an important element of restorative justice, where the victim must be restored from his losses by involving the active participation of the state and the perpetrator.<sup>35</sup> However, in reality, the Indonesian criminal justice system still focuses on punishing perpetrators, and has not given an equal share to victim recovery.

Other research highlights that in practice, many court decisions do not include orders regarding restitution payments, or if they do, are not followed by clear enforcement mechanisms.<sup>36</sup> When the perpetrator does not have the economic capacity to pay restitution, there are no clear regulations regarding the role of the state as the party responsible for subsidizing the replacement, as is found in other countries such as Germany, the Netherlands and the Philippines which have victim compensation funds from the state.<sup>37</sup>

In comparison, countries such as South Africa and Canada have more structured restitution and compensation systems, with the state providing a specific budget to assist victims of serious violence including abuse. This is done as a form of state responsibility for failure to prevent crime and as a form of protection of human rights.<sup>38</sup> Indonesia, with its commitment to the principles of human rights as stated in Article 28G of the 1945 Constitution, should be able to guarantee legal certainty and justice for victims through adequate regulations.

In the context of victimology, it is argued that the traditional criminal justice system tends to alienate victims from the legal process. Victims are only used as evidence or witnesses, not subjects who have the right to obtain recovery.<sup>39</sup> Therefore, regulations governing the right

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<sup>32</sup> Law Number 31 of 2014 concerning Protection of Witnesses and Victims, Article 7A paragraph (1).

<sup>33</sup> Saragih, Y. (2020). "Effectiveness of Restitution for Victims of Crime in the Indonesian Criminal Law System." *Journal of Law and Justice*, 11(2), 145–158.

<sup>34</sup> Witness and Victim Protection Agency. (2021). *LPSK Annual Report 2021*. Jakarta: LPSK.

<sup>35</sup> Putri, NA (2021). "Obstacles to the Implementation of Judges' Decisions on Restitution for Victims of Violence." *Journal of Law and Society*, 9(1), 34–47.

<sup>36</sup> Zehr, H. (2002). *The Little Book of Restorative Justice*. Intercourse: Good Books.

<sup>37</sup> United Nations Office on Drugs and Crime (UNODC). (2015). *Handbook on Justice for Victims*. Vienna: United Nations.

<sup>38</sup> Doak, J. (2008). *Victims' Rights, Human Rights and Criminal Justice: Reconceiving the Role of Third Parties*. Hart Publishing.

<sup>39</sup> Christie, N. (1986). "The Ideal Victim." In *From Crime Policy to Victim Policy*, ed. Ezzat Fattah. London: Macmillan, pp. 17–30.

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to restitution are not only important to provide individual justice for victims, but also to balance the legal system which tends to be perpetrator-centric towards a victim-centric system.

Based on the various literatures, the need for special regulations that regulate in more detail the rights and mechanisms of restitution for victims of serious abuse cannot be postponed. These regulations need to cover procedural aspects (submission, verification, and implementation mechanisms), institutional (the role of LPSK, courts, prosecutors, and the state), and financing (sources of funds if the perpetrator is unable to pay). Without comprehensive regulations, the right to restitution will only be a normative promise without real implementation.

#### **4. Conclusion**

1. Fulfillment of the right to restitution for victims of serious assault crimes in Indonesia is a crucial aspect of the criminal law system that prioritizes restorative justice. However, until now there has been no comprehensive and explicit regulation governing the restitution mechanism specifically for serious assault cases. This lack of regulation creates ambiguity regarding the responsibilities, process of filing, determining, and implementing restitution, as well as the absence of substitute criminal sanctions if the perpetrator does not fulfill his/her obligations. As a result, victims who experience severe physical, psychological, social, and economic suffering, including children who are potentially permanently impaired, often do not receive adequate recovery. The example of the South Jakarta District Court decision granting significant restitution for child victims is an important precedent, but without strict sanctions if the perpetrator does not pay. Therefore, regulations are needed in the form of Supreme Court Regulations that regulate the procedures for granting restitution, regulating substitute criminal sanctions, and strengthening coordination between law enforcement and related institutions so that restitution can be carried out effectively and inclusively for all victims. 2. The urgency of fulfilling the right to restitution is very high in the context of restorative justice that balances the punishment of the perpetrator and the recovery of the victim. The rights of victims are often neglected even though the perpetrator has been punished, whereas the losses experienced by victims of serious abuse are multidimensional, covering physical, psychological, social, and economic aspects. The justice system that is still more focused on punishing the perpetrator without being balanced by an effective restitution mechanism causes a real gap between legal norms and practice. Therefore, strategic steps that need to be taken include harmonization and revision of regulations related to restitution, strengthening the role of LPSK and law enforcement officers through special training, issuing a Supreme Court Regulation that regulates the technicalities of restitution in cases of serious abuse, and socialization of the right to restitution to the community and victims to ensure the protection and restoration of victims' rights as a whole. 3. Fulfillment of the right to restitution for victims of serious assault crimes is a concrete manifestation of the value of justice, as contained in the Pancasila Theory of Justice and the principle of the rule of law (*rechtstaat*). Restitution is not merely compensation, but a form of state recognition of the victim's dignity and the perpetrator's responsibility for the suffering caused. The injustice experienced by victims due to the unavailability of restitution shows the weakness of legal certainty, and is contrary to the values of just and civilized

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humanity. Therefore, the state is obliged to be present to ensure that the right to restitution is not only regulated, but is actually implemented in order to guarantee substantive justice for all victims.

## 5. References

### Journals:

- Aisyah, P. R., & Widjajanti, E. (2025). RESTITUSI SEBAGAI HAK PEMULIHAN KORBAN KEJAHATAN: KELEBIHAN DAN KEKURANGANNYA: Restitution as a Form of Recovery For Crime Victims: Strengths and Weaknesses. *AMICUS CURIAE*, 2(1), 65-77.
- Alyafedri, Y., & Koto, I. (2024). Kebijakan hukum terhadap problematika pemberian pemenuhan hak restitusi korban tindak pidana yang diatur KUHP dan di luar KUHP. *UNES Law Review*.
- Detikcom. (2022). Hukum pidana: Definisi, tujuan, jenis, hingga asas yang berlaku. Detik News. <https://news.detik.com/berita/d-6015161/hukum-pidana-definisi-tujuan-jenis-hingga-asas-yang-berlaku>
- Detikcom. (2024). Pahami tentang restitusi: Pengertian, tujuan, bentuk, dan proses pengajuan. Detik Edu. <https://www.detik.com/edu/detikpedia/d-7265117/pahami-tentang-restitusi-pengertian-tujuan-bentuk-dan-proses-pengajuan>
- Fakultas Hukum UMSU. (2022). *Restitusi: Pengertian, tujuan, bentuk, dan ruang lingkup*. Universitas Muhammadiyah Sumatera Utara. <https://fahum.umsu.ac.id/info/restitusi-pengertian-tujuan-bentuk-dan-ruang-lingkup/>
- Fakultas Hukum UMSU. (2025). *Tindak pidana: Pengertian, unsur, dan jenisnya*. Universitas Muhammadiyah Sumatera Utara. <https://fahum.umsu.ac.id/info/tindak-pidana-pengertian-unsur-dan-jenisnya/>
- Gramedia. (n.d.). Konsep hak asasi. Gramedia. <https://www.gramedia.com/literasi/konsep-hak-asasi/>
- Hasan, Z. and Al, A.Y., 2024. RESTITUSI SEBAGAI UPAYA PEMULIHAN HAK KORBAN DALAM SUDUT PANDANG HUKUM PIDANA. *Causa: Jurnal Hukum dan Kewarganegaraan*, 5(11), pp.81-90.
- Hukumonline. (2023, Oktober 27). *Akibat hukum penganiayaan berat yang sebabkan kematian*. Hukumonline. <https://www.hukumonline.com/berita/a/akibat-hukum-penganiayaan-berat-yang-sebabkan-kematian-lt6523a44cc1f51/>
- Irawan Adi Wijaya, Hari Purwadi, Pemberian Restitusi Sebagai Perlindungan Hukum Korban Tindak Pidana, *Jurnal Hukum dan Pembangunan Ekonomi*, Vol 6 No 2, 2018, hlm. 53
- Kumparan. (2024). Teori negara kesejahteraan dan penjelasannya. Kumparan. <https://kumparan.com/sejarah-dan-sosial/teori-negara-kesejahteraan-dan-penjelasannya-24AAIEIM32D>
- Kurniawan, A., Panggabean, T., & Ananto, R. W. (2025). Tinjauan yuridis terhadap putusan hakim dalam kasus tindak pidana penganiayaan berat (studi kasus putusan No.

Master of Law, UNISSULA

568/Pid.B/2014/PN.Jak.Sel). *Terang: Jurnal Kajian Ilmu Sosial, Politik dan Hukum*, 2(1).

Mahkamah Agung Republik Indonesia. (2022). *Inilah ketentuan restitusi dan kompensasi korban tindak pidana*. Kepaniteraan Mahkamah Agung RI. <https://kepaniteraan.mahkamahagung.go.id/prosedur-berperkara/2068-inilah-ketentuan-restitusi-dan-kompensasi-korban-tindak-pidana>

Miraj, S. O., Nabila, A. M., Rinjani, A., Pandelaki, F. A., Sari, Y., Pakpahan, E., & Puspita Sari, Y. K. (2024). Pemenuhan restitusi bagi anak korban tindak pidana penganiayaan berat ditinjau melalui perspektif viktimologi. *Jurnal Hukum dan Sosial Politik*.

Mustika, V., & Iwan. (2024). Restitusi terhadap korban kekerasan seksual di LPSK Medan: Analisis hukum pidana dan hukum pidana Islam. *Legalite: Jurnal Perundang-Undangan dan Hukum Pidana Islam*, 9(2), 117–131.

Nabila, M., Salsabila, O., Sitepu, A., Ridoansih, T., & Yunita, S. (2023). Studi Literatur: Tantangan Dalam Menegakkan Hukum Keadilan Di Indonesia. *Jurnal Review Pendidikan Dan Pengajaran (JRPP)*, 7(1), 127–133.

Parengkuan, F.V., 2021. Analisis Yuridis Tindak Pidana Penganiayaan Berat Ditinjau Dari Pasal 355 KUHP. *Lex Crimen*, 10(4).

Perqara. (2024). *Melindungi Diri dari Penganiayaan: Ini Bunyi Pasal 354 Tentang Penganiayaan Berat*. Perqara. <https://perqara.com/blog/pasal-penganiayaan-berat-354/>

Ramadhani, A.R.A. and Ruslie, A.S., 2022. Pemenuhan Hak Restitusi Kepada Korban Tindak Pidana. *Bureaucracy Journal: Indonesia Journal of Law and Social-Political Governance*, 2(3), pp.823-833.

Syamsul HA, A. (2017). *Hak restitusi korban perdagangan orang dalam perspektif hukum pidana Islam dan positif (Analisis putusan Mahkamah Agung No. 1501 K/Pid.Sus/2008)* (Skripsi, Universitas Islam Negeri Syarif Hidayatullah Jakarta).

Tompodung, H.R., 2021. Kajian Yuridis Tindak Pidana Penganiayaan Yang Mengakibatkan Kematian. *Lex Crimen*, 10(4).

Sujarwo, H. (2020). Pembaharuan restitusi kepada korban tindak pidana dalam undang-undang perlindungan saksi dan korban berdasarkan nilai-nilai hukum Islam. *Jurnal Ilmiah Studi Islam*.

Sulistiani, L., 2022. Problematika Hak Restitusi Korban Pada Tindak Pidana Yang Diatur Kuhp Dan Di Luar KUHP. *Jurnal Bina Mulia Hukum*, 7(1), pp.81-101.

Yachead, K.S., 2024. ANALISIS YURIDIS TINDAK PIDANA PENGANIAYAAN YANG MENAKIBATKAN LUKA BERAT (STUDI PUTUSAN NOMOR 245/PID/2023/PT DKI). *Causa: Jurnal Hukum dan Kewarganegaraan*, 9(4), pp.1-10.

#### **Books:**

Biro Pemenuhan Hak Saksi dan Korban, LPSK RI, Jakarta, 2022

C. Maya Indah S., *Perlindungan Korban*, Jakarta; Prenadamedia Group, 2014, hlm 169



Master of Law, UNISSULA

Kusyandi, A. (2024). RESTITUSI DAN KOMPENSASI BAGI KORBAN KEJAHATAN. *Yustitia*, 10(1), 49-59.

Muhamad Sadi'is. 2015. *Pengantar Ilmu Hukum*. Jakarta; Prenadamedia Group

Muladi, Hak Asasi Manusia, Politik dan Sistem Peradilan Pidana, Semarang: Badan Penerbit Universitas Diponegoro, 2002, hlm. 177

Rena yulia, perlindungan hukum terhadap korban kejahatan, Yogyakarta; Graha Ilmu, 2013, hlm 1

Saputra, T., & Nugraha, Y. A. (2022). Pemenuhan Hak Restitusi: Upaya Pemulihan Korban Tindak Pidana. *Krtha Bhayangkara*, 16(1).

**Regulation:**

Law Number 31 of 2014 Concerning Protection of Witnesses and Victims

Constitution of the Unitary State of the Republic of Indonesia 1945 Article 1 Paragraph 3