

Immoral offense eligibility as criminal acts objects for restorative justice filing

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Abstract. Restorative Justice has experienced a new phase in Indonesia since 2020. Since that year, the Police and the Prosecutor's Office have been competing to formulate internal regulations as a form of deadlock in revising the Indonesian Criminal Code Procedure (KUHAP), one of the new substances of which is the idea of Restorative Justice. Restorative Justice allows a case to not proceed to the court based on a peace agreement between the victim and the offender to create the restoration for the victims and social harmonization. Recently, there have been cases in Indonesia regarding the use of Restorative Justice in immoral cases, such as rape, that is then reconciled by marrying the victim and the offender. Such marriage in no way will bring happiness or restore the victim's condition but adds to the suffering of the victim and further destroys social harmony. This phenomenon is analysed with a normative approach which shows that the factors for the emergence of daunting peace under the pretext of Restorative Justice arise from the regulations dissimilarity between the Police and the Prosecutor's Office; only in the Prosecutor's Office regulation, immoral cases are cases that are excluded as objects of cases in Restorative Justice. Police regulations improvement must be carried out immediately so that the practice of marrying the victims with their offenders in immoral cases can be completely terminated from the start. Even a peace process proposal for immoral crime cases should not need to be facilitated because of the heavy impact felt by the victim or their family.

Keywords: restorative justice, immoral offence, and criminal acts

1. Introduction

Criminal acts of decency are general crimes because they have been regulated at the outset in the Indonesian legal system through the formulation of the Act No. 1/1946 of the Criminal Law Regulations or as hereinafter referred to as Indonesian Penal Code (KUHP). The Penal Code gives more attention to this crime because it formulates the issue of decency as a separate chapter in the Second Book of Chapter XIV from Article 281 to Article 303, or as many as 22 articles. Various general crimes, as long as they are not related to human life and the sustainability of the state, are generally resolved peacefully through the concept of restorative justice. This concept in Indonesia was introduced in the rules of laws in 2012, through the Act No. 11/2012 of the Juvenile Criminal Justice System and entered a new phase in 2020 and 2021 when the Police and the Prosecutor's Office formulated internal guidelines on the use of restorative justice in the context of terminating case investigations. Restorative justice is a concept that aims to restore victims' well-being, offenders and communities damaged by crime, and to prevent further offending.[1] Restorative justice is a concept that has two contexts, i.e., substantive and practical

context. Substantively, it is the paradigm of crime victims, an approach that is oriented towards victim recovery and opening up space for community participation. Practically, to reduce the prison burden—over capacity, which impacts to the difficulty of improving the offenders’ treatment according to standards. However, restorative justice has not been placed in a larger context—as a way to restore some conditions due to the conflict and overcome social injustice as one of Indonesia’s contemporary problems.[2]

In October 2022, Indonesian people were shocked by the rape case experienced by a female employee of Kementerian Koperasi dan Usaha Kecil dan Menengah (Kemenkop UKM). The rape was carried out by four supervisors and resolved amicably through marriage between the victim and one of the single offenders.[3] The use of restorative justice in this case was criticized by various groups, including the National Commission on Violence Against Women (Komnas Perempuan). A release dated October 30, 2022, stated that the settlement through the Restorative Justice (RJ) mechanism in this case distances victims from access to justice and recovery, places victims in violent situations, causes impunity for offenders, and normalizes sexual violence.[4]

Restorative justice can be defined conceptually as a concept of thinking in the development of the criminal justice system by focusing on the need for community involvement and victims who feel excluded from the mechanism that works in the current criminal justice system.[5] This concept is relatively reasonable but gets enormous rejection when it is used in immoral lawsuits so that the impression of being counterproductive for victims, intimidating offenders, and unprofessional law enforcement officers becomes a more dominant perception for the community. The public’s perception of the restorative justice concept should be manifested in the ideal perception of the law as Satjipto Rahardjo’s doctrine that the law can instruct ordinary life in general because the law regulates it in detail by providing a complete scenario of steps. Even the deadlock on the use of the law has been complemented by a scenario of giving law enforcement officers their own discretion.[6]

This article wants to describe two problems with this phenomenon, examine the regulation of immoral crimes in current Indonesian positive law and the restorative justice concept’s relevance in immoral crimes. This article aims to determine the extent of the feasibility of immoral offenses as objects of criminal acts in restorative justice filing.

2. Method

This article is a normative juridical research, a research that takes issues from the law as a system of norms used to provide an assessment through a legal perspective, in other words, the system of norms that can also be called a system of rules or regulations is the main focus of this research.[7] The research approach uses a statutory approach through a review of regulations on the issue of criminal acts of decency and restorative justice. The approach is integrated with a conceptual approach, especially on matters that are not explicitly regulated by the rules of law. The analytical method used is a qualitative analysis method, an analysis that emphasizes the process of deductive inference (general to specific) and the dynamics of the relationship between observed phenomena using scientific logic.[8]

3. Results

3.1. Immoral Crimes Regulation in Indonesian Positive Law

The implementation of criminal law has two functions, i.e., a general function of creating order in society to create community’s well-being, and a particular function to protect legal interests from acts that want to violate their rights or overcome malicious acts.[9] In order to create order and protect legal interests, the state determines which actions are prohibited so that the order in society and its legal interests can be protected. Determination of such an act in criminal law is termed criminalization, a policy in determining an act that was initially not a criminal act (unconvicted act) becomes a criminal act (convicted act).[10]

According to Moeljatno, a criminal act is an act that is prohibited by a legal rule in the form of a prohibition along with threats by means of criminal sanctions for anyone who violates it.[11] The hierarchy of laws and regulations in Indonesia limits the form of the rules to those jointly formulated between the executive and legislative institutions. Therefore, these regulations are limited to State and District Regulations. The formulation and conceptualization of criminal acts in Indonesia generally follow the Netherlands as a former colony. Conceptual crime, according to Simons, a leading legal scholar in the Netherlands, states that a crime (*strafbaar feit*) is an act that is threatened with a criminal offense, against the law, and is related to mistakes made by people who are capable of being responsible.[12] The aspects of a formulation of a crime from the concept referred to are as follows:[13]

- Human actions, both in the sense of positive acts (doing) and negative acts (not doing);
- Threatened with a criminal offense;
- Against the law;
- Done by mistake; and
- By a responsible person.

There are two functions of the formulation of a crime i.e., as the embodiment of the principle of legality and as a show proof in the context of criminal procedural law.[14] From another point of view, the formulation of a crime reflects the morality of a country's society. Public anger over the conduct of an act that is not desired by the morality of society needs to be accommodated by criminal law because the primary purpose of criminal law is to maintain public morality.[15] Public anger does not apply universally in viewing criminal acts because it is excepted by the concept of petitioned offense (*klachtdelicten*), which limits criminal law enforcement to the will of the victim themselves. The Indonesian Penal Code (KUHP) qualifies several criminal acts as petitioned offenses, including unlawful sexual intercourse, theft in the family, and defamation. This kind of offense is also regulated in Act No. 12/2022 of the Crime of Sexual Violence, which qualifies non-physical or digital sexual harassment as a similar offense.

The meaning of decency in a decency offense, according to R. Soesilo,[16] is also called “violating decency” and is defined as a feeling of shame related to sexual desire. While Wirjono[17] distinguishes courtesy and decency, according to him, generally, courtesy is about good habits between various community members' relationships, while decency is also about good habits, but specifically regarding a person's sex. This article will only limit decency offenses in the scope of sexual relations without women's consent against the opposite sex or, in other words, a sexual offense against women. Based on the data from the National Commission on Violence Against Women (Komnas Perempuan), sexual violence dominates the characteristics of violence against women in the public sphere as many as 1.051 cases in 2021, an increase of 7% from the previous year.[18]

Related to those characteristics above, it resulted in some implications, not only for women's physique but also for women's dignity, and such restrictions will describe the following criminal acts:

3.1.1. Rape. Article 285 of the Indonesian Penal Code regulates rape: “Any person who by using force or threat of force forces a woman to have sexual intercourse with him out of marriage, shall, being guilty of rape, shall be punished with a maximum imprisonment of twelve years.” The definition of sexual intercourse in that article is the penetration of the offender's (male) genitals into the victim's (female) genitals. This definition is based on the decision of H.R. 5 Feb 1912 W. 9292[19]: “Mere external intercourse between the male and female genitals does not constitute the copulation of the genitals as required for a rape.” Rape is an attempt to release sexual desire by a man against a woman in a way that violates morals and or applicable laws.[20] On the one hand, this deviant behavior can be seen as an act that is forcibly to release sexual desires; on the other hand, it can also be seen as a norm violation and social order. Some of the physical, psychological, and social sufferings of women as a result of rape among others:[21]

- Women who are rape victims can get pregnant. As a result, she will give birth to a child she may very well hate. Not because the child did anything to her but because his father damaged her body and ruined her future. Thus, rape can cause disgrace for women who are rape victims, her families, and her children because of her status of giving birth to a child without a legal marriage bond;
- If the victim is not pregnant, the victim will lose her virginity or morally lose her dignity as a woman;
- After all, rape victims will always experience traumatic and psychological disorders, which if not lovingly and adequately treated, it will be a prolonged process and damage their future. The victim feels filthy, has low self-esteem, hates all men, and is afraid to enter marriage;
- Rape victims may be infected with Sexually Transmitted Diseases (STDs) such as HIV & AIDS if the rapist has these diseases.

Based on Article 285 of the Indonesian Penal Code, the limitations of rape can be seen from the elements of the crime. A rape must fully fulfill the three elements, i.e., there is an act of violence or threats of violence, forcing a woman to have a biological relationship, and outside the marriage bond. Victims of rape by gender have been determined (limited to women) because a woman cannot rape a man and the negative consequences will only be on the woman because she has the potential to get pregnant.[22] A force in biological relationships against women reflects that women's position is subordinated to men's sexual needs. The physical strength of men is a more potent natural factor than women. Men appear to have a repressive style of power that places women as victims; the superiority of this power is abused to harass, oppress, and degrade women's human rights.[23] Indonesia does not recognize marital rape. According to Article 285 of the Indonesian Penal Code, a marriage does not include rape, even though the biological relationship or the sexual penetration of the husband to the wife is carried out without consent and uses violence or threats of violence.

Rape is only limited to the copulation of male and female genitals. Similar acts that do not include the penetration of the genitals, such as harassment by groping female organs, will be subject to a criminal act of obscenity, as stated in Article 290 of the Indonesian Penal Code. The definition of obscene according to R. Soesilo is all acts that violate decency or cruel acts, all of which are in the environment of sexual desire, for example, kisses, and groping of the genitals, or breasts. Sexual intercourse is actually included in the scope of obscenity, but the Indonesian Penal Code regulates it separately.[24] In contrast to rape, sexual abuse can be done by women against men.[25]

Rape offenses can be severely punished if they result in death, but it does not include serious injuries or pregnancy as stipulated in Article 291 of the Indonesian Penal Code. This formulation model is considered odd because it does not regulate the logical consequences of rape, i.e., severe injury and pregnancy for the victim. Pregnancy for rape victims is undesirable, so women generally will make various efforts to do an abortion.[26] Ironically, besides the Indonesian Penal Code not punishing the offenders with a higher threat, women as victims will face two threats from two different laws. The first threat is criminal sanctions for women committing abortions; article 194 of Act No. 36/2009 of the Health stipulates that anyone who commits abortion, not per the provisions, will be sentenced to a maximum of 10 years in prison and a maximum fine of Rp 1.000.000.000,-. The abortion requirements in the law are formulated with full limitations that are very difficult for the woman, the health facilities, and their health workers. The basic requirements that must be met based on Article 72 of the law include the gestational age that has not reached six weeks, certified health workers, the woman's approval, and being carried out in health facilities designated by the Ministry of Health. These requirements tend to complicate because they are cumulative. Abortion cannot be accommodated due to rape, even though women managed to find information on licensed health facilities that have certified health workers. The abortion application will fail when the gestational age has exceeded six weeks, which can be very long due to the counseling process that women have to go through.

Another threat women face comes from Act No. 35/2014 of the Amendments to Act No. 23/2002 of the Child Protection. The provisions in this law stipulated that the act of placing, allowing, involving, and ordering to involve a child in a situation of mistreatment and neglect will be punished with a maximum imprisonment of 5 years and a maximum fine of Rp 100.000.000,-. This provision is regulated in Article 76B and has the potential to be faced by women. An important factor in child neglect is the presence of the child whom the parents do not want because it is the result of an unwanted pregnancy. This law categorizes child neglect as part of violence against children. Violence is defined as an intentional act that causes physical or emotional loss or harm to children, physically or emotionally, covering various kinds of behavior, from physical threats to physical or emotional harm directly by parents or other adults to the neglect of children's basic needs.[27]

3.1.2. Physical Sexual Harassment. On May 9, 2022, or about six months before this article was compiled, the Government and the House of Representatives (DPR) decided to pass Act No. 12/2022 of the Crime of Sexual Violence. Criminal acts which principally regulate physical sexual harassment are regulated in Article 6, whose formulation is as follows:

Convicted of physical sexual harassment:

- Any person who performs a physical sexual act aimed at the body, sexual desire, and/or reproductive organs to degrade a person's dignity based on their sexuality and/or decency which is not included in other more severe criminal provisions with a maximum imprisonment of 4 years and/or a maximum fine of Rp 50.000.000,00.
- Any person who commits a physical sexual act aimed at the body, sexual desire, and/or reproductive organs to place a person under his control against the law, both inside and outside of marriage, with a maximum imprisonment of 12 years and/or a maximum fine of Rp 300.000.000,00.
- Any person who abuses position, authority, trust, or character arising from deceit or relationship circumstances or exploits a person's vulnerability, inequality or dependence, coerces or by deception moves that person to commit or allow sexual intercourse or obscene acts with him or with other people, shall be sentenced to a maximum imprisonment of 12 years and/or a maximum fine of Rp 300.000.000,00.

The formulation of this crime tries to accommodate the various weaknesses of the formulation of the crime of rape as regulated in Article 285 of the Indonesian Penal Code. Some forms of such are victims are not only women, the possibility of criminalizing marital rape, and combining sexual abuse with rape within the scope of physical sexual harassment. The punishment for the criminal act that is regulated in Article 6, according to Article 15, can be increased by $\frac{1}{3}$ when it causes several consequences, such as serious injury, death, severe psychological impact, sexually transmitted diseases, and reproductive organ injury. Pregnancy is not explicitly mentioned, but other forms of unwanted pregnancy, such as severe psychological effects, have been accommodated. The various formulations of criminal acts in the law are efforts to raise women's self-awareness to defend their rights as human beings with dignity and self-respect so that they do not deserve to be treated against their will.[28] This law is still considered young and requires adaptation through socialization to law enforcers and the public. Problems in its application are believed to arise along with various cases of sexual harassment in the future. However, the presence of this law is to accommodate state protection for its people, especially women, against crimes of decency.

3.2. Restorative Justice Concept Relevance in Immoral Case

Restorative justice is a process or a solving mechanism for a case or conflict that is included in the field of product-oriented criminal law in the form of restorative justice.[29] Mark S. Umbreit defines restorative justice as a process to involve, as much as possible, parties who have role in the occurrence of a crime to jointly identify and understand the harm it causes, the wishes of the victim, and the

obligations of the offenders of the crime to restore and place everything in its place in the best way possible.[29] Restorative justice can be narrowly and broadly interpreted. Narrowly, restorative justice is a concept that accommodates criminal offenders to experience diversion so that they do not go through the examination process before a panel of judges, investigators, or public prosecutors. They will stop the case examination process when the victim and the offender reach a peace agreement. In a broader interpretation, restorative justice is an examination process without diversion. However, the imposition of sanctions is to restore the victim's position as well as possible before the crime occurs. In the case of investment embezzlement, the Panel of Judges imposes a criminal sentence that is not limited to imprisonment but also returns the victim's property by confiscating the offender's property. It is still referred to as restorative justice, or in other words, the criminal sanctions imposed have adopted the concept of restorative justice.

The termination of the case at the investigation stage (including preliminary investigation) and the prosecution stage based on restorative justice has explicitly been regulated by the Police and the Prosecutor's Office. These two institutions have approved their respective internal regulations, i.e., Attorney General Regulation No. 15/2020 on the Termination of Prosecution Based on Restorative Justice (Attorney General Regulation in Restorative Justice) and Police Regulation No. 8/2021 on the Handling of Crimes Based on Restorative Justice (Police Regulation in Restorative Justice) which issued by the Police a year after the Attorney General Regulation. These two regulations show the need to terminate the investigation because the victim and the offender have reconciled not only to accommodate the needs of both parties but also to accommodate the needs of law enforcement for the explosion of the criminal statistics during the investigation and the inclusion of various seemingly trivial cases in prosecution.

The criminal justice system consists of investigations, prosecutions, examinations in court, and executions.[30] From this depiction, the Police Regulations in Restorative Justice will be carried out first before the Attorney General Regulations in Restorative Justice. As a system, both regulations should run synchronously in their implementation and more fundamentally in sync with the norm formulation. Surprisingly, the Police Regulations in Restorative Justice and the Attorney General Regulations in Restorative Justice have a striking difference in the object of the crime, especially in cases with the characteristics of criminal acts in the field of decency. The Police Regulations prohibit several criminal acts from being submitted for restorative justice, i.e., 1) terrorism, crime against the state's security, corruption, and crimes against human life; 2) information and electronic transaction crimes; 3) traffic sector crimes; and 4) narcotics crime. Similar prohibitions are also mentioned in the Attorney General Regulations, i.e., 1) criminal acts against the state's security, the dignity of the President and Vice President, friendly countries, and their representatives, public order and decency; 2) criminal acts that are threatened with a minimum criminal offense; 3) narcotics crime; 4) environmental crimes; and 5) crimes committed by corporations. Decency as a criminal act is treated differently in the Police and the Prosecutor's Office regarding the application of restorative justice. This will significantly affect whether the offenders of decency will be examined in court.

The logical consequence of applying restorative justice within the framework of criminal law as a public law is the protecting interests' orientation that is not only for individual legal interests, i.e., victims, but more broadly, the community's legal interests in the form of social harmonization.[31] The decency crime's standing needs to be known, whether it is included in the domain of merely harming the victim or destroying social harmonization. Barda Nawawi Arief, a well-known criminal law expert in Indonesia who formulated the Indonesian Draft Penal Code, describes his exciting analysis of the inclusion of unlawful sexual intercourse from a religious perspective (sexual relations that are not based on marital attachments) in the Indonesian Draft Penal Code. Marriage in Indonesia is in the public sector, not private or individual, because it is based on the marriage is something sacred. So to be able to get married, couples must ensure the compatibility between their respective families, so it becomes logical that a relationship that is not bound by marriage or without the consent of each family becomes

something immoral and deserves criminal sanctions.[32] Mutatis mutandis reasoning can be applied to criminal acts of decency, which are limited in this article, that forcing sexual relations is in the interests of public law so that this crime is characterized as damaging social harmonization.

Restorative justice is a concept that responds to the developments in thinking about the justice system with an emphasis on community involvement and the need for victims who are felt excluded by the mechanism that works in the current justice system.[33] The process that occurs in implementing restorative justice must be family-friendly, prioritizing peace based on both parties' agreement. Here, the Investigators and Public Prosecutors' task as facilitators is to facilitate the process with the paradigm of victim-offender reconciliation or alternative dispute resolution.[34] This nuance will not be applicable and appropriate for criminal acts of decency which force women to serve the offender's sexual needs. A win-win solution is challenging to achieve when women's honor has been taken by force, and it is impossible to return it as before. In Indonesia, women living in a patriarchal atmosphere will bear a heavier burden for themselves and their families when dealing with positions as victims of immoral crimes.

Factual cases of criminal acts of decency that are resolved by restorative justice in Indonesia are identical to a forced marriage between the victim and the offender. The shocking case of the victim with the initials ND, a temporary female employee at the Kementerian Koperasi dan Usaha Kecil dan Menengah (Kemenkop UKM), has been summarized interestingly by an American-Canada-based mass media called Vice as follows:[35]

On December 6, 2019, ND was raped by four male employees of Kementerian Koperasi dan Usaha Kecil dan Menengah (Kemenkop UKM) while attending a farewell ceremony for the Head of the General Bureau Hardiyanto, at Permata Hotel, Bogor City. The offenders' modus operandi was to invite ND to dinner, and then the victim was taken to a bar and force-fed with alcohol until she was unconscious. ND was then taken to the head office's room, where she was raped. The victim then reported the incident to her family. In January 2020, the victim reported the rape to the Bogor City Police, which was followed up with the confiscation of the hotel's security camera recording and the arrest of 4 offenders. The victim was also asked to do a post-mortem, but only two weeks later, the offenders were detained by the police. This initiative was supported by the police, who encouraged one of the offenders, ZP, to marry the victim because he was the only offender who was single. The proposal was initially accepted by ND's family, with the 'peaceful' ending, the police decided to close the case because it had been resolved through restorative justice. However, the victim's family admitted that they only recently learned that the case had been closed. After marriage, ZP never came again or did his duty as ND's husband. The peak was on October 17, 2022, when ZP filed for divorce from ND even though during 12 months of marriage, ND was only supported by ZP Rp 300.000,00 per month.

The narrative of the incident shows that the case is at the investigation stage (or at least the preliminary investigation stage), and is handled by the police. At the time of the incident (December 6, 2019), the Police Regulations in Restorative Justice had not yet been approved. However, there was a Chief of Police Circular Letter Number: SE/08/VII/2018 on the Application of Restorative Justice in Criminal Cases Settlement. However, the Circular Letter only regulates the specifics of criminal acts that result in the victim's death to be excluded from being proposed for a peace settlement. The Circular Letter only stipulates material requirements, i.e.:

- Does not cause public turmoil, and there is no community rejection;
- Does not cause social conflict;
- A statement from all parties involved not to object and waive the right to sue before the law;
- The limiting principle: 1) the error is light and not recidivist.

The Circular Letter does not seem to limit the cases that can be submitted for restorative justice. It does not even specify whether the material requirements must be fulfilled cumulatively or alternatively. So it is potentially pragmatically just interpreted that all parties agree to make a peace settlement. The ambiguity of this regulation can significantly affect the restorative justice process or concrete law enforcement because some interference in law enforcement can arise from the regulation itself because it is not per legal principles, does not provide implementing regulations, or is not clear enough.[36] The Police Regulation in Restorative Justice as a refinement of the Restorative Justice Circular Letter does not seem to significantly improve the ambiguity of the formulation. In the initial description, it has been explained that the list of criminal acts excluded on the Police Regulations is only terrorism, crimes against the state's security, corruption, crimes against human life, information and electronic transactions crimes, and crimes in traffic and narcotics crime. The requirements other than the exception are the same as the material requirements in the Circular Letter. However, there are some criteria that were added i.e., does not divide the nation and is not a radical or separatist action in a cumulative nature.

The use of restorative justice on violence against women runs with four general principles, i.e., restoring victims of crime, preventing individual offenders from repeating their actions, encouraging society's role in responding to the crime, and emphasizing the social context in which crime occurs.[37] The application of restorative justice for domestic violence, especially violence against wives, can be carried out as a consideration to maintain family integrity. The same considerations cannot be applied to sexual abuse and rape of children because of the need to protect the future of children so the formal law enforcement process is precisely more needed.[38] The same construction of thinking can be applied to criminal acts of decency against women, that rape and physical sexual harassment should be avoided with a restorative justice mechanism. Women as the victims must be protected from shame and accommodate the needs of trauma healing to be able to live a continuous life, earn a living, and continue to interact socially.

4. Conclusion

Crimes of decency with the characteristics of sexual intercourse without women's consent were initially accommodated in the formulation of the crime of rape as stipulated in Article 285 of the Indonesian Penal Code. However, this article has some weaknesses, including not accommodating marital rape and not burdening penalties if it occurs due to severe injury or pregnancy. The lack of this formulation was then responded to by the formulation of the criminal act of physical sexual harassment as stated in Article 6 of Act No. 12/2022 of the Crime of Sexual Violence. The formulation of the article has relatively filled up the lack of formulation of the crime of rape. However, as a new regulation, it must be supervised in its application in various concrete cases in the years to come. The application of the restorative justice concept to criminal acts of decency with the characteristics of sexual intercourse without women's consent is not yet feasible. The destructive effect on the days ahead for the victim can actually appear when the choice of settlement is not law enforcement but peace with the illusion of forced marriage between the victim and the offender. Victims are believed to have difficulty living their daily lives due to social interaction difficulties when they are overshadowed by continuous fear and intimidation from forced marriages. Law enforcement is more critical in responding to these crimes by integrating trauma-healing efforts. This practice is more likely to occur at the investigation stage because the internal regulations regarding the application of restorative justice at that stage do not prohibit the application of criminal acts of decency which is very different from the internal regulations of the Prosecutor's office, which explicitly prohibits it.

5. Suggestion

The application of the Restorative Justice concept in crimes of decency is not feasible because of the destructive effects that arise for the victim when the choice of settlement is not law enforcement. Therefore, strict rules are needed to stipulate that restorative justice can not be applied to crimes of decency, which starts with the uniformity of Police Regulations on Restorative Justice so that they have the same criteria regarding the object of criminal acts that can be sought for restorative justice with the

Attorney General Regulation on Restorative Justice. This is necessary because in the Indonesian criminal justice system, all criminal cases will be processed first by investigators or the police.

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