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# Breaking the Cycle: Reforming Indonesia's Justice System to Prioritize Victim-Centered Solutions

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***Abstract:***
*This study examines the role and position of crime victims within Indonesia's criminal justice system, highlighting their marginalization and the limitations of the current framework. Victims are often relegated to the role of evidence providers, sidelining their rights and needs while exposing them to risks such as retaliatory actions and psychological trauma. The system's emphasis on punitive measures for offenders fails to adequately address the suffering of victims, perpetuating their exclusion from meaningful participation in justice processes. The research employs a normative legal method, drawing on statutory and conceptual approaches alongside legislative analyses and secondary data, to explore restorative justice as a viable solution. Restorative justice offers a balanced, inclusive model that involves victims, offenders, and their families in collaborative decision-making. This approach not only addresses victims' needs and aspirations but also reflects Indonesia's cultural values of kinship and social harmony. It emphasizes fairness by holding offenders accountable in a manner proportionate to their capacity, while promoting victim rehabilitation and community reconciliation. Findings demonstrate the potential of restorative justice to mitigate systemic challenges, enhance victim involvement, and create outcomes aligned with societal values. The novelty lies in advocating for restorative justice as a culturally congruent and legally viable alternative to the prevailing adversarial system. By prioritizing victim-centered justice, this approach fosters a more humane and effective criminal justice process, ensuring that justice serves all stakeholders equitably.*

***Keywords:***
*criminal justice system; restorative justice; victims.*

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## *Introduction*

Indonesia, as one of the most populous countries in the world, benefits from a significant demographic advantage, offering considerable potential for human resource development. However, this large population also presents challenges, particularly in the form of rising crime rates. According to Statistics Indonesia (BPS), the crime rate in 2019 reached 269,324 cases, translating to a crime occurring every 1 minute and 57 seconds.[1] Approximately 1.01% of the population, or 2.7 million people, were victims of crime. These figures exclude "dark

[1] BPS, "Statistics Indonesia BPS. (2020)" (Jakarta, 2020).

figures," or unreported crimes, as highlighted by the United Nations Office on Drugs and Crime (UNODC), indicating the actual crime rate could be significantly higher.[2]

The high crime rate exacerbates the marginalization of victims, particularly through limited legal protection and minimal involvement in the justice process. Although Indonesia has established legal frameworks such as the Witness and Victim Protection Law (2006, amandment 2014), their implementation remains inadequate.[3] Victims are often viewed primarily as tools to assist in investigations rather than as individuals with rights to justice, restitution, or recovery. This limited role reflects broader issues within Indonesia's adversarial legal system, which prioritizes punishing offenders over addressing victims' needs. Consequently, victims frequently experience secondary victimization, where the justice process itself becomes a source of further harm.[4]

Cultural factors further intensify this marginalization. Societal norms often discourage victims, particularly of sensitive crimes such as domestic violence or sexual assault, from reporting incidents due to stigma and fear of social ostracism.[5] Victims may face judgment from their communities or even law enforcement, deterring them from seeking justice. Additionally, the legal system's heavy reliance on retributive justice often sidelines victims' voices, focusing on punitive measures rather than restorative outcomes. This approach neglects the holistic needs of victims, including psychological support and social reintegration.[6]

The role of victims in the criminal justice system has evolved significantly, especially with the implementation of laws designed to protect witnesses and victims. In Indonesia, the adoption of such laws marked a crucial step toward recognizing the importance of victim protection, yet the involvement of victims in the criminal justice process remains relatively limited. Although the legal framework provides for the protection of witnesses, who play a key role in assisting law enforcement agencies in detecting and investigating crimes, the broader rights and needs of victims are not fully incorporated into the criminal justice system. As a result, the aspirations of victims seeking justice are often not fully acknowledged, and their role in the legal process remains secondary to the interests of law enforcement and defendants.[7]

The growing recognition of victims' rights globally has brought attention to the need for reform in Indonesia's criminal justice system. While victims have traditionally been seen as passive elements in the criminal justice process, their rights are increasingly acknowledged in many jurisdictions. The emerging view is that victims should not only be witnesses who provide evidence but also active participants in the process, advocating for their own justice

[2] UNODC, "Global Study on Crime Trends and Prevention Strategies," United Nations Office on Drugs and Crime, 2019.
[3] Komnas HAM, "Laporan Tahunan: Implementasi Perlindungan Saksi Dan Korban Di Indonesia" (Jakarta, 2021).
[4] Dwi Andayani Budisetyowati et al., "Mediation of Criminal Cases as an Effort to Settle Criminal Actions Based on Local Wisdom in Indonesia," *Journal of Law, Politic and Humanities* 3, no. 4 (August 2023): 377–91, https://doi.org/10.38035/jlph.v3i4.245.
[5] Asih Ria Ningsih et al., "Kekerasan Verbal Pasangan Suami Istri Di Daerah Ujungbatu Kabupaten Rokan Hulu," *Jurnal Bahasa Dan Sastra* 9, no. 3 (December 2021): 292, https://doi.org/10.24036/jbs.v9i3.114814.
[6] Mochamad Sukedi and I Nengah Nuarta, "Keadilan Restoratif Sebagai Upaya Penyelesaian Tindak Pidana Dalam Sistem Hukum Di Indonesia," *Jurnal Preferensi Hukum* 5, no. 2 (2024): 222–30, https://doi.org/10.22225/jph.5.2.10415.222-230.
[7] Sri Endah Wahyuningsih et al., "Implementation of Restorative Justice on Elderly Actors in Criminal Law Enforcement Based on Justice Value in Indonesia," *International Journal of Social Science and Human Research* 06, no. 02 (February 2023), https://doi.org/10.47191/ijsshr/v6-i2-41.

and well-being. This paradigm shift has been particularly evident in countries with well-developed victim support structures, where various measures are in place to enhance the protection of victims throughout judicial proceedings.[8] One of the most significant initiatives in this regard is The Victim Involvement Project (VIP), which focuses on increasing the active involvement of victims in the legal process. The project advocates for the inclusion of victim advocates in courtrooms, ensuring that victims' voices are heard and their wishes are communicated effectively. By empowering victims and involving them in the judicial process, the VIP aims to address the imbalance in the treatment of victims, who often feel marginalized or disregarded. This initiative underscores the importance of not only providing protection to victims but also recognizing their right to be heard and involved in the legal proceedings that impact their lives. [9]

In the international context, Germany presents an example of the challenges surrounding victim involvement. Despite the recognition of victim protection in German law, there has been significant resistance from judges and prosecutors to fully integrate victims into the criminal justice process. Victims in Germany are often seen as outsiders and even as "problem producers" within the judicial system. This view stems from a long-standing tradition of focusing on the rights of the accused, with the victim's role being secondary. As a result, despite having legal provisions for victim protection, the practical implementation of these protections has been less than effective. Victims continue to be sidelined, and their involvement in the judicial process is often limited to their role as witnesses.[10] [11] The opposition to victim involvement in Germany highlights the broader issue within many judicial systems, where there is a tension between the rights of the accused and the rights of the victim. This tension often leads to the marginalization of victims, who are not always afforded the opportunity to actively participate in the proceedings that affect them. In some cases, victims' concerns may be dismissed as irrelevant, with the judicial system prioritizing the rights of defendants over the needs of victims. This creates a sense of injustice for victims, who may feel that their experiences and traumas are not fully acknowledged by the legal system.[12]

Despite these challenges, efforts to enhance the role of victims are gaining traction globally. In many countries, including the United States and several European nations, victim advocacy groups are pushing for greater involvement of victims in the criminal justice process. These groups advocate for policies and reforms that ensure victims have access to support services, legal representation, and a platform to express their concerns within the courtroom.

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[8] Leonardo Fernandez Meyer et al., "Criminal Responsibility Scale: Development and Validation of a Psychometric Tool Structured in Clinical Vignettes for Criminal Responsibility Assessments in Brazil," *Frontiers in Psychiatry* 11 (November 2020): 1–12, https://doi.org/10.3389/fpsyt.2020.579243.

[9] Mia Amalia, "Kejahatan Kekerasan Seksual (Perkosaan) Terhadap Anak Dampak Dan Penanganannya Di Wilayah Hukum Kabupaten Cianjur," *Jurnal Hukum Mimbar Justitia*, 2019, https://doi.org/10.35194/jhmj.v2i1.563; Robert C Davis and Barbara E Smith, "Victim Impact Statements and Victim Satisfaction: An Unfulfilled Promise?," *Journal of Criminal Justice* 22, no. 1 (1994): 1–12; Michele Stacey, Kimberly H. Martin, and Bradley T. Brick, "Victim and Suspect Race and the Police Clearance of Sexual Assault," *Race and Justice* 7, no. 3 (July 2017): 226–55, https://doi.org/10.1177/2153368716643137.

[10] Nils Miro Rodday, Ricardo O. De Schmidt, and Aiko Pras, "Exploring Security Vulnerabilities of Unmanned Aerial Vehicles," in *Proceedings of the NOMS 2016 - 2016 IEEE/IFIP Network Operations and Management Symposium*, 2016, https://doi.org/10.1109/NOMS.2016.7502939.

[11] Maximilian Scheuplein et al., "Child Maltreatment and Victimization," May 2021, https://doi.org/10.31234/osf.io/s9dfj.

[12] Lars Mathuseck et al., "A Two-Stage IoT Window Intrusion Detection System," in *2023 IEEE 9th World Forum on Internet of Things (WF-IoT)* (IEEE, 2023), 1–6, https://doi.org/10.1109/WF-IoT58464.2023.10539508.

The goal is to create a more balanced and equitable system where the rights and needs of victims are treated with the same level of importance as those of the accused.[13] In Indonesia, the recognition of victim rights within the criminal justice system is still evolving. While laws such as the Witness and Victim Protection Law provide a legal basis for protecting victims, the practical implementation of these protections remains a work in progress. Victims' rights to participation, information, and protection need to be strengthened to ensure that they are not only protected from harm but also given a voice in the legal process. This requires a shift in the cultural and institutional attitudes towards victims, as well as the development of victim support systems that can provide the necessary resources and assistance throughout the judicial process.[14]

In Indonesia, the position of victims within the criminal justice system remains suboptimal. Recognition of victims' rights and interests is often limited in judicial practice. However, developments in various countries show that the position of victims is increasingly recognized within criminal justice systems. In some countries, victims even play a crucial role in decision-making regarding punishment for offenders.[15] Judicial models that provide greater roles for victims are expected to serve as an inspiration for Indonesia in developing a fairer approach for crime victims.

The reviewed research highlights innovative victim-centred approaches to justice in diverse contexts. Carroll (2023), examines Sweden's sexual violence justice gap, proposing reforms like providing victim-survivors with independent legal counsel and offender-funded compensation schemes. These measures symbolise the recognition of victim-survivors as critical parties and provide practical support while avoiding over-reliance on the carceral system. The novelty lies in its dual focus on victim empowerment and offender accountability without exacerbating marginalisation.[16] Andriansyah et al (2023), focuses on child sexual violence in Indonesia, advocating a multifaceted strategy that integrates prevention, awareness, and responsive measures. By addressing gaps in implementing the Witness and Victim Protection Law and fostering collaboration among stakeholders, the study offers a comprehensive approach to protecting children. Its novelty lies in bridging prevention and enforcement, emphasising the shared responsibility of the state and society.[17] Hamber and Lundy (2020), explores lessons from transitional justice through the Northern Ireland Historical Institutional Abuse Inquiry. The study critiques replicated flaws in victim-centred mechanisms and outlines strategies to enhance victim participation and address their needs in historical abuse cases. [18] The novelty lies in applying transitional justice principles to historical abuse inquiries, creating a framework that prioritises victim-centric processes while

[13] Monica C Bell et al., "Investing in Alternatives: Three Logics of Criminal System Replacement," *UC Irvine Law Review* 11, no. 5 (2021): 1291–1326.
[14] Wahyuningsih et al., "Implementation of Restorative Justice on Elderly Actors in Criminal Law Enforcement Based on Justice Value in Indonesia."
[15] Azlinda Azman and Mohd Taufik bin Mohammad, "Crime Victims Support System and Restorative Justice: Possible Implementation in Malaysia," *Journal of Arts and Humanities* 1, no. 2 (2012): 18–26.
[16] Caitlin P. Carroll, "Reinvestigating the Sexual Violence 'Justice Gap' in the Swedish Criminal Justice System: Victim-Centered Alternatives to the Criminal Trial," *Feminist Criminology* 18, no. 1 (January 2023): 45–64, https://doi.org/10.1177/15570851221077673.
[17] Azis Andriansyah, Retno Saraswati, and Irma Cahyaningtyas, "Guardians of Innocence: Enhancing Legal Safeguards for Child Victims of Sexual Violence in Indonesia," *Indonesia Law Review* 13, no. 3 (2023): 105–16, https://doi.org/10.15742/ilrev.v13n3.5.
[18] Brandon Hamber and Patricia Lundy, "Lessons from Transitional Justice? Toward a New Framing of a Victim-Centered Approach in the Case of Historical Institutional Abuse," *Victims & Offenders* 15, no. 6 (August 2020): 744–70, https://doi.org/10.1080/15564886.2020.1743803.

acknowledging systemic challenges. These studies collectively innovate by redefining victim roles, integrating prevention and enforcement, and adapting justice frameworks to diverse contexts. This article discusses the position, role, and challenges faced by crime victims within Indonesia's criminal justice system. The main focus of this discussion is to provide a clear depiction of the various issues faced by victims in the justice process. This analysis will cover aspects of legal protection, victim involvement in judicial proceedings, and how Indonesia's criminal justice system can better address victims' rights.

## *Method*

This qualitative study employs a conceptual and comparative approach to investigate restorative justice and its role in safeguarding the rights of crime victims. The conceptual approach delves into the theoretical framework and practical application of restorative justice, emphasising how its principles cater to the interests of victims by prioritising their needs and fostering their active involvement in justice processes. The comparative approach, meanwhile, examines legal protection, victim participation in judicial proceedings, and the treatment of crime victims within criminal justice systems across various countries. This comparative analysis aims to identify best practices, challenges, and lessons that can guide the development of victim-centred restorative justice strategies globally and locally. Data collection involves an in-depth review of legal frameworks, case studies, scholarly literature, and international standards. By synthesising insights from these two approaches, the study provides a comprehensive understanding of restorative justice's potential to create more inclusive and responsive justice systems. This research not only explores general aspects of legal protection and victim involvement in judicial processes but also specifically evaluates how Indonesia's criminal justice system can improve its approach to addressing victims' rights. The findings aim to contribute to a framework that enhances restorative justice practices for the benefit of crime victims.

## *Discussion*

### *1. The existence of position, role and challenges for victims of crime in the Indonesian criminal justice system*

The status of crime victims is a compelling subject of analysis, especially within the framework of the Indonesian criminal justice system. In Indonesia, the resolution of criminal acts occurs within an integrated system, involving key players such as law enforcement agencies, prosecutors, judges, and lawyers. The ultimate goal of this system is to achieve justice, encompassing both procedural and substantive justice.[19] [20] Procedural justice refers to the fairness of the processes that resolve disputes, while substantive justice concerns the fairness

[19] Robert Folger, Blair H Sheppard, and Robert T Buttram, "Equity, Equality, and Need: Three Faces of Social Justice.," in *Conflict, Cooperation, and Justice: Essays Inspired by the Work of Morton Deutsch.*, 1995.
[20] Luthan Salman and Muhamad Syamsudin, "Kajian Putusan-Putusan Hakim Untuk Menggali Keadilan Substantif Dan Prosedural: Laporan Penelitian Unggulan Perguruan Tinggi," 2013.

of the outcomes themselves. Both are crucial, but the significance of substantive justice cannot be overstated, as it addresses the actual needs and rights of victims and offenders.

The quest for substantive justice in Indonesia's criminal justice system has attracted attention from scholars. Stancil argues that while procedural fairness is essential, it should not overshadow the necessity of achieving just outcomes.[21] Solum suggests that procedural justice may sometimes need to be compromised to achieve substantive justice.[22] Similarly, Kidane emphasizes that the justice system should prioritize correct outcomes over rigid procedural norms.[23] This raises important questions about balancing these two forms of justice, particularly regarding the rights and experiences of crime victims, whose voices need to be more effectively integrated into the justice process.

a. The position of the victim

In Indonesia's criminal justice system, victims' interests are predominantly represented by the police and prosecutors. Judges often reject requests for independent victim attorneys, assuming that prosecutors sufficiently safeguard victims' needs. However, research highlights that state-centered justice systems frequently overlook the personal interests of crime victims, prioritising the state's objectives over victims' well-being.[24] This structural limitation restricts victims' agency within the legal framework and creates a disconnect when authorities fail to meet their expectations. This misalignment is particularly pronounced in cases where the judicial process contradicts victims' personal experiences or their need for closure.[25]

Victims also endure the psychological burden of repeatedly recounting traumatic events during investigations and court proceedings. Although essential for legal procedures, this process often forces victims to relive painful memories, exacerbating psychological trauma and complicating their recovery. For many, the requirement to testify clashes with their desire to move forward, leaving them feeling re-traumatised.[26] This analysis underscores the need for a more victim-centered approach within Indonesia's criminal justice system. Legal reforms should prioritise victims' personal needs and well-being alongside public interest, ensuring that the justice process does not perpetuate their suffering.[27] Enhancing victim participation and offering

[21] Paul Stancil, "Substantive Equality and Procedural Justice," *Iowa Law Review* 102, no. 4 (2017): 1633–90.
[22] Lawrence B Solum, "Procedural Justice," *Southern California Law Review* 78, no. 181 (2004).
[23] Won Kidane, "Revisiting the Rules of Evidence and Procedure in Adversarial Immigration Proceedings," in *57 CATH. U. L. REV. 93*, vol. 93 (Seattle University School of Law Digital Commons, 2008).
[24] Craig Paterson and Andrew Williams, "Towards Victim-Oriented Police? Some Reflections on the Concept and Purpose of Policing and Their Implications for Victim-Oriented Police Reform," *Journal of Victimology and Victim Justice* 1, no. 1 (July 2018): 85–101, https://doi.org/10.1177/2516606918764997.
[25] Dedy Kurniawan and Joko Setiyono, "Implementation of Human Rights Protection against Victims of Severe Human Rights Violations in Indonesia's Criminal Justice System," *International Journal of Social Science and Human Research* 06, no. 07 (July 2023), https://doi.org/10.47191/ijsshr/v6-i7-20.
[26] Ulrich Orth, "The Effects of Legal Involvement on Crime Victims' Psychological Adjustment," in *Social Psychology of Punishment of Crime*, 2009.
[27] Robyn L. Holder and Elizabeth Englezos, "Victim Participation in Criminal Justice: A Quantitative Systematic and Critical Literature Review," *International Review of Victimology* 30, no. 1 (2024): 25–49, https://doi.org/10.1177/02697580231151207.

psychological support services are crucial steps towards creating a more inclusive and responsive system.[28]

Trapman highlights a crucial dynamic within the Indonesian criminal justice system, describing the role of the police and prosecutors as "a subjective assessment of an objective position." While police and prosecutors represent public and state interests, their approach to cases often involves subjective considerations influenced by the unique circumstances of each case. Their role requires balancing public interests with objective decision-making. However, this balance may not always align with what victims perceive as justice. For instance, when law enforcement releases an accused person due to insufficient evidence, victims and the public may view this as a failure, despite the decision adhering to legal protocols.[29]

In contrast, some parts of the United States criminal justice system provide crime victims with a more significant role. Victims are not only pivotal as witnesses but also possess rights to file charges alongside prosecutors. In certain states, victims or their families can hire private attorneys, such as special prosecutors, to advocate for their interests in court. This system grants victims a more active role in seeking justice. However, this approach is not without criticism. Bennett L. Gershman hypothesises that such practices, while empowering for victims, could lead to ethical concerns and a perceived erosion of impartiality in the justice system. Critics argue that prioritising victims' interests could overshadow principles of fair justice, creating a tension between personal advocacy and public accountability.[30]

In The Netherlands adopts a victim-centred approach to justice, balancing victims' rights with rehabilitation principles. This approach is supported by robust legal frameworks, including the Dutch Criminal Code (Wetboek van Strafrecht) and the Victims Directive (2012/29/EU), implemented in 2015. The Directive significantly enhanced legal protections, aligning Dutch practices with EU standards. Victims are entitled to detailed case information, participation in criminal proceedings, and restitution, while measures are in place to reduce secondary victimisation by treating victims with respect and sensitivity.[31] Key mechanisms include legal aid, financial restitution programmes, and the work of Victim Support Netherlands (Slachtofferhulp Nederland). This national organisation offers psychological counselling, legal assistance, and support navigating the justice system, mitigating the emotional and financial impact of crime.[32] Victim impact statements allow victims to articulate the effects of crime during court proceedings, ensuring their voices are heard and aiding informed judicial

[28] Cahya Wulandari, Ali Masyhar, and Muhamad Sayuti Hassan, "Legal Reform for Victims in Criminal Justice System of Indonesia and Russian Juridical Review," *Journal of Law and Legal Reform* 5, no. 2 (2024): 783–816, https://doi.org/https://doi.org/10.15294/jllr.v5i3.7322.
[29] Mirjam Trapman, *Sociology and the Stereotype of the Criminal*, 2015.
[30] Bennett L. Gershman, "The Prosecutor's Duty to Truth," *Georgetown Journal of Legal Ethics*, 2018.
[31] Amandine Scherrer et al., *The Victims' Rights Directive 2012/29/EU: European Implementation Assessment*, 2017.
[32] Eric Rutger Leukfeldt, R. J. (Raoul) Notté, and M. (Marijke) Malsch, "Exploring the Needs of Victims of Cyber-Dependent and Cyber-Enabled Crimes," *Victims & Offenders* 15, no. 1 (January 2020): 60–77, https://doi.org/10.1080/15564886.2019.1672229.

decisions.[33] To prevent secondary victimisation, courts provide separate waiting areas and allow testimony via video link, creating safer environments.[34] However, barriers remain, particularly for marginalised groups facing language and cultural challenges. Efforts to enhance inclusivity and accessibility in victim support services are ongoing.

In South Korea's criminal justice system has made significant strides in recognising and addressing victims' rights, reflecting a commitment to comprehensive victim support. The Crime Victim Protection Law (2005) serves as the foundation of these efforts, establishing the Crime Victim Support Center to provide essential services such as legal aid, counselling, and financial assistance. These initiatives aim to enhance victims' well-being and alleviate the impact of crime.[35] A key advancement is the introduction of victim impact statements and provisions for victim participation in trials. These mechanisms allow victims to articulate the emotional, physical, and financial effects of crimes against them, ensuring their voices are heard and recognised as meaningful contributors to the justice process.[36] To prevent secondary victimisation, South Korea has implemented measures such as separate waiting areas in courts and confidential victim information systems, minimising exposure to offenders and reducing the risk of re-traumatisation.[37] However, challenges persist. Societal attitudes that stigmatise victims often hinder the realisation of a victim-centric justice system. Additionally, limited resources and unequal access to support services create barriers, particularly for marginalised groups. Addressing these issues requires ongoing public awareness efforts and equitable access to victim support services.[38]

In Indonesia's criminal justice system, victims' interests are represented by the police and prosecutors, as judges often reject requests for independent victim attorneys, assuming prosecutors sufficiently represent victims' needs. However, Paterson & Williams argue that state-centered justice systems often neglect the personal interests of crime victims.[39] These systems prioritise proving the case and fulfilling state objectives, sidelining victims' needs and limiting their agency within the legal framework. Consequently, victims may feel marginalised when police or prosecutors fail to align with their expectations, particularly in cases where the judicial process contradicts their personal experiences or desires for closure. Victims also face the psychological burden of repeatedly recounting traumatic events. Testifying during investigations and court proceedings, though critical for legal procedures, often forces victims to relive painful memories, exacerbating their psychological trauma and

[33] Renée S.B. Kool, "(Crime) Victims' Compensation: The Emergence of Convergence," *Utrecht Law Review* 10, no. 3 (July 2014): 14, https://doi.org/10.18352/ulr.281.
[34] Scherrer et al., *The Victims' Rights Directive 2012/29/EU: European Implementation Assessment*.
[35] Sarah A. Son, "Chasing Justice: Victim Engagement with Accountability for Human Rights Abuses in North Korea," *Asian Studies Review* 44, no. 4 (October 2020): 621–40, https://doi.org/10.1080/10357823.2020.1734536.
[36] Claire Seungeun Lee et al., "Procedural Justice, Perceived Injustice, Legal Cynicism, and Police Performance: Understanding the Decision to Report Victimisation to the Police in Caribbean Countries," *Policing and Society* 33, no. 6 (July 2023): 607–25, https://doi.org/10.1080/10439463.2022.2162051.
[37] Jeoung Min Lee et al., "The Impact of Cyberbullying Victimization on Psychosocial Behaviors among College Students during the Covid-19 Pandemic: The Indirect Effect of a Sense of Purpose in Life," *Journal of Aggression, Maltreatment & Trauma* 32, no. 9 (September 2023): 1254–70, https://doi.org/10.1080/10926771.2022.2136554.
[38] Son, "Chasing Justice: Victim Engagement with Accountability for Human Rights Abuses in North Korea."
[39] Paterson and Williams, "Towards Victim-Oriented Police? Some Reflections on the Concept and Purpose of Policing and Their Implications for Victim-Oriented Police Reform."

hindering recovery. For some, the ordeal of narrating their experiences clashes with their desire to leave the incident behind. This analysis highlights the urgent need for a more victim-centered approach in Indonesia's criminal justice system. While the system focuses on serving public interest and upholding the law, reforms are necessary to address victims' personal needs and well-being, ensuring justice processes do not perpetuate their trauma. Enhancing victim participation and providing psychological support are crucial steps toward a more balanced and inclusive justice system.[40]

b. The role of the victims

The role of crime victims is crucial for law enforcement officials in detecting crimes and identifying criminals, particularly in terms of gathering evidence. Regulations have positioned victims appropriately to help uncover crimes, specifically as witnesses. One of the primary legal means of proof is testimony, which can be provided by any individual with knowledge of the crime. However, information from victims themselves is often especially valuable to law enforcement, as they are directly affected by the crime and may provide more detailed insights. Victims play a significant role by sharing information with law enforcement about the crimes they have experienced. This underscores the need for strong cooperation and mutual trust, enabling victims to provide comprehensive and detailed information that is essential to solving crimes.[41]

The importance of victims for law enforcement goes beyond mere statements. The injuries victims suffer often provide concrete evidence that can be examined by forensic professionals, establishing critical links in cases involving violence. This type of evidence, known as "visum et repertum" (a formal forensic report), includes both physical documentation and expert opinion, which serve as powerful tools in criminal investigations. Even in cases where the victim is deceased, the body itself becomes valuable evidence. Forensic autopsies are conducted to uncover critical information about the nature and cause of death, providing evidence through written reports and expert testimony that can significantly contribute to solving the crime.[42] Given the above points, it is evident that the role of victims in uncovering crimes is essential. The significance of this role persists even after a victim's death, as law enforcement may still rely on forensic examinations of the body to gather evidence and gain insights into the crime. However, once victims provide this crucial information, their role in the justice process often diminishes. Despite their importance, they may find themselves overlooked by the justice system, receiving limited attention in the proceedings that follow.

[40] Gershman, "The Prosecutor's Duty to Truth"; Lee et al., "Procedural Justice, Perceived Injustice, Legal Cynicism, and Police Performance: Understanding the Decision to Report Victimisation to the Police in Caribbean Countries"; Trapman, *Sociology and the Stereotype of the Criminal*.
[41] P Cirel et al., "Community Crime Prevention Program-Seattle, Washington-Exemplary Project" (United States of America, 1977).
[42] Handar Subhandi Bakhtiar et al., "The Essence Of Autopsy In The Criminal Investigation Process," *International Journal of Scientific and Technology Research* 8, no. 10 (2019): 9–16.

According to Achjani, the criminal justice system often treats victims inadequately, viewing crime as an attack on state authority rather than on individuals.[43] As a result, victims are seen as mere providers of evidence, rather than central figures deserving justice and recognition. Zulfa suggests that the role of victims should be expanded beyond this limited view. Victims should be recognized as individuals who have directly suffered from crime, offering them a more dignified role throughout the justice process. However, this must be done cautiously to maintain law enforcement neutrality. Police and prosecutors must balance their duty to seek justice while remaining impartial to avoid bias. A careful approach could include structured channels for victims to share their perspectives without influencing the prosecution process. This would enhance public trust in the justice system by demonstrating that victims' interests are valued, while ensuring fairness in pursuing justice for both victims and defendants.

Enhancing the role of victims in the criminal justice process could significantly contribute to fostering a more inclusive and equitable system. By prioritising the rights and perspectives of victims, the justice system can better address the harm they have experienced while also improving its overall functionality. In Indonesia, the current criminal justice framework often sidelines victims, as their interests are typically represented by police and prosecutors. Judges frequently reject requests for independent victim attorneys, under the assumption that prosecutors adequately safeguard victims' needs. However, this state-centred approach has been criticised for neglecting victims' personal interests and limiting their agency within the legal process.[44]

Victims' marginalisation often arises when their expectations diverge from the objectives of law enforcement or prosecutors. For instance, when insufficient evidence leads to the release of a suspect, victims may perceive this as a failure of the justice system, even if the decision adheres to legal standards. This disconnect highlights the need for reforms that give victims a more active role in the judicial process. Comparative studies demonstrate that systems granting victims greater participation, such as the United States, provide avenues for victims to hire private attorneys or file charges alongside prosecutors. While this approach raises ethical concerns about balancing victims' interests with fair justice principles,[45] it underscores the importance of recognising victims as key stakeholders in the justice process.

A significant challenge in Indonesia's current framework is the psychological burden imposed on victims. Testifying during investigations and court proceedings often requires victims to recount traumatic events, exacerbating their emotional distress. This re-traumatisation can hinder their recovery and deter them from engaging fully with the justice system. Research emphasises that victim-centred practices, such as minimising repeated testimonies and providing psychological support, are essential for

[43] Eva Zulfa Achjani, *Viktimologi: Reparasi Dan Kompensasi Korban Dalam Restorative Justice System, Kerjasama LPSK Dengan Departemen Kriminologi FISIP UI.* (Depok: Tim Departemen Kriminologi FISIP UI, 2011).
[44] Paterson and Williams, "Towards Victim-Oriented Police? Some Reflections on the Concept and Purpose of Policing and Their Implications for Victim-Oriented Police Reform."
[45] Gershman, "The Prosecutor's Duty to Truth."

reducing secondary victimisation.[46] Practical measures, such as separate waiting areas and confidential information systems, have been successfully implemented in other jurisdictions, such as South Korea, to protect victims from unnecessary exposure to offenders.[47]

Furthermore, Indonesia's justice system would benefit from integrating restorative justice principles. Restorative justice emphasises repairing harm and involving victims in meaningful ways, fostering a sense of closure and empowerment. Studies indicate that restorative practices can improve victims' satisfaction with the justice process and enhance their emotional recovery.[48] For instance, victim impact statements, which allow victims to articulate the consequences of the crime, have proven effective in acknowledging victims' experiences and informing judicial decisions.

c. Obstacles to victims of crime

1) Reluctance of victims of crime to become involved in the Indonesian criminal justice system

The Indonesian criminal justice system often creates reluctance among victims to report crimes due to its lengthy and complicated procedures, which demand considerable time and effort. Victims may feel discouraged, as even after enduring this exhausting process, the perpetrator might not receive a punishment that reflects a true sense of justice. In some cases, police responses to victim reports or complaints are slow or altogether lacking, which further diminishes the victims' faith in the system. This perceived inefficiency has led to a culture of silence among crime victims, particularly for cases that may carry personal, emotional, or social risks.

Data from the Central Statistics Agency (BPS RI) reveals fluctuating trends in the percentage of Indonesians who reported crimes to the police between 2015 and 2020. In 2015, only 18.73% of crime victims reported their cases. This slightly increased to 18.9% in 2016, with minimal improvement. A more significant rise occurred in 2017, reaching 23.44%, and continued into 2018 at 23.92%, the highest during the six years. However, this progress was not sustained, as the reporting rate declined to 22.19% in 2019, reflecting challenges that deterred victims from reporting. In 2020, the rate rebounded to 23.46%, but the overall figures remained low. This underreporting suggests significant "dark figures" of crime, where many victims choose not to report their experiences.

Several factors contribute to this reluctance, including fear of retaliation, lack of trust in law enforcement, and cultural stigma. Victims often fear backlash from

[46] Lee et al., "The Impact of Cyberbullying Victimization on Psychosocial Behaviors among College Students during the Covid-19 Pandemic: The Indirect Effect of a Sense of Purpose in Life."
[47] Son, "Chasing Justice: Victim Engagement with Accountability for Human Rights Abuses in North Korea."
[48] Kool, "(Crime) Victims' Compensation: The Emergence of Convergence."

perpetrators, and criminals sometimes use manipulation tactics like DARVO (Deny, Attack, Reverse Victim and Offender) to silence victims.[49] These challenges underscore the need for systemic reforms to build trust and encourage reporting, as effective crime detection relies on cooperation between victims and law enforcement. Public trust in the Indonesian National Police (Polri) is crucial for ensuring that crime victims feel safe and motivated to report their experiences. Data from the Indonesian Institute of Sciences (LIPI) on February 7, 2020, indicated that public trust in Polri across 34 regional police departments reached 77.36%, with the highest ratings in Intelligence and Security (86.46%) and Traffic (81.80%). However, the Criminal Investigation Division scored the lowest at 57.86%, raising concerns as it directly handles criminal cases. This low trust correlates with 22.19% of crime victims in 2019 who did not report their cases, representing approximately 1.01% of Indonesia's population. This hesitation limits law enforcement's ability to address crime effectively, perpetuating a cycle of unreported incidents.

Building public trust requires a commitment to procedural justice. Koster highlights that fair treatment by police fosters cooperation between victims and law enforcement.[50] When police demonstrate transparency and effort in investigations, victims are more likely to trust the justice system. To achieve this, Polri must enhance consistency, impartiality, and responsiveness in handling cases. Policy reforms, improved officer training, and behavior monitoring are critical steps toward ensuring victims feel supported. Addressing the "dark figure" of crime unreported or undiscovered cases depends on fostering collaboration between victims and police. A more empathetic and efficient response would encourage victims to report crimes, improving the accuracy of crime data and strengthening the justice system's credibility.[51] [52] Ultimately, increased victim engagement would contribute to a safer and more transparent society.

2) Unfair backlash against victims of crime

It is ironic and unfair for crime victims to report their suffering, only to be treated as suspects in the process. In some cases, false reports or complaints whether or not intended to harm someone's reputation are criminalized, placing the burden of proving the truth on the victim. This situation forces victims, who have already endured trauma, to prove the validity of their reports. If they fail to do so, they may face accusations of making false or slanderous claims. This, in essence, makes the victim a continuing victim of the criminal justice system. The responsibility to

[49] Sarah J. Harsey, Eileen L. Zurbriggen, and Jennifer J. Freyd, "Perpetrator Responses to Victim Confrontation: DARVO and Victim Self-Blame," *Journal of Aggression, Maltreatment & Trauma* 26, no. 6 (July 2017): 644–63, https://doi.org/10.1080/10926771.2017.1320777.

[50] Nathalie-Sharon N. Koster, "Victims' Perceptions of the Police Response as a Predictor of Victim Cooperation in the Netherlands: A Prospective Analysis," *Psychology, Crime & Law* 23, no. 3 (March 2017): 201–20, https://doi.org/10.1080/1068316X.2016.1239098.

[51] Dewi Ervina Suryani, Kezia Carolina Tampubolon, and Putri Damayanti Sihombing, "Assistance of Children in Conflict with the Law during the Investigation Process at Medan Police," *Budapest International Research and Critics Institute-Journal* 5, no. 2 (2021): 13876–81, https://doi.org/https://doi.org/10.33258/birci.v5i2.5250.

[52] Elly Yuliawati et al., "Communication Mapping and Change in Development of Good Government Governance in the Police of the Republic of Indonesia," *Saudi Journal of Humanities and Social Sciences* 6256, no. 24 (2019): 499–506, https://doi.org/10.21276/sjhss.2019.4.7.10.

prove the truth of a report should not lie with the victim. It is the duty of the police to gather evidence related to the crime, not the victim's. Law enforcement should act professionally, understanding their role and authority, without burdening victims with unnecessary tasks. Moreover, the psychological state of victims, especially in cases of sexual crimes, is often overlooked. The Indonesian system requires victims to provide detailed information, but victims may struggle to recall traumatic events. Law enforcement must approach victims with dignity, particularly when they are physically and mentally unstable. Research in Ghana highlighted similar issues, where victims felt further victimized by law enforcement's lack of respect.[53]

The Indonesian criminal justice system requires that the victim's statement be transmitted in detail and in detail to give law enforcement officials assurance that an incident occurred and that the victim actually experienced the incident. There is no room for victims not to testify directly to law enforcement. One possibility that can be made through the Indonesian criminal justice system is that investigations into victims of criminal acts are conducted behind closed doors in connection with sexual crimes, although the author is not sure that this can reduce or eliminate the victim's psychological trauma. Unlike the legal system in America and Canada, victims may choose to provide information in writing, prepared in accordance with the format provided by law enforcement agencies to be read out during the trial.[54] [55] Unreasonable "backlash" from the perpetrator of the crime against the victim to avoid liability for the crime he committed by reporting the victim of a crime back for allegedly committing a crime, a false report or complaint for attacking honor or reputation or not the intent to attack his honor or slander. Police and prosecutors should not conduct an investigation and prosecution regarding the victim's unreasonable setbacks until a court decision is legally binding on the victim's report that the defendant was not legally proven and convinced to commit the crime as alleged.

Referring to the above description, it is really unfair for the victim as a reporter to experience physical and mental suffering due to the abundance of criminal acts and as if it were forced to compete in the "darkness of law enforcement" with criminals who are physically and psychologically better than victims, seek and gather evidence so that the victim is not declared the party who made a false report or complaint to attack someone's dignity or not with the intent to attack someone's dignity or violation of libel.[56] A just criminal justice institution

[53] Kwadwo Ofori-Dua, Nachinaab John Onzaberigu, and Richard Kofi Nimako, "Victims, the Forgotten Party in the Criminal Justices System: The Perception and Experiences of Crime Victims in Kumasi Metropolis in Ghana," *Journal of Victimology and Victim Justice* 2, no. 2 (2019): 109–28, https://doi.org/10.1177/2516606919885516.
[54] Marie Manikis, "Imagining the Future of Victims' Rights in Canada: A Comparative Perspective," *Ohio State Journal of Criminal Law* 163, no. 1 (2015): 163–86.
[55] Tom R. Tyler, Phillip Atiba Goff, and Robert J. MacCoun, "The Impact of Psychological Science on Policing in the United States," *Psychological Science in the Public Interest* 16, no. 3 (December 2015): 75–109, https://doi.org/10.1177/1529100615617791.
[56] Patrick Q. Brady and Matt R. Nobles, "The Dark Figure of Stalking: Examining Law Enforcement Response," *Journal of Interpersonal Violence* 32, no. 20 (October 2017): 3149–73, https://doi.org/10.1177/0886260515596979.

is necessary because this is the primary objective of the criminal justice system as recognized in various international instruments, namely Articles 10 and 11 of the Universal Declaration of Human Rights (UDHR), Articles 8 and 16 of the US Declaration of Human Rights and Duties (ADRDM), Articles 12 and 13 of the Arab Charter, Article 20 (1) Declaration of the Association of Southeast Asian Nations (ASEAN), Article 8 of the United States Convention on Human Rights (ACHR), Article 14 of the International Covenant on Civil and Political Rights (ICCPR), Article 6 of the European Convention on Human Rights (ECHR), Articles 47 and 48 of the European Union (EU) Charter, Article 7 of the African Charter and Article 6 of the Commonwealth of Independent States (CIS) Convention.

Another problem that arises when the victim experiences physical injury or mental trauma, the victim has to pay for his or her own treatment. The Indonesian criminal justice system does not allow for perpetrators to pay for the treatment of victims. Perpetrators can only be charged to reimburse the victim's medical expenses through return after a permanent court decision finds the perpetrator guilty.

3) The system can create a "penance" place for criminals

The criminal justice system is not meant to serve as a refuge for criminals to escape responsibility through procedural injustices.[57] Unfortunately, this occurs when law enforcement agencies fail to understand their duties and responsibilities, often placing the burden of evidence collection on victims who are already suffering physically and mentally. This exacerbates their trauma. Perpetrators may manipulate the system by shifting blame onto the real victim, using tactics like DARVO (Deny, Attack, Reverse Victim and Offender) to escape responsibility.[58] In Indonesia, false complaints or defamation accusations made by criminals against victims have increasingly undermined the justice system. These false claims are sometimes prioritized by law enforcement, diverting attention from the real crime and allowing perpetrators to escape accountability.

This manipulation of the justice system is compounded by corruption within law enforcement. In 2013, the Indonesian Corruption Eradication Commission (KPK) ranked judicial law enforcement agencies as the third most corrupt institution in the country. Furthermore, in 2015, the World Justice Project ranked Indonesia 52nd in the Global Rule of Law Index.[59] Between 2012 and 2019, Indonesia Corruption Watch (ICW) reported that 20 judges were involved in corrupt practices. [60] These systemic issues highlight how corruption compromises the foundation of justice in Indonesia. Further insights reveal a disturbing trend among law enforcement. In 2019, 1,287 police officers were found to have violated

[57] Jocelyn Simonson, "The Place of 'The People' in Criminal Procedure," *Columbia Law Review* 119, no. 1 (2019): 249–308.
[58] Harsey, Zurbriggen, and Freyd, "Perpetrator Responses to Victim Confrontation: DARVO and Victim Self-Blame."
[59] Diah Sulistyani R.S., "Restoring the Integrity of the Judicial System in Indonesia," *Journal of Law, Policy and Globalization* 52 (2016).
[60] Willy Masaharu, "2012-2019, 20 Hakim Terlibat Praktik Korupsi," Berita Satu, 2019.

the Code of Ethics, a figure that was even higher than in 2018, when there were 1,203 cases.[61] According to data collected by the Commission on Missing Persons and Victims of Violence (Kontras), between January and June 2020 alone, there were 149 cases involving 509 victims. Of these, 112 people were killed, 279 were injured, and 118 experienced other forms of mistreatment. The highest number of cases occurred in the Aceh Police Region with 23 cases, including 16 forced disappearances, and North Sumatra Police with 22 cases, involving 11 cases of ill-treatment.[62] Such figures reflect the significant scale of misconduct within law enforcement, further eroding public trust in the criminal justice system.

The Indonesian criminal justice system is founded on the principle of judicial independence, allowing judges significant freedom in interpreting the law. While this can be beneficial when combined with integrity, the system faces challenges due to issues with judicial corruption and a lack of oversight.[63] [64] Unlike countries with precedent-based systems, Indonesia's judiciary has considerable discretion, which has sometimes led to judgments that deviate from legal norms or ethical expectations. The absence of consistent control mechanisms over judges weakens the credibility of the judiciary, eroding public confidence and creating room for manipulation. Furthermore, corrupt practices within law enforcement exacerbate these issues, delaying and distorting justice. This unchecked freedom and lack of accountability render the system vulnerable to misuse, often at the expense of victims and the public interest. To restore public trust and ensure justice, structural reforms are needed, including stricter oversight of judicial practices, enhanced transparency in law enforcement, and stronger penalties for corruption. Without these changes, the criminal justice system risks perpetuating cycles of injustice, where criminals evade responsibility and victims continue to suffer.

### *2. Solutions to obstacles encountered by victims of crime*

The author suggests that one of the solutions to address the challenges faced by victims in Indonesia's criminal justice system is the implementation of restorative justice. This approach allows crime victims to have a more recognized and valuable position within the justice system, where the justice they seek can be more readily provided by law enforcement. Through restorative justice, victims and perpetrators collaboratively choose the resolution model and determine the responsibility of the offender. Restorative justice is a victim-centred approach that emphasises repairing harm and fostering accountability.[65] Unlike the conventional retributive justice system, which focuses on punishment, restorative justice

[61] CNN Indonesia, "Polisi Pelanggar Kode Etik Makin Banyak Pada 2019," 2019.
[62] Kontras, "Kontras Evaluasi Kinerja Kepolisian Republik Indonesia," Kantor Berita Indonesia: Antara, 2019.
[63] Hamidah Abdurrachman, Achmad Irwan Hamzani, and Nayla Majestya, "From Judge's Decision to Justice: The Role of Transcendental Law to Reinforce Judicial Independence," *Journal of Legal, Ethical and Regulatory Issues*, 2021.
[64] Ni Nengah Adiyaryani et al., "The Study of Legal Norms in Criminal Law Procedures Code (KUHAP) That Is the Concretization of the Judge's Independence and Impartiality Principle," *JL Pol'y & Globalization* 57 (2017): 103.
[65] Prince Pius Imiera, "Therapeutic Jurisprudence and Restorative Justice: Healing Crime Victims, Restoring The Offenders," *De Jure* 51, no. 1 (2018), https://doi.org/10.17159/2225-7160/2018/v51n1a6.

actively involves victims, offenders, and the community in determining a resolution. This collaborative process ensures that victims' needs and voices are prioritised, while encouraging offenders to take responsibility for their actions. By implementing restorative justice, crime victims in Indonesia could receive more personalised and meaningful outcomes. The approach allows victims and perpetrators to engage in dialogue, collaboratively choosing a resolution model and determining the offender's responsibility. This not only empowers victims but also fosters mutual understanding and reconciliation.

Under the current criminal justice framework, victims often encounter significant challenges that exacerbate their suffering. One of the primary difficulties victims face is the requirement to repeatedly recount traumatic experiences during investigations and trials. This repetitive process can cause additional psychological strain, as victims are forced to relive the trauma of the crime. The emotional toll of such procedures can be overwhelming, especially when victims are not provided adequate psychological support or consideration during these processes.[66] Moreover, victims are often excluded from the decision-making processes within the justice system. They are typically treated as mere witnesses or evidence providers, rather than as active participants in the proceedings. This lack of involvement can lead to feelings of frustration and disempowerment, as victims see the legal process unfold without a formal role in shaping its direction. The absence of victim representation in decision-making not only undermines their sense of justice but also fails to recognize the harm they have endured.[67]

The challenges faced by victims in the Indonesian criminal justice system are further compounded by procedural inefficiencies and cultural attitudes that often prioritise state interests over individual needs. In many cases, the focus on prosecuting offenders can overshadow the rights and well-being of victims, leaving them marginalised in the process. Victims are frequently required to endure multiple recounting of traumatic experiences, often without adequate psychological support or consideration of their emotional needs. Additionally, the absence of formal roles for victims in decision-making processes fosters a sense of exclusion and frustration.

Restorative justice offers a potential solution to these systemic barriers by providing a structured yet flexible framework that centres on the rights and well-being of victims.[68] Unlike the traditional punitive approach, restorative justice seeks to repair the harm caused by crime through dialogue, accountability, and healing. It encourages active victim participation, allowing them to express their needs, concerns, and perspectives, which can contribute to their emotional recovery. By implementing restorative justice in Indonesia's criminal justice system, victims could play a more significant role in the process, ensuring their voices are heard and their trauma acknowledged. This shift would not only enhance victims' sense of

[66] Eva Achjani Zulfa, "Restorative Justice in Indonesia: Traditional Value," *Indonesia Law Review* 1, no. 2 (August 2011), https://doi.org/10.15742/ilrev.v1n2.81.
[67] Harsey, Zurbriggen, and Freyd, "Perpetrator Responses to Victim Confrontation: DARVO and Victim Self-Blame."
[68] Muhammad Asadullah, "Decolonization and Restorative Justice: A Proposed Theoretical Framework.," *Decolonization of Criminology and Justice* 3, no. 1 (May 2021): 27–62, https://doi.org/10.24135/dcj.v3i1.25; Ana M. Nascimento, Joana Andrade, and Andreia de Castro Rodrigues, "The Psychological Impact of Restorative Justice Practices on Victims of Crimes—a Systematic Review," *Trauma, Violence, & Abuse* 24, no. 3 (July 2023): 1929–47, https://doi.org/10.1177/15248380221082085.

justice but also foster a more compassionate and inclusive legal system that values the dignity of all parties involved.

Empowering victims is central to restorative justice, recognising them as key figures in the justice process.[69] By involving them in discussions with offenders and law enforcement, the approach ensures that their perspectives are valued. This can help victims feel heard, validated, and supported, reducing their psychological distress and frustration. The restorative justice framework enables victims and offenders to collaboratively determine an appropriate resolution.[70] This could include compensation, apologies, or community service, depending on the nature of the crime and the victim's needs. Such resolutions provide victims with a sense of closure and satisfaction, which is often lacking in traditional legal proceedings. Through restorative justice practices, victims can share their experiences in a safe and controlled environment, reducing the need for repetitive recounting of traumatic events. This approach minimises retraumatisation and helps victims regain their sense of agency. Restorative justice also holds offenders directly accountable for their actions by requiring them to confront the harm they have caused. This not only encourages rehabilitation but also helps victims feel that justice has been served.

Law enforcement officers then oversee this process to ensure the solution and accountability align with the needs of the victim within the legal framework. From a legislative perspective, Indonesia has already integrated restorative justice practices into its criminal justice system at various stages, including investigation, prosecution, and judicial decision-making. For example, the Chief of the National Police issued Regulation Number 6 of 2019, which addresses criminal investigations and applies restorative justice principles. Additionally, a 2018 circular from the National Police Chief promoted restorative justice approaches for handling criminal cases. This movement is further supported by the Attorney General's Regulation (2020), which enables cases to be dismissed on restorative justice grounds if certain conditions are met, signaling the government's support for victim-centered, reconciliation-focused justice processes.

Pancasila, Indonesia's foundational ideology, provides strong philosophical support for restorative justice, particularly through its fourth principle, which emphasises social deliberation and consensus.[71] This principle aligns closely with restorative justice values, which prioritise the active participation of victims, offenders, and the community in the justice process. By fostering dialogue and collaboration, restorative justice encourages

[69] Claire Garbett, "The International Criminal Court and Restorative Justice: Victims, Participation and the Processes of Justice," *Restorative Justice* 5, no. 2 (May 2017): 198–220, https://doi.org/10.1080/20504721.2017.1339953; Vanfraechem, Daniela Bolívar Fernández, and Ivo Aertsen, "Restorative Justice and Victims of Crime," in *Victims and Restorative Justice* (Routledge, 2017), 294; Theo van Willigenburg, "Restorative Justice as Empowerment: How To Better Serve The Goals Of Punitive Retribution," *The International Journal of Restorative Justice* 1, no. 2 (September 2018): 274–90, https://doi.org/10.5553/IJRJ/258908912018001002006.

[70] Steve Kirkwood, "A Practice Framework for Restorative Justice," *Aggression and Violent Behavior* 63 (March 2022): 101688, https://doi.org/10.1016/j.avb.2021.101688; George Mousourakis, "Restorative Justice, Criminal Justice and the Community: Fostering a Collaborative Approach to Addressing Conflict and Crime," *Revista Ultracontinental de Literature Juridica* 2, no. 2 (2021): 88–115.

[71] Budisetyowati et al., "Mediation of Criminal Cases as an Effort to Settle Criminal Actions Based on Local Wisdom in Indonesia"; Ismawati Septiningsih, "Correlation Between Restorative Justice in the Settlement of Criminal Cases and Pancasila Values," *JIM: Jurnal Ilmiah Mahasiswa Pendidikan Sejarah* 8, no. 4 (2023): 3978–88, https://doi.org/https://doi.org/10.24815/jimps.v8i4.26269.

harmony, equality, and social tranquillity—central to Pancasila. [72] In this framework, justice is not merely about resolving conflict but about restoring relationships and building understanding among all parties involved. The focus on mutual responsibility and collective decision-making reflects Indonesia's spirit of gotong royong (mutual cooperation), a core societal value. Restorative justice nurtures a sense of brotherhood and kinship, integral to Indonesia's social identity. This approach not only aligns with the country's legal traditions but also integrates seamlessly into its cultural fabric, making restorative justice a natural fit for Indonesia's criminal justice system. It promotes a more inclusive, compassionate approach to justice that resonates with the nation's collective values, fostering community and social cohesion.[73] This alignment offers a pathway to a more harmonious and restorative justice system in Indonesia, strengthening both legal and cultural foundations.

A key element in the restorative justice process is the balanced involvement of victims, offenders, and their families, ensuring that the needs of the victim are addressed while also holding the offender accountable. Restorative justice emphasises dialogue, healing, and mutual understanding, fostering an environment where both the victim's and the offender's perspectives are acknowledged. This balanced approach allows for a more holistic resolution to the crime, prioritising not only punishment but also the emotional and psychological recovery of the victim.[74] However, in the Indonesian criminal justice system, such balance is often lacking. Victims are frequently marginalised, with little involvement in the decision-making process, and their needs are often overshadowed by a focus on punishing the offender. This one-sided approach not only exacerbates the trauma victims experience but also diminishes the potential for rehabilitation and reintegration of offenders into society. The current system in Indonesia places disproportionate emphasis on state interests, often at the expense of victims' rights and well-being. This marginalisation of victims is compounded by procedural inefficiencies and a lack of victim-centred policies. As a result, victims are often left without a meaningful role in the justice process, which can hinder their emotional healing and contribute to a sense of injustice.

In contrast, restorative justice fosters a collaborative process where both parties are equally recognised. [75] It provides a platform for victims to express their emotions, needs, and desires for justice, while allowing offenders to confront their actions and understand the impact of their behaviour. By facilitating dialogue between the victim and the offender, restorative justice creates an environment in which victims feel heard, and offenders can face their actions in a constructive manner. This approach helps to avoid the often adversarial nature of the traditional justice system, where victims may feel excluded and offenders may

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[72] Henny Saida Flora, "The Living Law's Restorative Justice: Implementation of Restorative Justice as an Integrative Mechanism in Criminal Law," *Unram Law Review* 7, no. 1 (April 2023), https://doi.org/10.29303/ulrev.v7i1.279.

[73] Kukuh Dwi Kurniawan, Yaris Adhial Fajrin, and Ade Sathya Sanathana Ishwara, "The Synergy of Customary Criminal Law and National Criminal Law: Orientation Towards Criminal Law Pluralism," *Pena Justisia: Media Komunikasi Dan Kajian Hukum* 22, no. 3 (January 2024): 552, https://doi.org/10.31941/pj.v22i3.3358; Rismanto J. Purba, Sri Endah Wahyuningsih, and Anis Mashdurohatun, "Restorative Justice in the Criminal Justice System of Indonesia," *International Journal of Law Management & Humanities* 6, no. 2 (2023): 233–49, https://doi.org/https://doij.org/10.10000/IJLMH.114349.

[74] Daniel W. Van Ness and Karen Heetderks Strong, *Restoring Justice: An Introduction to Restorative Justice: Fifth Edition*, *Routledge Handbook of Transnational Criminal Law*, V (Routledge, 2014).

[75] Borbála Fellegi, "Daniel W. Van Ness, Karen Heetderks Strong, Jonathan Derby and L. Lynette Parker, Restoring Justice: An Introduction to Restorative Justice," *The International Journal of Restorative Justice*, 2023, https://doi.org/10.5553/tijrj.000179; Howard Zehr and Harry Mika, "Fundamental Concepts of Restorative Justice," in *Restorative Justice* (Routledge, 2017), 73–81, https://doi.org/10.4324/9781351150125-4.

not fully grasp the harm they have caused. The balanced nature of restorative justice also promotes mutual understanding and trust, which are critical for healing and reconciliation. For victims, the opportunity to engage directly with offenders and participate in the decision-making process can lead to a sense of empowerment and closure, addressing the emotional and psychological aspects of the crime. For offenders, taking responsibility in a restorative context can foster personal growth and a greater sense of accountability, reducing the likelihood of reoffending.

Victims in a restorative justice process are provided the opportunity to recount the impact of the crime and express the harm they have experienced.[76] Meanwhile, perpetrators are given the chance to explain the motives and circumstances surrounding their actions, as well as to express remorse. When a victim openly shares their suffering and the offender sincerely shows regret, this can mark significant progress toward reaching a restorative legal resolution, creating an emotionally impactful, human-centered solution that is often lacking in conventional criminal justice. The involvement of families from both sides plays a crucial role in the restorative justice process. Families can offer valuable emotional support to both victims and offenders, contributing to constructive dialogue and supporting the search for an appropriate resolution.

Furthermore, impartial mediators are essential for the success of restorative justice.[77] These mediators, who ideally are trusted community figures or appointed by local or religious authorities, should be accepted by both the victim and offender. This arrangement ensures that the mediation process is fair and acceptable to all parties, enhancing the likelihood of a resolution that aligns with everyone's values and expectations. Law enforcement officers, in the context of restorative justice, should primarily act as facilitators rather than enforcers, helping to arrange the time and location for meetings between the victim and perpetrator. This facilitative role allows law enforcement to support rather than dominate the process, enabling a focus on relationship-building and reconciliation rather than punishment. By shifting from a punitive to a restorative role, law enforcement can contribute to a more compassionate and community-centered criminal justice system.

The specific model of restorative justice to be applied is left to the agreement between the victim and the perpetrator. This is significant because it builds a foundation of trust between the two parties, enabling both sides to feel empowered in determining the outcome. When victims and offenders have the autonomy to decide the process, roles, and terms of their agreement, it provides a greater sense of ownership and satisfaction for both parties, making the resolution more meaningful and lasting.[78] Additionally, allowing victims to participate actively in deciding the outcome of the process addresses a common criticism of

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[76] Tim Chapman and Alice Chapman, "Forgiveness in Restorative Justice: Experienced but Not Heard?," *Oxford Journal of Law and Religion* 5, no. 1 (February 2016): 135–52, https://doi.org/10.1093/ojlr/rwv066; Alexa Sardina and Alissa R. Ackerman, "Restorative Justice in Cases of Sexual Harm," *City University of New York Law Review* 25, no. 1 (2022).

[77] Pragya Shukla and Nancy Patel, "Restorative Justice : An Evaluative Appraisal of ADR," *Indian Journal of Integrated Research in Law* 3, no. 2 (2023): 297–309, https://doi.org/https://doi-ds.org/doilink/06.2023-55254731/A27.

[78] Lara Abigail Bazelon and Bruce A. Green, "Victims' Rights From a Restorative Perspective," *SSRN Electronic Journal* 17 (2019), https://doi.org/10.2139/ssrn.3493956; David O'Mahony and Jonathan Doak, *Reimagining Restorative Justice, Reimagining Restorative Justice* (Hart Publishing, 2017), https://doi.org/10.5040/9781509901074.

the conventional criminal justice system, where victims often feel sidelined. Restorative justice enables victims to regain a sense of agency, which can aid in their healing and recovery.[79] This involvement helps ensure that victims feel that justice is not only served but that it is served in a way that genuinely reflects their personal needs and circumstances. Offenders, on the other hand, benefit from the opportunity to confront their actions and understand the impact of their crimes. This process encourages accountability in a constructive manner, where offenders are not simply punished but are given a path to redemption and reintegration. This opportunity for accountability and understanding fosters an environment where offenders can learn from their mistakes, helping reduce the likelihood of recidivism.

Communities also benefit from restorative justice, as it promotes a collective responsibility for maintaining peace and harmony.[80] By involving community representatives in the mediation process, restorative justice reinforces social bonds and the sense of shared values. The community plays a role in supporting both the victim and the offender, strengthening the social fabric and helping prevent future conflicts by addressing the root causes of criminal behavior. the implementation of restorative justice within Indonesia's criminal justice system provides an inclusive, balanced approach that considers the needs and perspectives of victims, offenders, and the broader community. By promoting a model that aligns with Indonesian cultural values and Pancasila's principles, restorative justice has the potential to create a more humane and effective justice system, fostering a society where justice is not only punitive but also healing and restorative. This approach not only serves justice but also encourages empathy, mutual respect, and social peace, essential components for a resilient and harmonious society.

## *Conclusion*

The Indonesian criminal justice system prioritises state interests but often neglects the personal needs and agency of crime victims. Victims are frequently treated as instruments for evidence collection rather than individuals deserving protection and support. This structural limitation causes frustration and psychological strain, especially when victims are compelled to repeatedly recount traumatic experiences. Comparisons with systems in the Netherlands, South Korea, and the United States underscore the importance of integrating victims' voices and rights into legal proceedings. Such approaches recognise victims as central figures, ensuring justice and dignity throughout the process. A shift towards structured participation, prioritising victims' rights while maintaining law enforcement neutrality, would ensure their perspectives are valued. This inclusive approach addresses gaps in the system, strengthens public trust, and upholds fairness for all parties involved. Urgent reforms are required to address these systemic barriers. Key steps include enhancing police professionalism, protecting victims from retaliatory claims, ensuring financial support for recovery, and

[79] Kirkwood, "A Practice Framework for Restorative Justice."
[80] Anna Bussu, Patrizia Patrizi, and Gian Luigi Lepri, "In Need of a Cultural Shift to Promote Restorative Justice in Southern Europe," *Contemporary Justice Review* 19, no. 4 (October 2016): 479–503, https://doi.org/10.1080/10282580.2016.1226814; Ernesto Lodi et al., "Use of Restorative Justice and Restorative Practices at School: A Systematic Literature Review," *International Journal of Environmental Research and Public Health*, 2022, https://doi.org/10.3390/ijerph19010096.

combating corruption. Developing a more victim-centered justice system is essential to address the challenges faced by victims in Indonesia's criminal justice framework. Restorative justice emerges as an optimal solution, offering a balanced and culturally congruent approach to overcome systemic obstacles and fulfill the needs of both victims and offenders.

As a suggestion, the author proposes that reforms should focus on shifting towards a more victim-centered approach. Victims should be treated not merely as providers of evidence, but as key figures deserving of protection and support throughout the legal process. Essential reforms include enhancing police professionalism, ensuring victims are shielded from retaliation, and providing both financial and psychological support to aid their recovery.

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