

## Victim Impact Statement as a Model of Victim-Centered Justice in Child Sexual Abuse Cases

**Anang Riyan Ramadianto\***

*Master of Laws Student, Faculty of Law, Universitas Brawijaya, Malang, Indonesia  
anangramadian@student.ub.ac.id, ORCID ID 0009-0002-7185-1120*

**Milda Istiqomah**

*Lecturer, Faculty of Law, Universitas Brawijaya, Malang, Indonesia,  
milda.istiqomah@ub.ac.id, ORCID ID 0009-0002-4824-8614*

**Nurini Aprilianda**

*Lecturer, Faculty of Law, Universitas Brawijaya, Malang, Indonesia,  
nurini.aprilianda@ub.ac.id, ORCID ID 0000-0003-3956-3081*

**Abstract.** Child sexual abuse remains a pressing concern in Indonesia, with victims often experiencing deep and lasting trauma. Yet, the country's criminal justice system largely focuses on punishing offenders, offering far less attention to safeguarding and supporting the rights and recovery of those who have suffered. This article aims to explore the role of the Victim Impact Statement (VIS) as a mechanism to promote victim-centered justice. This study adopts a normative legal research approach, drawing on statutory analysis, comparative review, and case study methods. Its primary legal sources include court rulings on child sexual abuse and key regulations, notably Supreme Court Regulation (PERMA) No. 1 of 2022 on Restitution and Compensation. Data are analyzed qualitatively to evaluate the implementation of restitution and the recognition of victim perspectives in legal proceedings. The findings indicate that restitution is essential in incorporating the victim's voice into judicial decision-making. The study proposes a Victim Impact Statement (VIS) model designed to help both victims and judges convey and evaluate the effects of crime more effectively. It concludes with recommendations to better integrate VIS into Indonesia's criminal justice system, moving toward an approach that is more victim-centered and aligned with the principles of restorative justice.

**Keywords:** Child Sexual Abuse, Court's Sentencing Decisions, VIS

**Abstrak.** Kekerasan seksual terhadap anak merupakan masalah krusial di Indonesia yang berdampak serius dan jangka panjang terhadap korban. Namun, sistem peradilan pidana di Indonesia masih berfokus pada penghukuman pelaku dan belum sepenuhnya memberikan perhatian terhadap hak dan kebutuhan korban. Artikel ini bertujuan untuk mengkaji peran Victim Impact Statement (VIS) sebagai mekanisme untuk mewujudkan keadilan yang berorientasi pada korban. Penelitian ini menggunakan metode penelitian hukum normatif dengan pendekatan perundang-undangan, perbandingan, dan studi kasus. Sumber hukum utama yang digunakan mencakup putusan pengadilan dalam perkara kekerasan seksual terhadap anak dan peraturan terkait seperti Peraturan Mahkamah Agung (PERMA) No. 1 Tahun 2022 tentang Restitusi dan Kompensasi. Data dianalisis secara kualitatif untuk mengevaluasi implementasi restitusi dan pengakuan terhadap perspektif korban dalam proses hukum. Temuan menunjukkan bahwa restitusi merupakan unsur penting dalam memasukkan suara korban ke dalam pengambilan keputusan yudisial. Artikel ini juga mengusulkan model VIS sebagai panduan bagi korban dan hakim dalam mengartikulasikan serta menilai dampak kejahatan secara lebih efektif. Artikel ditutup dengan rekomendasi untuk memperkuat integrasi VIS dalam proses peradilan pidana Indonesia menuju sistem keadilan yang lebih berorientasi pada korban dan restoratif.

**Kata Kunci:** Kekerasan Seksual terhadap Anak, Putusan Pengadilan, VIS

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## INTRODUCTION

Violent sexual behavior can take many forms, including sexual assault, harassment, non-penetrative sexual acts, as well as both attempted and completed rape.<sup>1</sup> These acts can be physical, verbal, or non-physical, and can happen to anyone, regardless of age, gender, or social background.<sup>2</sup> In response, Article 1, paragraph 1 of Law Number 12 of 2022 on Criminal Acts of Sexual Violence – referred to as the Sexual Violence Crime Law (UU TPKS) – provides the legal definition and framework for addressing such offenses *“Sexual violence is any act that degrades, insults, assaults, or otherwise violates a person's body, sexual autonomy, and/or reproductive function, carried out forcibly or against their will. This happens when a person cannot give genuine consent because of an imbalance of power or unequal gender relations. Such situations can lead to, or have the potential to cause, physical, psychological, or sexual harm, along with economic, social, cultural, and even political losses”* In light of this, it is crucial to focus on legal protection for victims, particularly child victims of sexual crimes.<sup>3</sup> As outlined in Article 1, paragraph 2 of Law Number 35 of 2014 – which amends Law Number 23 of 2002 on Child Protection (hereinafter referred to as the Child Protection Law) – child protection encompasses all efforts to guarantee and uphold children’s rights, enabling them to live, grow, develop, and participate fully in society with dignity and respect, while remaining free from violence and discrimination.<sup>4</sup>

Therefore, children must be placed under the protection of parents, society, and the state.<sup>5</sup> Children who experience violence endure not only material losses but also deep, intangible harm – such as emotional and psychological trauma – that can shape and affect the course of their lives well into the future.<sup>6</sup> Violence against children can

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<sup>1</sup> John C. Thomas and Jonathan Kopel, “Male Victims of Sexual Assault: A Review of the Literature,” *Behavioral Sciences* 13, no. 4 (MDPI, April 1, 2023): 1-22, <https://doi.org/10.3390/bs13040304>.

<sup>2</sup> Malaika Rajandran, “SEXUAL VIOLENCE AND INTERNATIONAL LAW,” *Refugee Survey Quarterly* 23, no. 4 (2024): 58–73.

<sup>3</sup> Nao Shimoyachi, “Between Accountability and Reconciliation: The Making of ‘the Victim-Centered Approach’ at the International Criminal Court,” *Global Studies Quarterly* 4, no. 2 (April 1, 2024): ksae014, <https://doi.org/10.1093/isagsq/ksae014>.

<sup>4</sup> Ninawa Butrus, “Judicial Sentencing Considerations in Cases of Violent Offenders versus Sexual Offenders,” *Psychiatry, Psychology and Law* 25, no. 5 (September 3, 2018): 653–74, <https://doi.org/10.1080/13218719.2018.1473175>.

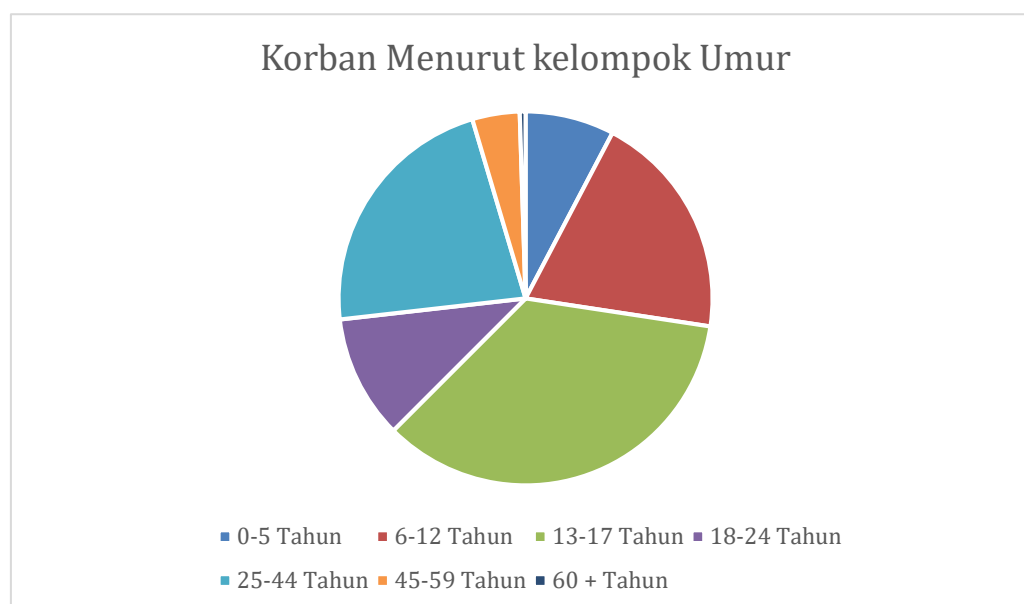
<sup>5</sup> Sigma Febby Annisa, “A Legal Protection of Children as Victims of Sexual Human Right Accidents,” *Jurnal Scientia Indonesia* 5, no. 2 (October 30, 2019), <https://doi.org/10.15294/jsi.v5i2.36087>.

<sup>6</sup> Ikama Dewi Setia Triana et al., “Legal Protection of Children as Victims of Crime Actions And Sexual Violence,” *Ganesha Law Review* 6, no. 1 (Mei, 2024): 53-61, <https://ejournal2.undiksha.ac.id/index.php/GLR>.

manifest in many ways, including physical, psychological, and sexual abuse. Article 4, paragraph (2) of the Sexual Violence Crime Law (UU TPKS) specifies that sexual offenses against children include engaging in sexual intercourse with a child, committing indecent acts toward a child, and/or exploiting a child for sexual purposes.<sup>7</sup> This concern is reinforced by statistical data. Figures from the Online Information System for the Protection of Women and Children (SIMFONI PPA) reveal that sexual violence against children remains disturbingly high, showing a clear pattern of heightened vulnerability among certain age groups. This trend is illustrated in the following figure:

**Figure 1**

**Victims of Sexual Violence by Age Group, January – April 2025**



Source: Online Information System for the Protection of Women and Children (Simfoni PPA)<sup>8</sup>

Data from the Online Information System for the Protection of Women and Children (Simfoni PPA) shows that between January and April 2025, there were 4,589 reported cases of sexual violence against women and children in Indonesia. The largest

<sup>7</sup> Riza Awaludin Rahmansyah, Nurani Nabillah, and Anisa Siti Nurjanah, "Tindakan Hukum Terhadap Anak Sebagai Korban Pelecehan Seksual Yang Dilakukan Herry Wirawan," *Jurnal Indonesia Sosial Sains* 3, no. 6 (June 20, 2022): 956–64, <https://doi.org/10.36418/jiss.v3i6.621>.

<sup>8</sup> Kementerian Pemberdayaan Perempuan dan Anak, "SIMFONI PPA (Sistem Informasi Online Perlindungan Perempuan Dan Anak)," *Simfoni PPA* 0, no. 0 (2025): 2.

proportion of victims were aged 13–17 years (35.10%), followed by those aged 25–44 years (22.20%) and 6–12 years (19.70%). Under Article 1(5) of the TPKS Law, children are defined as individuals under the age of 18 – and they accounted for 62.45% of all victims, or 2,867 cases. These figures underscore the heightened vulnerability of minors, especially adolescents, and the pressing need for stronger legal safeguards. The data also shows that sexual violence against children exceeds that against adult women, emphasizing the importance of targeted policies and interventions. Such violence leaves behind deep and lasting scars, causing both tangible losses and profound emotional harm. For this reason, a victim-centered approach within the justice system is not only essential but also something victims rightfully expect – yet it remains far from fully achieved in practice.

In response to such cases, a Victim Impact Statement (VIS) serves as a form of evidence presented by crime victims during sentencing or parole hearings. It conveys, in their own words, the harm, suffering, and consequences they have endured as a result of the crime.<sup>9</sup> Measures like the VIS were assigned to particular stages within the criminal process.<sup>10</sup> While Indonesia's criminal justice system acknowledges victims as stakeholders, its focus remains largely on the accused. As a result, the profound harm and suffering endured by victims are often sidelined. This imbalance not only weakens the very principle of justice but also leaves victims' needs insufficiently addressed.<sup>11</sup> However, the Indonesian criminal justice system is gradually shifting towards a more victim-centric approach. Judges are now obliged to consider these statements when deciding on appropriate sentences. While Victim Impact Statements

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<sup>9</sup> Gena K. Dufour, Marguerite Ternes, and Veronica Stinson, "The Relationship Between Victim Impact Statements and Judicial Decision Making: An Archival Analysis of Sentencing Outcomes," *Law and Human Behavior* 47, no. 4 (June 22, 2023): 484–98, <https://doi.org/10.1037/lhb0000535>.

<sup>10</sup> 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 (January 1, 2024): 25–49, <https://doi.org/10.1177/02697580231151207>.

<sup>11</sup> Savira Nur Azalia, "Peran dan Efektivitas Lembaga Bantuan Hukum Asosiasi Perempuan Indonesia Untuk Keadilan Dalam Pendampingan Kasus Kekerasan Terhadap Perempuan," *The Digest: Journal of Jurisprudence and Legislation* 1, no. 2 (2022): 79–104, <https://doi.org/10.15294/digest.v1i2.48622>.

have been extensively studied in the context of general criminal proceedings in other countries, their application in Indonesia remains limited.<sup>12</sup>

Indonesia's criminal justice system is undergoing a transformation toward a victim-centered paradigm.<sup>13</sup> Victim Impact Statements (VIS) have emerged as vital tools in driving this shift, giving victims the opportunity to voice the full extent of the harm they have suffered. Through VIS, victims not only recount the incidents they endured but also convey the psychological, financial, and social repercussions they continue to face. Judges, in turn, are expected to take these statements into careful consideration when delivering their rulings. As defined by Erez and Rogers, VIS are as follows: "*A Victim Impact Statement (VIS) is a declaration made by the victim for the judge's consideration during sentencing. It typically describes the harm caused by the crime, outlining its financial, social, psychological, and physical effects. In certain jurisdictions, a VIS may also contain the victim's feelings regarding the crime, the offender, and their views on the proposed sentence, which is referred to as a victim statement of opinion.*"

Despite the acknowledged significance of Victim Impact Statements in advancing victim-centered justice, Indonesia's Criminal Procedure Code (KUHAP) lacks specific provisions regulating the use, form, or procedural status of VIS. This legal gap poses significant challenges in integrating victims' voices meaningfully into judicial proceedings, especially during sentencing. Although some aspects of victim input may be present in documents like the Litmas Report, they do not meet the substantive or procedural requirements of a formal VIS as seen in other jurisdictions. The lack of a clear legal framework in KUHAP leads to inconsistent application, limited judicial direction, and minimal enforceability. As a result, victims continue to be marginalized within the criminal process, with their psychological, social, and economic suffering inadequately addressed. This normative gap calls for immediate legal reform to explicitly include VIS in Indonesia's criminal procedure, aligning national practices with international standards of victim participation and restorative justice.

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<sup>12</sup> Shai Farber, "Trauma, Truth, and Testimony: Analysing Terrorism Survivors' Victim Impact Statements," *International Journal of Comparative and Applied Criminal Justice*, 54, no. 6 (September 15 2024): 1-19, <https://doi.org/10.1080/01924036.2024.2406843>.

<sup>13</sup> Maria Novita Apriyani, "Restitusi Sebagai Wujud Pemenuhan Hak Korban Tindak Pidana Kekerasan Seksual di Indonesia," *Risalah Hukum* 17, no. 1 (2022): 1-10, <https://doi.org/10.30872/risalah.v17i1.492>.

Previous studies have examined different dimensions of VIS and the role of victims in the justice process. For instance, Jerusalem<sup>14</sup> (2020) analyzed VIS policies in the United States and the United Kingdom, finding that both countries permit victim involvement in parole decisions through VIS, although this participation is not mandatory. In contrast, Indonesia does not yet have specific regulations governing the use of Victim Impact Statements in parole proceedings. Hosana<sup>15</sup> (2022) highlighted the function of VIS as a means for victims to convey the extent of their losses during court proceedings. Meanwhile, Syawalisa and Sembring<sup>16</sup> (2022) observed that although the TPKS Law adopts a victim-focused framework, its practical application faces obstacles, particularly due to insufficient coordination among relevant institutions. Unlike earlier studies, this research positions VIS as both a practical tool and a structured element within courtroom procedures, particularly in jurisdictions where no standardized format exists. It further highlights the potential of linking VIS with restitution mechanisms to strengthen victim-centered justice – an approach that remains largely overlooked in existing scholarship. This paper examines the use of Victim Impact Statements (VIS) in cases of child sexual abuse within the framework of Indonesia's TPKS Law. The study examines how VIS can be used to amplify the voices of child victims, aid in their psychological recovery, and foster a more victim-centered approach to justice. At the same time, it offers a critical assessment of potential drawbacks, including the risk of retraumatization and the possibility that VIS may influence judicial impartiality during sentencing. By examining how VIS are applied in cases involving child victims, this research seeks to help shape practical and sensitive guidelines that reflect the protective and restorative principles of the TPKS Law. The goal is to ensure that VIS truly serve the best interests of child survivors.

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<sup>14</sup> Mohammad Abduh Jerusalem, “Prospek Pengaturan Victim Impact Statement Dalam Pengambilan Keputusan Pembebasan Bersyarat Narapidana Di Indonesia” (master’s thesis, Universitas Gadjah Mada, 2024).

<sup>15</sup> Yolanda Hosana, “Victim Impact Statement sebagai Perlindungan Hukum Korban Kekerasan Seksual,” *Jurist-Diction* 5, no. 3 (May 30, 2022): 1171–84, <https://doi.org/10.20473/jd.v5i3.35812>.

<sup>16</sup> Tamaulian Sembring, “LEGAL PROTECTION FOR VICTIMS OF SEXUAL VIOLENCE IN THE PERSPECTIVE OF THE 2022 TPKS LAW,” *Law Synergy Conference* 1, no. 1 (2024): 1–8.

## METHODOLOGY

This study explores the use of victim impact statements (VIS) in child sexual assault cases within the framework of Indonesia's legal system. It employs a normative legal research approach, commonly referred to as library-based legal research.<sup>17</sup> The researchers reviewed library materials and secondary data<sup>18</sup>, including primary legal resources such as Court Decision No. 8/Pid.Sus/2024/PN Krg PERMA No. 1 of 2022 on Guidelines for Handling Cases of Sexual Violence Against Women and Children, Law No. 35 of 2014 on Child Protection, and Law No. 12 of 2022 on Crimes of Sexual Violence, secondary, and tertiary legal sources.<sup>19</sup> To answer the research questions and propose solutions to existing challenges, this study adopts a statutory approach to examine the legal dimensions of VIS in child sexual assault cases.<sup>20</sup> This study employs multiple approaches to examine VIS in child sexual assault cases. A comparative approach is used to trace the development of VIS, while a conceptual approach helps shape relevant concepts and theoretical frameworks. In addition, a futuristic approach considers potential developments and future implications of VIS within Indonesia's legal system. The research is both descriptive and prescriptive—describing the current state of VIS and offering recommendations for its advancement. Data and information were gathered through an extensive literature review. The researchers examined a range of sources, including laws, books, government documents, and academic articles, to gather insights related to VIS.<sup>21</sup> The collected data were analysed using content analysis, allowing the researchers to examine and interpret the contents of the reviewed materials.

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<sup>17</sup> Tunggul Ansari Setia Negara, "Normative Legal Research In Indonesia: Its Origins And Approaches," *Audito Comparative Law Journal* 4, no. 1 (2023): 1-9, <https://doi.org/10.22219/aclj.v4i1.24855>.

<sup>18</sup> J. Smith, "J. Smits, 'What Is Legal Doctrine?: On the Aims and Methods of Legal-Dogmatic Research,' in *Rethinking Legal Scholarship*, Ed. R. van Gestel, H. Micklitz, and E. L. Rubin (Cambridge: Cambridge University Press, 2017), 207–28, <https://doi.org/10.1017/9781316442906.006>," n.d.

<sup>19</sup> S. E. Hamill, "Review of Legal History," *Social & Legal Studies* 28, no. 4 (2019): 538–59, <https://doi.org/10.1177/0964663918819189>.

<sup>20</sup> C. Boulanger, "The Comparative Sociology of Legal Doctrine: Thoughts on a Research Program," *German Law Journal* 21, no. 7 (2020): 1362–77.

<sup>21</sup> J. Smits, "What is Legal Doctrine?: On the Aims and Methods of Legal-Dogmatic Research," in *Rethinking Legal Scholarship*, ed. R. van Gestel, H. Micklitz, and E. L. Rubin (Cambridge: Cambridge University Press, 2017), 207–28, <https://doi.org/10.1017/9781316442906.006>.

## RESULT AND DISCUSSION

### Influence on Sentencing Decisions

The use of VIS in child sexual assault cases has shown profound and multifaceted implications for sentencing. Although VIS is not yet applied consistently across all legal proceedings, its presence holds significant potential to shape judicial decisions in complex and varied contexts.<sup>22</sup> The following analysis explores the nuanced role of VIS in influencing sentencing within Indonesia's legal framework, emphasizing its potential to shape the course of judicial outcomes in these sensitive cases.

*First*, VIS serve as a powerful tool for conveying the emotional, psychological, and social impact of a crime on victims or their families.<sup>23</sup> In Indonesia, where judges frequently weigh moral and ethical considerations, the emotional resonance of a VIS can deepen judicial awareness of the victim's suffering.<sup>24</sup> This sensitivity has, in some cases, resulted in harsher penalties for offenders, particularly in child sexual assault cases. By conveying the depth and enduring nature of the trauma faced by child victims, a VIS can prompt judges to deliver sentences that extend beyond strict legal parameters, capturing the broader human cost of the crime.<sup>25</sup> In high-profile cases, where public sentiment plays a considerable role, VIS have often influenced judges to impose the maximum sentences permitted by law. Such instances illustrate how VIS can shape judicial perceptions of an offense's gravity and its impact on victims, highlighting their potential to influence sentencing decisions.

For example, in Criminal Verdict Number 8/Pid.Sus/2024/PN Krg, the defendant, who was the head of an Islamic boarding school (Pondok Pesantren), committed acts of violence or threats of violence to coerce a child into having intercourse with him. In

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<sup>22</sup> Yolanda Hosana, "Victim Impact Statement Sebagai Perlindungan Hukum Korban Kekerasan Seksual," *Jurist-Diction* 5, no. 3 (May 30, 2022): 71–84, <https://doi.org/10.20473/jd.v5i3.35812>.

<sup>23</sup> Samantha Webb et al., "The Medium Behind the Message: An Examination of the Delivery Method of Victim Impact Statements in Canada" (undergraduate thesis, Saint Mary's University, 2024).

<sup>24</sup> T. Santoso, "Comparative Law in the Faculty of Law, University of Indonesia: Course Content and Teaching Methods," *Asian Journal of Comparative Law* 14, no. S1 (2019): S213–S227, <https://doi.org/10.1017/asjcl.2019.13>.

<sup>25</sup> Julian V Roberts and Allen Edgar, "Victim Impact Statements at Sentencing: Judicial Experiences and Perceptions A Survey of Three Jurisdictions" *Criminal Law Review* 12, no.2, (2006). Feby Dwiki Darmawan, and Dodik Setiawan Nur Heriyanto. Invoking International Human Rights Law To Prevent Statelessness Of International Refugee Children Born In Indonesia. *Prophetic Law Review*, 5(1), (2023), 22–41. <https://doi.org/10.20885/PLR.vol5.iss1.art2>



the first-instance court, the panel of judges found the defendant legally and convincingly guilty of intentionally deceiving or persuading a child to engage in sexual intercourse and indecent acts. These offenses, committed by an educator or educational staff member, involved more than one victim and were carried out repeatedly, as reflected in the cumulative charges. The court sentenced the defendant to 15 (fifteen) years of imprisonment and imposed a fine of IDR 1,000,000,000.00 (one billion rupiah), with the stipulation that if the fine is not paid, it will be replaced with 6 (six) months of imprisonment. The court ordered the defendant to pay restitution to the child victims in the specified amounts as outlined in the ruling.

In criminal justice, restitution refers to the financial compensation ordered by the court for an offender to pay the victim, covering losses or damages resulting from the criminal act.<sup>26</sup> In cases of child sexual assault, restitution plays a pivotal role in ensuring that victims receive a substantive remedy for the harm they have experienced.<sup>27</sup> When incorporated into a VIS, restitution not only recognizes the emotional, psychological, and financial impacts of the crime on the victim but also serves as an important mechanism for delivering justice in a more nuanced and holistic way.<sup>28</sup>

VIS enables victims or their families to express the extensive repercussions of the crime. In child sexual assault cases, the consequences often extend far beyond immediate physical harm, encompassing lasting psychological trauma, interruptions to a child's education, and profound emotional distress.<sup>29</sup> A VIS provides a platform to convey these far-reaching consequences, helping the court understand the full impact of the offense and strengthening the case for restitution.<sup>30</sup>

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<sup>26</sup> Susan A Bandes, "What Are Victim Impact Statements For?," *Brooklyn Law Review*, 87, no.4, (Mei 2023): 43-78, <https://brooklynworks.brooklaw.edu/blr/vol87/iss4/7>.

<sup>27</sup> Halomoan Freddy Sitinjak Alexandra, "Pemberian Restitusi dan Kompensasi Bagi Korban Tindak Pidana Berdasarkan Nilai Keadilan," *Jurnal Pendidikan dan Konseling (JPDK)* 4, no. 5 (2022): 5975–5984, <https://doi.org/10.31004/jpdk.v4i5.7637>.

<sup>28</sup> Muhammad Saef, El Islam, and Imasnovita Juaningsih, "Victim Impact Statement as the Restoration of the Rights of Victims in Law Number 12 of 2022 on Sexual Violence Article," *Pakuan Law Journal* 1, no. 2 (June 2024): 43-77, <https://doi.org/10.24905/plj.v1i2.43>.

<sup>29</sup> Edi Yunara and Taufik Kemas, "The Role of Victimology in the Protection of Crime Victims in Indonesian Criminal Justice System," *Mahadi: Indonesia Journal of Law* 3, no. 1 (2024): 63–78, <https://doi.org/10.26594/register.v6i1.idarticle>.

<sup>30</sup> Irawan Adi Wijaya and Hari Purwadi, "Pemberian Restitusi sebagai Perlindungan Hukum Korban Tindak Pidana," *Jurnal Hukum dan Pembangunan Ekonomi* 6, no. 2 (2022): 93–111, <https://doi.org/10.20961/hpe.v6i2.17728>.

In Indonesia, as in many other jurisdictions, restitution is a statutory measure that may be imposed on offenders as part of the sentencing process.<sup>31</sup> Overall, restitution has been viewed positively by victims, offenders, the public, and key actors within the criminal justice system.<sup>32</sup> When incorporated into a Victim Impact Statement (VIS), restitution allows the court to consider the victim's expressed needs in determining the appropriate amount and conditions of payment. In cases of child sexual assault, this may include requiring the offender to cover costs for medical care, counseling, and other financial burdens resulting from the crime.<sup>33</sup> Enforcing restitution orders can pose significant challenges. If an offender lacks the financial means to pay the full amount, alternatives may include structured payment arrangements or, in some cases, converting the unpaid restitution into additional prison time. Despite these difficulties, incorporating restitution into the VIS process ensures that the victim's financial needs are clearly and directly presented to the court.<sup>34</sup>

The following provisions relate to the enforcement of restitution in Indonesia, specifically:

**Table 2 Regulations Related Restitution in Indonesia**

Regulation	Articles
<b>Law Number 12 of 2022 on Sexual Violence Crimes</b>	<b>Article 30 (1)</b> Victims of sexual violence are entitled to both restitution and access to recovery services. (2) The restitution as referred to in paragraph (1) includes: a. compensation for loss of wealth or income; b. compensation for suffering directly related to the Sexual Violence Crime; c. reimbursement of medical and/or psychological treatment costs; and/or d. compensation for other losses suffered by the victim as a result of the Sexual Violence Crime.

<sup>31</sup> Halomoan Freddy Sitinjak Alexandra, "Pemberian Restitusi dan Kompensasi Bagi Korban Tindak Pidana Berdasarkan Nilai Keadilan," *Jurnal Pendidikan dan Konseling (JPDK)* 4, no. 5 (2022): 5975–5984, <https://doi.org/10.31004/jpdk.v4i5.7637>.

<sup>32</sup> Angkasa Angkasa et al., "Development of a Restitution Model in Optimizing Legal Protection for Victims of Human Trafficking in Indonesia," *Journal of Indonesian Legal Studies* 8, no. 1 (2023): 93–128, <https://doi.org/10.15294/jils.v8i1.67866>.

<sup>33</sup> Rosania Paradiatz and Eko Soponyono, "Perlindungan Hukum Terhadap Korban Pelecehan Seksual," *Jurnal Pembangunan Hukum Indonesia* 4, no. 1 (2022): 61–72.

<sup>34</sup> Anang Riyan Ramadianto, "Comparison of Legal Protection for Victims of Criminal Acts of Terrorism in Indonesia and India (Studies at the Indonesian National Counter-Terrorism Agency and India Centre for Victimology and Psychological Studies)," *Soedirman Law Review* 3, no. 4 (2020): 28–44.

<i>Law Number 31 of 2014 on the Protection of Witnesses and Victims</i>	<b>Article 7A</b> states that: (1) Victims of sexual violence have the right to receive both restitution and recovery services. Restitution may include: a. compensation for loss of wealth or income; b. compensation for suffering directly resulting from the criminal act; and/or c. reimbursement for medical and/or psychological treatment costs."
<i>Law Number 35 of 2014, which is an Amendment to Law Number 23 of 2002 on Child Protection</i>	<b>Article 71D (1)</b> Every child who is a victim as referred to in Article 59, paragraph (2), letters b, d, f, h, i, and j has the right to file a claim in court for restitution that is the responsibility of the perpetrator of the crime. (2) The detailed procedures for implementing the restitution outlined in paragraph (1) will be set forth in a Government Regulation. <b>Article 71D Paragraph (1)</b> In this context, "restitution" refers to compensation that a court, through a legally binding decision, orders the perpetrator to pay for the material and/or immaterial losses suffered by the victim or their heirs. In cases involving children in conflict with the law, child victims are specifically entitled to receive such restitution.
<i>PERMA Number 1 of 2022 on Procedures for Resolving Requests and Providing Restitution and Compensation to Victims of Criminal Acts</i>	<b>Article 2 (1)</b> This Supreme Court Regulation applies to: a. Requests for restitution in cases of gross human rights violations, terrorism, human trafficking, racial and ethnic discrimination, crimes related to children, and other criminal acts as determined by a ruling.

Source: Data processed by the author

Overall, the legal framework for providing restitution to victims of criminal offenses is established through a series of key regulations. Law Number 12 of 2022 on Sexual Violence Crimes affirms the rights of victims, with a strong emphasis on their entitlement to restitution. Law Number 31 of 2014 on the Protection of Witnesses and Victims expands the scope of protection, ensuring that victims of various crimes have the right to seek compensation for both material and non-material losses. Furthermore, Law Number 35 of 2014, amending Law Number 23 of 2002 on Child

Protection, strengthens safeguards for child victims, particularly in cases of abuse or exploitation. It grants them the right to seek restitution directly from offenders. Complementing this, the Regulation of the Supreme Court of the Republic of Indonesia Number 1 of 2022 outlines clear procedures for filing restitution claims and awarding compensation, ensuring that the legal process for obtaining restitution is both well-defined and accessible. Together, these laws establish a robust and integrated framework aimed at upholding victims' rights, especially in severe crimes such as sexual violence and child exploitation, by offering a structured path to obtain restitution.

*Second*, Although VIS have the potential to influence sentencing in Indonesia, their impact has been inconsistent. Research and legal analyses show that the use of Victim Impact Statements (VIS) largely depends on a judge's discretion, which can lead to inconsistencies and uneven outcomes in sentencing.<sup>35</sup> In some cases, judges may give significant weight to the Victim Impact Statement (VIS), while in others, they may place greater emphasis on legal facts and procedural rules. This variation can result in sentencing disparities, where similar offenses receive different punishments depending on the extent to which the VIS influences the court's decision. The blending of formal legal procedures with traditional values within Indonesia's legal system can further contribute to these inconsistencies.<sup>36</sup>

In Verdict Number 8/Pid.Sus/2024/PN Krg, the use of a Victim Impact Statement (VIS) played a crucial role in shaping the court's understanding of the broader effects of the crime. The defendant, who served as the head of an Islamic boarding school, was found guilty of multiple counts of sexual violence against minors. Supported by the Witness and Victim Protection Agency (LPSK), the Victim Impact Statement (VIS) described in detail the victims' prolonged emotional suffering, difficulties in social interaction, and severe psychological trauma. It provided the court with a clear and comprehensive picture of the profound and lasting impact of the crimes. This personalized testimony went beyond mere legal facts to emphasize the profound and

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<sup>35</sup> Hervina Puspitosari and Bintara Sura Priambada, "Victim Impact Statement Model in Criminal Justice System in Restorative Justice Perspective," *SHS Web of Conferences* 54 (2018): 07006, <https://doi.org/10.1051/shsconf/20185407006>.

<sup>36</sup> Nicole Maiorano, Áine Travers, and Frédérique Vallières, "The Relationship Between Rape Myths, Revictimization by Law Enforcement, and Well-Being for Victims of Sexual Assault," *Violence Against Women* 29, no. 14 (November 1, 2023): 2873–90, <https://doi.org/10.1177/10778012231196056>.

lasting trauma experienced by the victims, a depth that procedural evidence alone could not fully capture.

Including Victim Impact Statements (VIS) in the forthcoming Indonesian Criminal Procedure Code (KUHAP) is crucial to creating a more equitable, victim-centered criminal justice system that fully recognizes and addresses the harm experienced by victims.<sup>37</sup> As demonstrated in cases of child sexual assault, VIS provide the judiciary with critical insights into the emotional, psychological, and social repercussions suffered by victims' insights that are often absent from procedural evidence alone. Through integrating VIS into KUHAP, courts can embrace a comprehensive approach to justice, ensuring that sentencing decisions consider not just the legal aspects of a crime but also its significant human impact. This official recognition would decrease inconsistencies in judicial outcomes resulting from subjective interpretation, boost the credibility of court decisions, and guarantee that victims' voices are acknowledged and respected throughout all proceedings. Furthermore, it would promote fairer restitution practices, strengthening restorative justice principles and enhancing public trust in the legal system.

The incorporation of VIS had a significant impact on the sentencing outcome, illustrating how such statements can contribute to a more comprehensive approach to justice. The judges, taking into account both the evidence and the VIS, imposed a 15-year prison sentence, reflecting not only the gravity of the crime but also the emotional and psychological impact on the victims. Moreover, the court directed the defendant to provide restitution to cover medical and psychological treatment for the victims. This case highlights the vital role of Victim Impact Statements (VIS) in guiding judicial decision-making, ensuring that both sentencing and restitution reflect the full extent of the harm endured by victims—especially in sensitive cases involving the sexual abuse of children.<sup>38</sup>

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<sup>37</sup> Samantha Webb et al., "The Medium Behind the Message: An Examination of the Delivery Method of Victim Impact Statements in Canada," 2024.

<sup>38</sup> Ryan Anderson, "Criminal Law: The System is Rigged: Criminal Restitution is Blind to the Victim's Fault—State v. Riggs," *Mitchell Hamline Law Review* 43, no. 1 (2022): 140–180, <https://open.mitchellhamline.edu/mhlr/vol43/iss1/4>.

In essence, this ruling stands as a powerful example of how Victim Impact Statements (VIS) can deepen the judiciary's understanding of the enduring consequences of crimes such as child sexual violence, ultimately resulting in tougher sentences and more comprehensive restitution for victims.<sup>39</sup> This not only ensures that justice is served but also that victims receive the necessary financial support for their recovery, reinforcing the importance of victim-centered approaches in legal proceedings.

Conversely, in another case with similar circumstances, the absence of explicit provisions on Victim Impact Statements (VIS) in the Criminal Procedure Code meant that the statement was largely disregarded by the court. In this instance, although the defendant was convicted of sexual violence against a minor, the VIS had little influence on the final judgment.<sup>40</sup> Even though the victim's family elaborated on the psychological trauma and social challenges arising from the offense, the judges primarily adhered to legal statutes and procedural guidelines, ultimately rendering a comparatively lenient sentence of just years without any restitution imposed. This inconsistency illustrates how the subjective interpretation of Victim Impact Statements (VIS) can produce markedly different outcomes in cases that appear similar. It underscores the need for a thorough reassessment of the Criminal Justice System—one that goes beyond merely punishing offenders and adopts a more balanced approach, ensuring that the legitimate rights, interests, and needs of victims are given equal consideration.<sup>41</sup>

These differing judgments reveal the discrepancies in the application of VIS within Indonesian courts, which often hinge on the discretion of individual judges. In the first case, the VIS was instrumental in fostering a more empathetic and well-informed approach to sentencing, whereas in the second case, its relevance was diminished, leading to a sentence that inadequately addressed the victim's profound suffering. Such inconsistencies undermine the integrity of the judicial process and deepen the

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<sup>39</sup> Lukman Hakim and Endang Hadrian, "The Issue of Restitution for Victims in Trafficking in Indonesia," *Solid State Technology* 63, no. 3 (2022): 1640–1648.

<sup>40</sup> Ashley Benitez, "How Victim Impact Statements Can Affect Judges' Emotions and Sentencing Decisions" (master's thesis, Florida Gulf Coast University, 2024).

<sup>41</sup> Heru Susetyo, "Pemenuhan Dan Perlindungan Hak-Hak Prosedural Korban Terorisme Atas Victim Impact Statements (VIS) Dalam Sistem Peradilan Pidana," *Southeast Asian Journal of Victimology* 2, no. 1 (2023): 36–57, <https://doi.org/10.30624/sajv.v2i1>.

sense of injustice felt by victims, who not only seek restitution but also the acknowledgment and validation of their suffering.<sup>42</sup>

*Third*, despite the considerable potential of VIS to influence sentencing outcomes in cases of child sexual assault, several significant challenges impede their widespread and effective adoption in Indonesia.<sup>43</sup> Cultural and social factors significantly influence both the submission and perception of Victim Impact Statements (VIS). Many victims—especially those in rural communities—are often unaware of their right to submit a VIS, leading to underreporting and missed opportunities for the judiciary to fully understand the crime’s impact. In addition, fears of social stigma or the possibility of re-traumatization can discourage victims from sharing their experiences openly in a public forum.

Moreover, the legal framework for consistently integrating Victim Impact Statements (VIS) remains in its early stages. Many courts still lack clear protocols or comprehensive guidelines to guarantee that VIS are given due weight during sentencing. As a result, interpretations and applications of VIS can vary widely across jurisdictions, leading to inconsistencies in how victims are treated and how their experiences are recognized within the justice system. Consequently, these challenges not only diminish the potential benefits of Victim Impact Statements (VIS) but also create a broader sense of inequity for victims seeking justice and restitution. When used effectively, however, VIS serves a crucial role in shaping sentences to reflect the unique circumstances of each case and the full extent of the harm suffered.<sup>44</sup>

### **Model of Victims’ Rights via the Concept of the VIS**

The Model of Victims’ Rights through the integration of the Victim Impact Statement (VIS) represents a more inclusive and victim-focused approach to justice. Traditionally, criminal justice systems have been shaped by the retributive paradigm, which prioritizes punishing the offender for moral accountability and societal

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<sup>42</sup> Andreas Lucky Lukwira, "Restitusi Sebagai Hukuman Tambahan yang Bermanfaat Bagi Pelaku dan Korban Tindak Pidana," *Deviance Jurnal Kriminologi* 1, no. 1 (2022): 56–69.

<sup>43</sup> Wahab Aznul Hidayat, "The Role of Witness and Victim Protection Agency for Imekko Tribe in Criminal Justice System in Sorong," *Law and Justice* 8, no. 2 (December 31, 2023): 176–91, <https://doi.org/10.23917/laj.v8i2.2363>.

<sup>44</sup> Ashley Benitez, "How Victim Impact Statements Can Affect Judges’ Emotions and Sentencing Decisions" (master’s thesis, Florida Gulf Coast University, 2024).

deterrence. This offender-centric model often sidelines the needs and experiences of victims, reducing them to passive witnesses in proceedings that directly impact their lives. The VIS seeks to address this imbalance by granting victims a formalized avenue to articulate the emotional, physical, and financial repercussions they have suffered. This mechanism not only ensures that victims are acknowledged and their suffering recognized within the sentencing process, but also humanizes judicial proceedings by bringing the personal impact of the crime to the forefront. The restorative aspect of this approach is vital in fostering a sense of justice and closure, as it gives victims the opportunity to actively participate in the legal process and have their voices genuinely heard.<sup>45</sup>

Within this framework, the VIS becomes an essential instrument for reinstating the rights of victims who may have been marginalized during the judicial process. By providing a comprehensive account of the crime's impact, victims are empowered to shape sentencing outcomes in a manner that truly reflects their personal experiences. Countries such as Canada and the Netherlands have effectively incorporated this model, demonstrating its success in aligning the interests of victims with the goals of the justice system. Moreover, this model reinforces the principle of victim-centered justice, placing the restoration of the victim's dignity, sense of security, and overall well-being at the heart of the legal process. Consequently, the model shifts its focus from merely punishing the offender to addressing the broader, enduring impacts of the crime on the victim, promoting a more equitable and comprehensive justice system.

The integration of the Victim Impact Statement (VIS) in Canada and the Netherlands has been successfully implemented within their individual criminal justice systems. This model, based on both conceptual frameworks and empirical evidence, primarily seeks to offer crime victims, especially survivors of sexual violence, a significant chance to reclaim their violated rights. To improve the comparative viewpoint and position the discussion in a wider international context, it is crucial to include insights from global literature, such as articles from the *International Review of Victimology*,

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<sup>45</sup> Nils Christie, "Restorative Justice: Five Dangers Ahead," in *Urban Crime Prevention, Surveillance, and Restorative Justice* (London: Routledge, 2022), 229–238.



and reports from organizations like the United Nations Office on Drugs and Crime (UNODC) and the European Institute for Gender Equality (EIGE). These sources offer valuable data and normative frameworks that can help strengthen the analysis of VIS implementation across diverse jurisdictions.<sup>46</sup>

The author proposes that a model for the VIS in Indonesia can be presented either orally in person by the child victim to judges or in a written form. The VIS should focus exclusively on the consequences faced by the victim of sexual violence and/or their family, excluding any details related to the crime itself. The form is structured into six main recovery categories: physical consequences, emotional and social consequences, financial consequences, health and well-being, quality of life impacts, and rehabilitation needs. For example, the following details should be provided:

**Table 3 Proposes Model of VIS in Indonesia**

<b>Recovery Categories</b>	<b>Description</b>
<i>Physical Consequences</i>	<ul style="list-style-type: none"> <li>a. Physical suffering, discomfort in specific areas, ailments, and injuries;</li> <li>b. An offense in which victims of sexual violence require hospitalization or surgical treatment.;</li> <li>c. Chronic physical disabilities.</li> </ul>
<i>Psychological and Social Consequences</i>	<ul style="list-style-type: none"> <li>a. Psychological conditions and treatment of emotional responses;</li> <li>b. The nature of social relationships;</li> <li>c. The capacity for social engagement.</li> </ul>
<i>Financial Consequences</i>	<ul style="list-style-type: none"> <li>a. All expenses incurred for medical treatments and therapeutic interventions arising from the crime.;</li> <li>b. Financial repercussions stemming from unemployment.</li> </ul>
<i>Medical and Well-being</i>	<ul style="list-style-type: none"> <li>a. Details of any medical care received—such as hospital stays, surgeries, or ongoing treatments—together with the length of the recovery period.</li> </ul>
<i>Education Impacts</i>	<ul style="list-style-type: none"> <li>a. Access to uninterrupted and adequate education;</li> <li>b. Special educational support provided when difficulties arise during the learning process.</li> </ul>

<sup>46</sup> Muhammad Saef, El Islam, and Imasnovita Juaningsih, "Victim Impact Statement as the Restoration of the Rights of Victims in Law Number 12 of 2022 on Sexual Violence Article," *Pakuan Law Journal* 1, no. 2 (June 2024): 43-77, <https://doi.org/10.24905/plj.v1i2.43>.

**Rehabilitation needs**

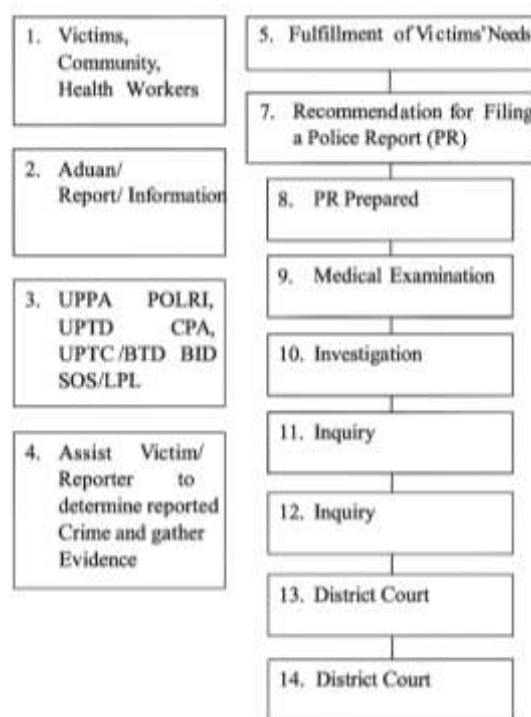
- a. Information on any rehabilitation programs or physical therapy carried out to support recovery, including their objectives and the extent to which they were effective.

Source: Data processed by the author

The author's recommendation for the form is based on Articles 66–70 of the Law on Sexual Violence (UU TPKS), with particular reference to Article 67(2), which affirms the state's responsibility to guarantee the fulfilment of victims' rights. This duty must be carried out in accordance with the victim's individual circumstances and needs, covering three essential aspects: treatment, protection, and rehabilitation.

The handling of sexual violence offenses involves a procedural framework that includes reporting of incidents through to the initiation of court proceedings, outlined as follows:

**Picture 1 Mechanism for Addressing Sexual Violence Offenses**



Source: Data processed by the author

The process for handling sexual violence cases follows a comprehensive framework that covers every stage—from the initial report to the final court proceedings. It begins when the offense is recognized by the victim, the community, or healthcare

professionals. Reports may be made through formal complaints or informal channels, ensuring the victim's account is heard and documented accurately. This initial step is crucial for laying the groundwork for legal action and ensuring the victim receives the support they need.

After a report is filed, the process moves into an assessment and counseling stage to determine the victim's needs. This step plays a vital role in understanding both the psychological and physical impacts of the offense. Professionals, such as social workers and psychologists, interact with victims to provide medical assistance, psychological support, and guidance during the legal proceedings. Victims may also receive assistance in collecting evidence, essential for determining the crime's nature and ensuring a strong case presentation in court.

Furthermore, the mechanism incorporates additional procedural steps, such as recommendations for formal documentation (Laporan Polisi or LP), the issuance of medical certificates (*visum et repertum*), and the development of case files (lidik and sidik) that compile evidence and testimonies. This structured approach ensures that victims receive the support and resources they need while also strengthening the effectiveness of the legal system in prosecuting sexual violence cases. Ultimately, it fosters a more informed, compassionate, and justice-oriented response to these serious offenses.

The trial process for obtaining testimony from child victims in TPKS cases within the district court system is carefully designed to place the highest priority on the child's well-being and psychological safety.<sup>47</sup> The presiding judge plays an active role in helping the victim participate in the judicial process, especially through the use of a Victim Impact Statement (VIS). At the outset, the judge explains the purpose of the VIS, making it clear that it is a means for the victim to share the full extent of the emotional, physical, and financial harm they have suffered as a result of the offense.

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<sup>47</sup> Muhammad Saef, El Islam, and Imasnovita Juaningsih, "Victim Impact Statement as the Restoration of the Rights of Victims in Law Number 12 of 2022 on Sexual Violence Article," *Pakuan Law Journal* 1, no. 2 (June 2024): 43-77, <https://doi.org/10.24905/plj.v1i2.43>. F. 'Alima Fardindaputri, and Fuad Hasanudin Legal Protection of Children's Rights Post-Divorce: A Study of Single Mothers in Malang Regency. *Prophetic Law Review*, 7(1), (2025), 70–94. <https://doi.org/10.20885/PLR.vol7.iss1.art4>

Later, the judge will use a series of thoughtfully crafted, open-ended questions to prompt the victim to describe the significant impacts of the crime on their life. Such inquiries may include probing the extent to which the offense has disrupted the victim's daily functioning, social interactions, or psychological well-being. Throughout this process, the judge remains vigilant in ensuring that the victim feels secure and supported, thus avoiding any lines of questioning that could worsen trauma or distress. Through adopting a compassionate and informed approach, the judge aims to gather a detailed and nuanced account from the VIS, which is crucial in guiding sentencing decisions and reinforcing the judicial dedication to restorative justice.

Furthermore, the judge incorporates the victim's testimony into the broader evidentiary framework to reach a verdict that reflects not just legal standards but also the socio-psychological impact of the crime. This approach goes beyond procedural formalism and aligns with restorative justice principles, which emphasize healing and the recognition of victims' voices in legal processes. Recent victimological research highlights that incorporating victim narratives can enhance procedural justice and improve victims' psychological recovery post-trial. Psychological studies also indicate that recognizing and validating trauma through legal processes can reduce secondary victimization and promote resilience. This comprehensive approach signifies a move towards a more inclusive and fair justice system that prioritizes victims' lived experiences in the adjudicative process. Incorporating these practices mirrors ongoing academic discussions on balancing retributive and restorative approaches in contemporary criminal justice systems.

## CONCLUSION

Victim Impact Statements (VIS) have demonstrated significant potential to impact sentencing in cases of child sexual assault by expressing victims' emotional, psychological, and financial hardships. As seen in Verdict No. 8/Pid.Sus/2024/PN Krg, VIS can lead to harsher sentences and restitution, helping courts better understand the full impact of the crime. Nevertheless, inconsistent utilization

stemming from judicial discretion, unclear procedures, and cultural barriers undermines their overall efficacy. To tackle this issue, Indonesia should officially integrate VIS into the Criminal Procedure Code (KUHP) and establish a Supreme Court Regulation (PERMA) detailing precise guidelines for their implementation. These measures, backed by training for legal professionals and public awareness campaigns, will guarantee a more uniform, victim-focused, and restorative justice system. Adopting this approach aligns with the principles of UU TPKS and enhances victims' rights to be heard, protected, and fully restored.

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