

The Compliance with Restitution for Child Victims Sexual Violence Crime

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Abstract. *This study aims to determine the importance of granting restitution to child victims of sexual violence. This study uses a normative juridical approach. Based on the research, it concludes that the fulfillment of restitution for child victims of sexual violence is very necessary. Restitution must be given by the perpetrator to the victim's child because the perpetrator has damaged the victim's child physically and mentally, which may not necessarily recover as before. As we already know that children are state assets and their rights cannot be deprived. However, what is happening now, children's rights are deprived by persons who have the heart to commit violence against children, in this case sexual violence. Therefore, the state needs attention and protection for child victims of sexual violence.*

Keywords: *Child; Crime; Restitution; Sexual; Violence.*

1. Introduction

In the preamble of Law Number 11 of 2012 it is stated that children are a mandate and a gift from God Almighty who has dignity as a whole human being, therefore children must receive special treatment in various aspects of life and growth and development and are entitled to protection from violence. However, violence still often occurs against children, namely violence that can be destructive, dangerous and frightening. Children who are victims of violence suffer losses, not only material in nature, but also immaterial in nature such as emotional and psychological shocks, which can affect the child's future life.

Early childhood has the right to get a decent living and protection, and to grow and develop optimally. In Law No. 23 of 2002 Article 4 concerning Child Protection, that every child has the right to be able to live, grow, develop and participate fairly in accordance with human dignity and dignity as well as protection from violence and discrimination. Failure to protect children threatens national development and creates negative and costly impacts that will carry over into adulthood.¹In Indonesia's positive law, protection of children's rights can be found in various laws and regulations, as stated in Presidential Decree No. 36 of 1990 which is the ratification of the UN convention on the rights of the child (Convention on the rights of the child), Law No. 39 of 1999 concerning Human Rights, Law No. 35 of 2014 concerning Amendments to Law No. 23 of 2002 concerning Child Protection, Law No.17 of 2016 concerning the Stipulation of Government Regulations in Lieu of Law No.1 of 2016 concerning the second amendment of Law No.23 of 2002 concerning Child Protection to become law and Law No.11 of 2012 concerning the Juvenile Criminal Justice System.²This is a gateway to be able to protect the rights of children in conflict with the law and can guarantee protection for children in criminal justice with the best consideration for children. So that for the effectiveness of legal work, all stakeholders must have a progressive character, not conventional anymore.³

In cases of molestation of minors, there are many problems regarding how the law upholds justice for perpetrators of sexual immorality who are punished with punishments which can be said that such punishments cannot change the perpetrator's behavior for the better, so this causes the victim to feel that he is not getting efficient justice with what crimes the perpetrators have committed against victims, especially minors. Law is a rule for humans, so law enforcement or law enforcement must provide benefits or benefits to society.⁴The application

¹Teguh Prasetyo, Judge's Decision on Child Abuse at the Pekalongan City District Court (Case Study at the Pekalongan City State Court), Khaira Ummah Legal Journal Vol. 13. No. March 1, 2018, Unissula/In Afandi and Umar Ma'ruf. "The Criminal Sanctions Implementation of Personnel Sexual Violence on Under Age's Children (Minors)". Journal of Sovereign Law Vol 4 No 1 (2021), p. 53, urls :<https://jurnal.unissula.ac.id/index.php/RH/article/view/13886/5384>accessed on 07 August 2023.

²Setiawan, Doni. (2012). The Urgency of Restorative Justice in Indonesian Juvenile Criminal Law. Semarang: Unissula Press. p.s. 10./In Afandi and Umar Ma'ruf. "The Criminal Sanctions Implementation of Personnel Sexual Violence on Under Age's Children (Minors)". Journal of Sovereign Law Vol 4 No 1 (2021), p. 53, urls :<https://jurnal.unissula.ac.id/index.php/RH/article/view/13886/5384>accessed on 07 August 2023.

³Suteki. (2015). The Future of Progressive Law. Yogyakarta: Thafa Media. p.s. 80/In Afandi and Umar Ma'ruf. "The Criminal Sanctions Implementation of Personnel Sexual Violence on Under Age's Children (Minors)". Journal of Sovereign Law Vol 4 No 1 (2021), p. 53, urls :<https://jurnal.unissula.ac.id/index.php/RH/article/view/13886/5384>accessed on 07 August 2023.

⁴ Teguh Prasetyo, Judge's Decision on Child Abuse at the Pekalongan City District Court (Case Study at the Pekalongan City State Court), Khaira Ummah Legal Journal Vol. 13. No. March 1,

of criminal sanctions for perpetrators of sexual violence against minors according to Law No. 23 of 2002 can be implemented and applies Article 82 of Law no. No. 23 of 2002 and Article 290 paragraph 2 of the Criminal Code that the defendant is proven to have fulfilled the objective and subjective elements contained in the two articles with a maximum penalty of 15 years in prison and a minimum of 3 years in prison.⁵

Protection, is one of the efforts to fulfill and provide assistance to witnesses and/or victims that must be carried out by institutions in accordance with the Law (UU). Protection is a form of service that must be carried out by law enforcement officials to provide witnesses and victims with a sense of security, both physical and mental, from all forms of threats, terror or violence from the perpetrators of criminal acts.⁶ Therefore, on August 8 2008 the State established the Witness and Victim Protection Agency (LPSK). In this case, the LPSK in solving problems against witnesses and victims has been listed in Government Regulation of the Republic of Indonesia Number 44 of 2008 concerning Provision of Compensation and Assistance to Witnesses and Victims. In these regulations, it is stated that the victim has the right to receive compensation from the state or restitution from the perpetrator or the perpetrator's family. Regulations regarding the granting of restitution are also contained in Court Regulation Number 1 of 2022 Article 2 paragraph (1) a "Request for Restitution for criminal acts of gross human rights violations, terrorism, trafficking in persons, racial and ethnic discrimination, crimes related to children, as well as other crimes determined by the decision of the LPSK as referred to in the provisions of laws and regulations. In addition, the provision of restitution by perpetrators to victims is also listed in Law Number 12 of 2022 concerning Crimes of Sexual Violence. The existence of these legal instruments proves that the state is trying very hard to protect witnesses and victims of a crime. In this case the author is interested in describing the fulfillment of the granting of restitution to child victims of sexual violence. This study also aims not only to find out the

2018, Unissula Dalam Afandi and Umar Ma'ruf. "The Criminal Sanctions Implementation of Personnel Sexual Violence on Under Age's Children (Minors)". Journal of Sovereign Law Vol 4 No 1 (2021), p. 53, url: <https://jurnal.unissula.ac.id/index.php/RH/article/view/13886/5384> accessed on 07 August 2023.

⁵Afandi and Umar Ma'ruf. "The Criminal Sanctions Implementation of Personnel Sexual Violence on Under Age's Children (Minors)". Journal of Sovereign Law Vol 4 No 1 (2021), p. 53, url: <https://jurnal.unissula.ac.id/index.php/RH/article/view/13886/5384> accessed on 07 August 2023.

⁶Anggun Malinda, Women in the Criminal Justice System (Suspects, Defendants, Convicts, Witnesses, Victims), (Yogyakarta: Garudhawaca, 2016) In Tiara Marisa, 2018, "The Role of the Witness and Victim Protection Agency (LPSK) After the Issuance of Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 Concerning the Protection of Witnesses and Victims, Thesis FISIP UIN Syarif Hidayatullah Jakarta, page 1, url: <https://repository.uinjkt.ac.id/dspace/bitstream/123456789/43600/1/TIARA%20MARISA-FISIP.pdf>, accessed July 18, 2023.

importance of granting restitution to child victims of sexual violence, but also to find out how the flow of filing requests for restitution.

2. Research Methods

The research method in making this journal is normative juridical namely an approach by analyzing based on existing legal rules with a view to reviewing arrangements related to granting restitution to child victims of sexual violence crimes in terms of various formal legal rules as well as some theoretical literature. In addition, the source of legal material that the author uses is in the form of primary legal material obtained from several laws and regulations, including: Laws, Court Regulations, and Government Regulations. The author also uses secondary legal materials obtained from several literatures in the form of books and journals which are a source of reference in preparing and completing this paper.

3. Results and Discussion

3.1. Fulfillment of Restitution for Child Victims of Sexual Violence

Victims as parties who suffer and are harmed as a result of violations of criminal law are usually only involved in giving testimony as victims' witnesses. As a result, victims often feel dissatisfied with the criminal charges filed by the Public Prosecutor and/or the decision handed down by the Judge because they are deemed not in accordance with the value of justice for the victim. This is because the criminal justice system is organized to try criminal offenders, not to serve the interests of victims of criminal acts, because criminal acts are acts of perpetrators against the state. The existence of the criminal justice system is aimed at the interests of the state and society, not for the personal interests of the community members.⁷

One form of compensation for victims of criminal acts is restitution. Restitution in accordance with the Principle of Restoration in its Original Condition (*restitutio in integrum*) is an effort that the victim of a crime must be returned to its original condition before the crime occurred even though it is based on the fact that it is impossible for the victim to return to his original condition. This principle emphasizes that the form of recovery for victims must be as complete as possible and cover various aspects arising from the consequences of crime. With restitution, victims can be restored to their freedom, legal rights, social status, family life and citizenship, return to their place of residence, restore their jobs, and recover their assets. In practice, in many countries, the concept of

⁷Fauzy Marasabessy. "Restitution for Victims of Crime: A New Mechanism Offer", No.1 (2015), p.54, url : <http://jhp.ui.ac.id/index.php/home/article/viewFile/9/9> accessed July 17, 2023.

restitution has been developed and given to victims of crimes for their suffering as victims of crimes. In this concept, victims and their families must receive fair and appropriate compensation from the guilty person or a responsible third party. This compensation will include the return of property or payment for damage or loss suffered, compensation for costs incurred as a result of the victim's fall, provision of services and rights of recovery.⁸ Furthermore, the State is increasingly providing space for victims of criminal acts to obtain their rights to obtain compensation with a wider range by issuing Law Number 13 of 2006 concerning Protection of Witnesses and Victims which was later replaced by Law Number 31 of 2014 concerning Amendments to the Law -Law Number 13 of 2006 concerning Protection of Witnesses and Victims.

Restitution is a form of government policy to provide protection for child victims of crime in accordance with the mandate of Article 34 of the 4th Amendment to the 1945 Constitution of the Republic of Indonesia (1945 Constitution) which states that the poor and neglected children are cared for by the State. In Article 7A of Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning the Protection of Witnesses and Victims (UU 31/2014) and specifically regulated in Article 3 of Government Regulation Number 43 of 2017 (PP 43/2017) states that child victims of criminal acts are obliged to obtain restitution in the form of compensation for loss of assets, compensation for suffering caused by criminal acts, and compensation for reimbursement of medical or psychological treatment costs.⁹ Children who are victims of sexual abuse receive protection in the Child Protection Act, namely in Article 71 D paragraph (1) which states that child victims of sexual crimes have the right to apply for restitution to court. In submitting requests for restitution, investigators and public prosecutors have the obligation to notify the victim regarding the right to apply for restitution in the trial process which is regulated in Article 9 and Article 14 PP 43/2017.¹⁰

The restitution policy creates a relationship between the perpetrator and the victim's child as a form of the perpetrator's responsibility to the victim materially to pay his obligations as a result of the crime he committed or as a sanction.

⁸Supriyadi Widodo Eddyono, et.al, "Input on Amendments to Law No. 13 of 2006 concerning Protection of Witnesses and Victims, (Jakarta: Coalition for the Protection of Witnesses and Victims), p. 16. In Fauzy Marasabessy. "Restitution for Victims of Crime: A New Mechanism Offer", No.1 (2015), p.55, url : <http://jhp.ui.ac.id/index.php/home/article/viewFile/9/9> accessed July 17, 2023.

⁹Article 3 PP Number 43 of 2017 Concerning the Implementation of Restitution for Children who Become Victims of Crime

¹⁰Erica Flora, Feronica. "Provision of Restitution for Children as Victims of the Criminal Act of Obscenity (Study of Six Decisions)", Vol.2, No.2 (2022), p.148, url : <https://ejournal.atmajaya.ac.id/index.php/gloriajustitia/article/view/3920>, accessed July 17, 2023.

With restitution, child victims of crime and their families or third parties have the right to receive compensation that must be provided by the perpetrator. This aims to make the perpetrators aware of their crimes and provide a deterrent effect on the perpetrators so they do not repeat their mistakes. According to Muladi, the purpose of punishment, which is also called the restorative justice model of restitution, is a means of improving the parties, namely the perpetrators and victims, reconciliation and restoration as the main goals.¹¹ In addition, the positions of perpetrators and victims are recognized as equal both in the settlement of the rights and interests of victims, perpetrators of criminal acts have an obligation to be responsible. Restitution is a forced effort to provide justice and legal certainty to victims of criminal acts. In accordance with distributive justice, it has a balanced nature, that is, everyone has equal rights without any differences and is applied to someone according to the actions they have taken. Child victims of criminal acts specified in Article 71 D paragraph (1) of Law 35/2014 have the right to apply for restitution and restitution is the responsibility of the perpetrator for the actions he has committed. This distributive justice is also a form of state responsibility for respecting and protecting human rights.¹²

Restitution is very important and necessary for victims of a crime of violence, in this case the child victim of a crime of sexual violence, this has also been stated in Law Number 12 of 2022 concerning Crimes of Sexual Violence (UU TPKS), which states that the perpetrator is obliged to provide restitution to victim. However, restitution is not an additional punishment. Therefore, judges who try cases of sexual violence are obliged to determine the amount of restitution for victims of sexual violence. The TPKS Law discusses restitution as stated in Article 30 paragraph (1) "Victims of the Crime of Sexual Violence are entitled to Restitution and Recovery services" and paragraph (2) "Restitution as referred to in paragraph (1) is in the form of: a. compensation for loss of wealth or income; b. Compensation for losses incurred as a result of suffering that is directly related as a result of the Crime of Sexual Violence; 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 Crime of Sexual Violence.

Then in the TPKS Law Article 33 paragraph (5) it reads "The judge in his decision orders the prosecutor to auction off the confiscation of the Restitution guarantee as long as no Restitution payments are made within 30 (thirty) days after the court decision which has obtained permanent legal force" and Article

¹¹Muladi, *Kapita Selektta Criminal Justice System*, (Semarang: Diponegoro University, 1995), 127-129

¹²Erica Flora, Feronica. "Provision of Restitution for Children as Victims of the Criminal Act of Obscenity (Study of Six Decisions)", Vol.2, No.2 (2022), pp.148-149, url :<https://ejournal.atmajaya.ac.id/index.php/gloriajustitia/article/view/3920>, accessed July 17, 2023.

33 paragraph (7) reads "If the convict's assets confiscated as referred to in paragraph (5) are not sufficient for the cost of restitution, the convict is subject to a replacement prison sentence not exceeding the principal sentence." Then in Article 35 paragraph (1) it states "In the event that the convict's assets confiscated are not sufficient for the cost of restitution as referred to in Article 33 paragraph (7), the State shall provide compensation in the amount of underpaid restitution to the victim in accordance with a court decision". To carry out the execution in accordance with Articles 33 and 35, of course the public prosecutor must have implementation guidelines, do these implementation guidelines already exist? or can Articles 33 and 35 be implemented automatically without further guidance? that is the question and there needs to be a separate study. If it turns out that the public prosecutor in carrying out the judge's decision must have implementation guidelines, while the implementation guidelines do not yet exist, then the judge's decision cannot be implemented (non-executable decision).

3.2. Restitution application flow for child victims of sexual violence

In order to realize law enforcement that can be well integrated and the role of society can be felt, a system or working mechanism is needed in handling crime or violations. The working mechanism for handling crimes or violations is called the criminal justice system or the Criminal Justice System. With regard to the criminal justice system in Indonesia, relations with criminal cases in the Criminal Procedure Code (KUHAP) are regulated by components in the criminal justice system consisting of legislators (lawmakers), legal advisers, police, prosecutors, Courts and Correctional Institutions. The six components of law enforcement have functions, duties, mutually determine each other according to the mechanism regulated in positive law.¹³

The development of the criminal justice system is not only oriented towards the interests of the perpetrators, but also oriented towards the protection of victims. Every victim of a particular criminal act apart from getting the right to protection, is also entitled to restitution and compensation. The law has regulated these rights, but has not regulated the technicalities of completing applications to obtain the said rights of restitution and compensation. Therefore, the Supreme

¹³Aris Sophian, Umar Ma'ruf, and Aryani Witasari. "Fulfillment Of Restitution Rights In The Level Of Investigation In The Semarang Big City Resort Police In Beating Criminal Case", Journal of Daulat Hukum, Vol 3 No 2 (2020) p 299, url :<https://jurnal.unissula.ac.id/index.php/RH/article/view/10095/4158>, accessed on 09 August 2023.

Court has issued Perma Number 1 of 2022 concerning Procedures for Completing Applications and Granting Restitution and Compensation to Victims of Crime.¹⁴

Among the laws and regulations that regulate restitution and compensation are Government Regulation Number 43 of 2017 concerning Implementation of Restitution for Children who Become Victims of Crime and Government Regulation Number 7 of 2018 as amended by Government Regulation Number 35 of 2020 concerning Amendments to Government Regulation Number 7 of 2018 concerning Provision of Compensation, Restitution and Assistance to Witnesses and Victims. Based on this government regulation, further provisions regarding the technical implementation of examining requests for restitution are regulated by a Supreme Court Regulation. Following up on this matter, on 25 February 2022 Perma 1 of 2022 was issued which was promulgated in the State Gazette on 1 March 2022. The Perma consisting of 34 Articles and 8 Chapters applies to requests for restitution and compensation for certain criminal acts. According to Article 2 of the Perma, criminal acts that can be requested for restitution are gross violations of human rights, terrorism, trafficking in persons, racial and ethnic discrimination, crimes related to children, as well as other crimes stipulated by an LPSK Decision as referred to in the provisions of the regulation legislation. Meanwhile, non-criminal acts that can be requested for compensation are crimes of gross human rights violations and terrorism as referred to in the provisions of laws and regulations. Criminal acts that can be requested for restitution are gross violations of human rights, terrorism, trafficking in persons, racial and ethnic discrimination, crimes related to children, as well as other crimes stipulated by an LPSK Decision as referred to in the provisions of laws and regulations. Meanwhile, non-criminal acts that can be requested for compensation are crimes of gross human rights violations and terrorism as referred to in the provisions of laws and regulations. Criminal acts that can be requested for restitution are gross violations of human rights, terrorism, trafficking in persons, racial and ethnic discrimination, crimes related to children, as well as other crimes stipulated by an LPSK Decision as referred to in the provisions of laws and regulations. Meanwhile, non-criminal acts that can be requested for compensation are crimes of gross human rights violations and terrorism as referred to in the provisions of laws and regulations.¹⁵

The requirements for filing a request for restitution are listed in Perma No. 1 of 2022 Article 5 paragraph (1) and (2). In the case of child victims, the application is submitted by parents, family, guardians, heirs or their proxies, or the LPSK in

¹⁴Asep Nursobah, 2022, Perma 1 of 2022 Regulates Procedures for Submission of Restitution and Compensation for Victims of Crime, url:<https://kepaniteraan.mahkamahagung.go.id/prosedur-berperkara/2068-inilah-keentuan-restitution-dan-kompensasi-korban-tindak-pidana>, accessed July 20, 2023.

¹⁵Ibid

accordance with statutory provisions. The request for restitution is made in writing in Indonesian, signed by the Petitioner or his attorney, and submitted to the Chairman/Head of Court either directly or through the LPSK, investigators, or public prosecutor. Restitution application filed before the court decision, namely at the stage of investigation and prosecution.¹⁶

Likewise, PP Number 43 of 2017 concerning the Implementation of Restitution for Children who are Victims of Crime, explains the flow of submitting requests for restitution listed in Articles 4 to Article 18. In these articles, the requirements that must be completed are explained, such as written requests using the language Indonesia stamped with the signature of the applicant, in this case the parents, victims, guardians or their proxies. In addition, the applicant also needs to prepare supporting evidence and is given a maximum of 3 (three) days after notification of the rights of children who are victims of criminal acts by investigators. Then the files that have been prepared are handed over to the investigator to be checked for completeness. Investigators can request an assessment of the amount of the restitution application submitted by the applicant to the LPSK. After that the investigator handed over the file with the amount of the restitution value determined by the LPSK to the public prosecutor and then informed the victim's child of his right to restitution. The public prosecutor again notifies the applicant to complete the application. The public prosecutor can also request an assessment of the amount of the request for restitution submitted by the applicant to the LPSK. The public prosecutor in his demands included the request for restitution in accordance with the facts of the trial which were supported by evidence. The public prosecutor again notifies the applicant to complete the application. The public prosecutor can also request an assessment of the amount of the request for restitution submitted by the applicant to the LPSK. The public prosecutor in his demands included the request for restitution in accordance with the facts of the trial which were supported by evidence. The public prosecutor again notifies the applicant to complete the application. The public prosecutor can also request an assessment of the amount of the request for restitution submitted by the applicant to the LPSK. The public prosecutor in his demands included the request for restitution in accordance with the facts of the trial which were supported by evidence.

3.3. The importance of fulfilling restitution for child victims of sexual violence

Restitution is compensation given to victims or their families by perpetrators or third parties, which can be in the form of returning property, paying compensation for losses or suffering, or compensation for certain

¹⁶Article 5 Supreme Court Regulation Number 1 of 2022 concerning Procedures for Completing Applications and Granting Restitution and Compensation to Victims of Crime

actions.¹⁷Based on this understanding it can be interpreted that restitution is important to be given to victims for losses suffered because of the perpetrator.

In line with Mardjono's view, Reksodiputro has emerged and attracted the attention of scientists with the fact that: a). The state is responsible in terms of victims (victimization), and because it is natural for the state to provide compensation to victims, in addition to the possibility of restitution given by perpetrators to victims, b). Their new thinking in criminology leaves behind the positivism approach (looking for the causes of crime, criminal etiology) and pays more attention to the processes that occur in the criminal justice system and the structure of society (criminological critical approach).¹⁸

Thus, in looking at the causes of victimization (victimization) can not only be seen as a factual relationship between victims and perpetrators, but more broadly that the state has a role in victimization events. In essence, there are two dimensions of state obligations in this study:¹⁹

1. The dimensions of the state's obligation to fulfill citizens' constitutional rights to be protected are in accordance with Article 28G paragraph (1) of the Amendments to the 1945 Constitution.
2. The dimension of the state's obligation to provide compensation when the state fails to protect its citizens and victims of crime.

The basic rights of citizens are the obligations of the state and the duties of citizens are the rights of the state. The state has the authority to force citizens to fulfill their responsibilities and vice versa. Thus the rights and obligations of the

¹⁷Aris Sophian, Umar Ma'ruf, and Aryani Witasari. "Fulfillment Of Restitution Rights In The Level Of Investigation In The Semarang Big City Resort Police In Beating Criminal Case", Journal of Daulat Hukum Vol 3 No 2 (2020) p 304, url :<https://jurnal.unissula.ac.id/index.php/RH/article/view/10095/4158>, accessed on 09 August 2023.

¹⁸Mardjono Reksodiputro, 2007, Human Rights in the Criminal Justice System, Jakarta: Service Center for Justice and Legal Service (formerly Criminology Institute), University of Indonesia, set Authorship (Third Book), p.98. In Roswati Dewi, Sri Endah Wahyuningsih and Umar Ma'ruf. "Law Enforcement Of Giving Restitution For Victims Of Trafficking In The State Court Of Central Jakarta" Daulat Hukum Journal Vol 2 No 4 (2019), page 539, url : <https://jurnal.unissula.ac.id/index.php/RH/article/view/8363/3896>

¹⁹Roswati Dewi, Sri Endah Wahyuningsih and Umar Ma'ruf. "Law Enforcement Of Giving Restitution For Victims Of Trafficking In The State Court Of Central Jakarta" Daulat Hukum Journal Vol 2 No 4 (2019), page 540, url : <https://jurnal.unissula.ac.id/index.php/RH/article/view/8363/3896>

state and citizens must be based on law (constitution). Therefore, the concept of a rule of law guarantees the upholding of human rights protection.²⁰

Children as victims of crimes of sexual violence need their physical and mental conditions to recover as before the crime of sexual violence occurred and this can be done one way with restitution. Paying compensation in the form of material and immaterial is not only the responsibility of the state but also the responsibility of the perpetrators to provide recovery to the victims. Restitution also indirectly explains to the perpetrator that giving restitution is one of the sanctions he must receive, and so that the perpetrator realizes that the victim must undergo various recovery processes to be able to return to a normal life, so that the perpetrators realize and regret the mistakes they have made not only because of the severity of the sanctions they received but also to see how difficult it is for victims to recover from their situation. Even though it is very difficult for child victims of sexual violence to return to normal conditions, medical and/or psychological treatment is expected to help victims to live a normal life again.

4. Conclusion

In this closing chapter the author concludes the following things. Based on the description that has been conveyed by the author, it can be concluded that the State has made great efforts to protect victims who in this study are child victims of sexual violence, one of which is restitution and there are many legal regulations governing this matter. However, what is still an obstacle in granting restitution to child victims of sexual violence is that many people do not know about filing requests for restitution and filing requests for restitution that are procedural in nature. This means that law enforcement related to restitution is only limited to statutory regulations so that the granting of restitution is not fundamental because the submission of an application for restitution must be accompanied by a request from the victim first. Even though it is very procedural, restitution really needs to be given to victims of crimes of sexual violence, in this case children as victims. Restitution must be given by the perpetrator to the victim's child because the perpetrator has damaged the victim's child physically and mentally, which may not necessarily recover as before. As the author described above, Restitution must be given by the perpetrator to the victim's child because the perpetrator has damaged the victim's child physically and mentally, which may not necessarily recover as before. As the author described above, Restitution must be given by the perpetrator to the victim's child because the perpetrator has damaged the victim's child physically and mentally, which may not necessarily recover as before.

²⁰Ibid

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