



Restorative Justice in The Crime of Sexual Violence from The Aspect of Honor for Human Dignity

Ani Triwati¹, A. Heru Nuswanto² and Kadi Sukarna³

^{1,2,3}Faculty of Law, Universitas Semarang, Indonesia

¹⁾ ani.triwati@usm.ac.id

²⁾ heru.nuswanto@usm.ac.id

³⁾ kadisukarna@usm.ac.id

Abstract. Restorative justice is an initiative aimed at resolving criminal cases by prioritizing the restoration of victims and achieving equilibrium in justice for both victims and offenders. Restorative justice in cases of sexual violence necessitates particular focus on the respect for human dignity, specifically concerning the victim. The comprehension of restorative justice by law enforcement personnel and the community influences its practical application. The issue centers on restorative justice in cases of sexual violence, emphasizing the importance of human dignity. The study employed is normative juridical, characterized by descriptive analytical specifications, and is analyzed qualitatively. The involvement of offenders, victims, and the community is crucial in addressing sexual assault crimes through a restorative justice framework. Victims of sexual violence necessitate specialized care and protection due to the physical and psychological ramifications of their experiences. Law Number 12 of 2022 on Criminal actions of Sexual Violence, Article 23, specifically states that such criminal actions cannot be settled outside the court process, except for minor offenders as stipulated in the Law. Law No. 12/2011 governs restorative justice and diversion in the resolution of criminal offenses perpetrated by minors. Restorative justice is fundamentally designed to aid in the recovery of victims affected by criminal acts. Restorative justice in cases of sexual violence does not signify the cessation of legal proceedings, but rather an endeavor to facilitate the victim's recovery, particularly the reinstatement of dignity that has been compromised by the offender.

Keywords: Restorative Justice, Sexual Violence, Human Dignity.

1 Introduction

As a manifestation of legal certainty in its execution, the resolution of criminal cases through the use of a restorative justice approach is becoming increasingly widespread. This

is accompanied by the adoption of rules and regulations concerning the provisions of restorative justice at every level of examination. The process of restorative justice involves bringing together all parties who have been impacted by the harm that has been committed. These parties include offenders, their families, victims and their families, affected communities, and governmental authorities such as the police. From a different point of view, the differentiating factor between restorative justice and traditional punitive state justice is values. It is more about healing (restoration) than it is about harming [1]. Restorative justice is about healing. The goal of restorative justice—a theory and practice of justice rooted in the principles of accountability, openness, hope, reconciliation, and inclusivity—is to provide opportunities for all parties directly impacted by crime, including victims, offenders, and the community at large, by recognizing and attending to their needs following the crime, and by resolving issues through healing, reparation, and reintegration, all while avoiding additional harm. The concept of restorative justice refers to a method of administering justice that is founded on the concepts and values of responsibility, transparency, trust, hope, recovery, and inclusiveness. Providing restitution for the harm that has been caused by criminal activity is the major goal of this organization, in addition to assisting in the process of encouraging criminals to accept responsibility for their acts. As a result of the criminal offense, the link between the offender and the victim has been harmed. One of the key purposes of restorative justice is to repair this connection in order to restore the former relationship. Additionally, the goal of restorative justice is to encourage the victim's physical and mental well-being to be restored.

The practice of using restorative justice to settle difficulties that have developed in social life has been carried out for a very long time and continues to be carried out for the generations who are currently living for the present day. To reach a settlement that is satisfying and equitable for all parties involved in a case, regardless of whether the matter is being resolved in the civil or criminal realm, is the goal of case resolution. This can be accomplished by bringing together the perpetrators and victims of the crime, as well as the families of the victims and the leaders of the community. The essence of the matter is that it demonstrates that restorative justice has been implemented and is now a part of the culture of the community in terms of problem-solving. The restorative justice approach is cultivated because it is felt that problem solving is more efficient and beneficial for victims, perpetrators and affected communities. *“Indonesia is a nation with wonderful resources of intracultural restorative justice. Traditions of musyawarah-decision by friendly cooperation and deliberation-traverse the archipelago. Adat law at the same time allows for diversity to the point of local criminal laws being written to complement universal national laws.”*[3]. However, the community still considers the severity of the crime committed, including the impact on the victim and the environment.

The rise in both the quantity and quality of criminal offenses contributes to the overpopulation of correctional facilities. Restorative justice aims not only to assist victims but also to alleviate overcrowding in penal facilities, as retributive punishment remains prevalent among law enforcement and offers greater "satisfaction" to victims and society. Throughout the course of the investigation, restorative justice has been utilized to resolve situations involving criminal offenses. Controlling restorative justice during investigations

is the responsibility of the Chief of the Indonesian National Police, as outlined in Regulation Number 6 of 2019 about Criminal Investigation and Police Regulation Number 8 of 2021 concerning Handling Crimes Based on Restorative Justice. During the prosecution phase, the Restorative Justice-Based Termination of Prosecution is regulated by the Attorney General of Indonesia Number 15 of 2020, and the Restorative Justice-Based Criminal Case Guidelines are regulated by the Supreme Court Number 1 of 2024. The application of restorative justice in these laws and regulations is only partially implemented.

The quality of illegal activities is improving as science and technology grow, which increases the number of victims of crime, especially sexual violence. According to the 2023 Annual Report, sexual violence in service institutions prevailed at 2,363 or 34.80%, followed by psychological violence at 1,930 or 28.50%, physical violence at 1,840 or 27.20%, and economic violence at 640 or 9.50%. The data from Komnas Perempuan reveals that psychological violence is the most prevalent, accounting for 3,498 cases, which is equivalent to 41.55% of the total. This is followed by physical violence, which accounts for 2,081 cases, or 24.71%, sexual violence, which accounts for 2,078 cases, or 24.69%, and economic violence, which accounts for 762 cases, or 9.05%. In 2023, the most common type of public violence against women that was reported to Service Institutions was sexual violence, which accounted for fifty percent of all cases, while Komnas Perempuan reported sixty-eight percent of all cases [4].

Restorative justice is increasingly used to handle sexual abuse cases. Since sexual violence impacts human dignity, particularly women, the state has made it a priority to pass laws against it. Article 23 of the Law Number 12 of 2022 on Criminal Acts of Sexual assault (TPKS Law) states that "Criminal acts of sexual violence cannot be resolved outside the judicial process, except for child perpetrators as regulated in the Law". Restorative justice in sexual violence crimes is interesting to research since it honors women's dignity. Everyone deserves dignity, particularly sexually abused women, for survival and future. In the article titled "Quo Vadis Restorative Justice in Sexual Violence Criminal Cases After Law Number 12 of 2022 regarding Criminal Acts of Sexual Violence (Study of Article 23 of the TPKS Law)," Siti Shalima Safitri, Mohammad Didi Ardiansah, and Andrian Prasetyo conducted research on the topic of restorative justice and sexual violence.

According to the findings of the study, the TPKS Law implements restorative justice by restoring the rights of victims through restitution, compensation, and rehabilitation without interrupting the judicial process. In practice, law enforcement officials continue to have a misunderstanding of restorative justice in instances involving sexual violence. They continue to regard mediation or peacemaking between the perpetrator and the victim as a means of resolving the case, which has a variety of negative repercussions on victims, both physically and psychologically[5]. Second, Herman, Ali Rizky, Oheo Kaimuddin Haris, Sitti Aisah Abdullah, Fuad Nur, and Agus Ramansyah's "Juridical Study of the Use of Restorative Justice from the Perspective of Victims of Sexual Violence Crimes" found that the TPKS Law's restorative justice emphasis is not an attempt to resolve cases peacefully outside the court, but victims of sexual violence must be ensured and guaranteed their rights to recover. Both victims and perpetrators are recovered. To continue prosecuting sexual violence abusers [6]. The third article is titled "Application of Restorative Justice in the

Resolution of Sexual Violence Against Children in Magetan Regency," and it was written by Subekti Diyariesta Caesari. It has been stated in the National Police Chief's Circular Letter Number SE/2/II/2021 that restorative justice is a persuasive method for resolving criminal cases and providing comfort and a sense of justice for the parties involved and the community. However, it is not clear whether this method can provide justice, particularly for the community.

The restorative justice approach in the crime of sexual violence still causes a lot of debate due to differences in interpretation and lack of understanding of law enforcement officers and the community regarding restorative justice, which has an impact on its implementation. Sexual violence is one of the criminal offenses that greatly affects the dignity of women and causes physical and psychological suffering, so it requires a solution that can provide substantive justice. The problem in this research is focused on how restorative justice in the crime of sexual violence from the aspect of honoring human dignity.

2 METHOD

Secondary data are used, and data collection methods include literature review. The data are analyzed in a qualitative and prescriptive manner to provide arguments for the findings of the research. The type of research used is normative juridical, and the research specifications are analytical and descriptive.

3 Result and Discussion

All citizens possess rights and state protection, including victims of criminal offenses, with this study specifically concentrating on female victims of sexual abuse. The 1945 Constitution of the Republic of Indonesia (UUD NRI Tahun 1945) ensures the safeguarding and realization of these rights, as articulated in Article 28D paragraph (1), which states, "Every person has the right to recognition, guarantees, protection, and certainty of a just law and equal treatment before the law." Moreover, Article 28 I paragraph (4) stipulates, "The safeguarding, advancement, enforcement, and realization of human rights are the obligations of the state, particularly the government." Additionally, Law of the Republic of Indonesia Number 39 of 1999 on Human Rights, Article 2 states, "The State of the Republic of Indonesia recognizes and upholds human rights and basic human freedoms as rights that are inherently and inseparably linked to humans, which must be protected, respected, and upheld to enhance human dignity, welfare, happiness, intelligence, and justice." This indicates that the state prioritizes human rights to preserve and elevate human dignity. The state has ensured that all individuals, including those who have been victims of sexual assault or other forms of sexual violence, have their rights protected by the laws and regulations. The TPKS Law delineates various unlawful acts of sexual assault, which encompass: a. non-physical sexual harassment; b. physical sexual harassment; c. coerced

contraception; d. coerced sterilization; e. forced marriage; f. sexual abuse; g. sexual exploitation; h. sexual slavery; and i. sexual violence facilitated through electronic means.

Furthermore, Article 4 paragraph (2) of the TPKS Law delineates that, alongside the criminal acts of sexual violence referenced in the first paragraph, the following actions are likewise classified as criminal acts of sexual violence: a. sexual assault; b. indecent conduct; c. sexual relations with a minor, indecent conduct involving a minor, and/or exploitation of a minor; d. acts of moral transgression against the consent of the victim; and e. child pornography or pornography that graphically depicts violence and sexual exploitation. Additional criminal offenses that are explicitly defined as acts of sexual violence, as outlined in the relevant legal provisions, include forced prostitution. Criminal activities involving the trafficking of individuals for the purpose of sexual exploitation h. acts of sexual violence occurring within the domestic sphere i., money laundering as a criminal offense stemming from acts of sexual violence, and j. additional criminal offenses classified under the umbrella of sexual violence.

Regarding the settlement of sexual violence crimes, Article 23 of the TPKS Law states that "Crimes of sexual violence cannot be resolved outside of the judicial process, except for child perpetrators as provided for in the Law." This provision applies to those who have committed sexual violence crimes. The stipulation ensures that the judicial proceedings concerning acts of sexual violence remain in effect, except in cases involving children deemed responsible for the offense. Regarding restorative justice, Article 5 of Law Number 11 of 2012, which pertains to the Juvenile Criminal Justice System, asserts that: (1) The Juvenile Criminal Justice System is required to prioritize a restorative justice approach. This pertains to minors who have engaged in unlawful activities or who find themselves in conflict with legal authorities. (2) The Juvenile Criminal Justice System, as delineated in paragraph (1), encompasses: a. the investigation and prosecution of juvenile offenses conducted in alignment with the established legal frameworks, unless otherwise stipulated in this Law; b. the adjudication of minors undertaken by courts within the general judicial system; and c. the provision of guidance, counseling, supervision, and/or mentoring throughout the execution of the penalty or intervention, as well as following the completion of said penalty or intervention. Efforts to implement diversion must be executed within the framework of the Juvenile Criminal Justice System, as delineated in paragraph (2) letters a and b.

According to the seventh point of Article 1, diversion is defined as the process of transferring the resolution of juvenile cases from the process of criminal justice to a procedure that is not associated with criminal justice. According to the provisions of Article 5, restorative justice must be applied beginning with the investigative stage and continuing through the coaching, mentoring, supervision, and/or support that may be provided during the process of implementing punishment or action and after the punishment or action has been served. When dealing with juvenile offenders or juveniles who are in dispute with the law, it is possible to engage in diversion or settlement that takes place outside of regular court proceedings. During each and every level of the examination, an effort at diversion is possible.

Concerning the entitlements of individuals affected by criminal acts of sexual violence, Article 30 of the TPKS Law delineates that (1) such individuals are entitled to restitution and recovery services, (2) restitution as outlined in clause (1) encompasses: a. compensation for loss of property or income; b. compensation for damages arising from suffering directly linked to the criminal acts of sexual violence; c. reimbursement for medical and/or psychological treatment expenses; and/or d. compensation for additional losses incurred by victims due to criminal acts of sexual violence. Furthermore, concerning the entitlements of victims, Article 67 delineates that (1) there exist three categories of rights afforded to victims: a. the right to treatment; b. the right to protection; and c. the right to rehabilitation. In light of the prevailing circumstances and the needs of victims, the state bears the responsibility to uphold the rights of these individuals, and this obligation is executed in alignment with the expressed demands of the victims. This text provides a detailed examination of the implementation of citizens' constitutional rights, with a particular focus on those who have suffered from sexual assault crimes, as enshrined in the Constitution of the Republic of Indonesia from 1945. The stipulations outlined in Article 67 of the TPKS Law exemplify this integration.

Restorative justice is one of the methods that can be utilized to alleviate the suffering that victims have endured as a result of criminal acts. This can be accomplished by ensuring that victims' rights are satisfied. There have been some provisions involving restorative justice that have been partially regulated throughout each step of the assessment. During the investigation phase, Article 5 of the Regulation of the Indonesian National Police Number 8 of 2021 concerning the Handling of Crimes Based on Restorative Justice indicates that the application of restorative justice is contingent upon specific material prerequisites. The stipulated requirements encompass several critical considerations: the offense should not incite unrest or provoke community rejection; it must avoid exacerbating social conflict; it should not threaten national cohesion; it must not embody radicalism or separatism; it must not involve recidivism as determined by judicial ruling; and it must not pertain to acts of terrorism, violations of national security, corruption, or offenses against human life. The formal stipulations are delineated in Article 6, which encompasses the following: a commitment to peace from both parties, excluding drug-related offenses; and the adherence to victims' rights and offenders' responsibilities, also excluding drug-related offenses, alongside a letter of peace agreement. It is crucial to consider the Regulation of the Indonesian National Police Number 8 of 2021, as well as the execution of restorative justice, ensuring that it does not lead to dissatisfaction or opposition from the community and avoids exacerbating social conflict. In the realm of judicial proceedings, offenses pertaining to sexual violence have attracted considerable scrutiny from the public, particularly regarding the determinations rendered by the presiding judge. One can endeavor to apply the restorative justice approach in instances of sexual violence offenses, adhering to the stipulations set forth by relevant laws and regulations, including the provisions of the TPKS Law. There are two potential outcomes that could occur in the event that a restorative justice strategy is implemented in the context of a sexual violence crime. The first possibility is that the victim, his family, and the community will reject the approach. This is due to the fact that sexual assault is a crime that entails respecting human

dignity. Second, law enforcement officers, members of the community, and/or the victim's own family are in agreement that restorative justice has the potential to alleviate the suffering of the victim. This includes the implementation of marriage between the victim and the perpetrator, with certain requirements, and an agreement that does not cause harm to either party. When it comes to incidents of sexual violence, particularly rape, victims and their families are frequently eager to marry the offender because they want to escape the dread and shame that they have experienced as a result of the crime that they have been subjected to [Eight]. The community has the impression that sexual violence is a shame that must be remedied through marriage between the victim and the perpetrator, regardless of the victim's psychological suffering. This is one of the reasons why this is the case. In this particular instance, the administration of restorative justice is carried out on a casuistic basis, which means that it is contingent upon the parties' consent. Furthermore, the fact that restorative justice is carried out in accordance with the requirements of the TPKS Law does not halt the legal process.

In the context of prosecution, the Regulation of the Public Prosecutor of the Republic of Indonesia Number 15 of 2020 concerning the Termination of Prosecution Based on Restorative Justice, specifically Article 3 paragraph (2) letter e, delineates the authority of the Public Prosecutor to terminate the case in the interests of the law. This authorization encompasses scenarios in which an out-of-court resolution has been achieved, commonly referred to as an *afdoening buiten proces*. The Regulation of the Public Prosecutor of the Republic of Indonesia Number 15 of 2020, specifically Article 4 paragraph (1), delineates that the cessation of prosecution grounded in restorative justice must take into account the interests of victims alongside other safeguarded legal interests. It emphasizes the importance of mitigating negative stigma, preventing retaliation, fostering community response and harmony, and upholding morality, decency, and public order within the societal framework. Article 4 paragraph (2) delineates that the termination of prosecution based on restorative justice necessitates a thorough examination of various factors, including the subject, object, category, and threat posed by the criminal offense; the context surrounding the offense; the degree of harm inflicted; the losses or repercussions resulting from the offense; the cost-benefit analysis of case management; the restoration to the original state; and the presence of In accordance with the stipulations outlined in Article 5, the criteria for establishing a criminal offense may be rendered obsolete by legislative action, thereby allowing for the cessation of prosecution. The stipulated criteria encompass the following: the initial occurrence of a criminal offense, an offense subject to penalties of either a monetary fine or incarceration not exceeding five years, and the assessed value of the evidence or the resultant loss from the criminal act does not surpass IDR 2,500,000.00 (two million five hundred thousand rupiah). Law enforcement officials, especially prosecutors, must grasp and be attuned to community reactions as stipulated in Regulation Number 15 of 2020 from the Prosecutor's Office of the Republic of Indonesia. This regulation addresses the cessation of prosecution through the lens of restorative justice, emphasizing the significance of community response and harmony, as well as considerations of appropriateness, decency, and public order. Given the profound sensitivity surrounding instances of sexual violence, both for the victims and their families,

as well as the broader community, the application of restorative justice necessitates meticulous consideration to prevent any potential disruption or discord within the community. To prevent the emergence of new challenges in the implementation of restorative justice, particularly concerning the stipulations in Article 23 of the TPKS Law, it is essential for law enforcement officials, pertinent institutions, and the community to possess a comprehensive understanding of the principles and mechanisms of restorative justice. It appears from the evidence that a safe restorative justice practice is dependent on certain parameters that apply to all of the participants, the framework or setting, and the mediators or facilitators. The conditions encompass the evaluation of participants, distinguishing between suitability and eligibility, conducting a risk assessment, ensuring comprehensive preparation, fostering interagency collaboration among specialists in sexual offending, victimization, and treatment, maintaining adaptability, and allowing for adequate time allocation. Furthermore, it is essential that mediators and facilitators possess a deep understanding of the power and control dynamics associated with sexual violence, along with the impact of trauma. Specialized training in conducting restorative justice encounters in challenging cases is also necessary [9].

In the context of judicial proceedings, the Regulation of the Supreme Court of the Republic of Indonesia Number 1 of 2024 concerning Guidelines for Adjudicating Criminal Cases Based on Restorative Justice, Article 3 paragraph (1), articulates that the aim of restorative justice is to facilitate the healing of victims of criminal acts, to mend relationships among the defendant, victims, and/or the community, to promote the accountability of the defendant, and to pr The second paragraph of Article 3 further elucidates that the application of restorative justice principles does not seek to eliminate the notion of criminal responsibility. Article 6 specifies that judges can use restorative justice to judge criminal cases if one of the following conditions is met: the criminal offense is minor, the victim's loss is less than Rp2,500,000.00, or the local provincial mini-crime. In addition, there is a provision in Article 6 paragraph 2 that states that judges are not permitted to use restorative justice in cases where either the victim or the defendant refuses to make peace, where there is a power of attorney relationship, or where the defendant commits a similar criminal offense within three years of the defendant having finished serving a court decision that is legally binding. According to the provisions in the Regulation of the Supreme Court of the Republic of Indonesia Number 1 Year 2024, it is clear which criminal offenses can be addressed through restorative justice, and it is explicitly stated that the application of the principle of restorative justice does not seek to eliminate criminal responsibility. According to the GCTS Law, especially Article 23, crimes of sexual violence are crimes of seclusion, so if judges apply the guidelines for trying criminal cases based on restorative justice, they should apply Article 3 paragraph (2) of the Regulation of the Supreme Court of the Republic of Indonesia Number 1 of 2024, which states that restorative justice does not aim to eliminate criminal liability.

Article 23 of the TPKS Law specifically stipulates that illegal acts of sexual violence must be addressed through the judicial process, with the exception of minor offenders as outlined in the Law. In accordance with Article 23, criminal offenses involving sexual violence remain subject to processing within the criminal justice system. The application of

restorative justice in cases of sexual violence prioritizes the physical and psychological recovery of victims, rather than halting the legal proceedings. The crime of sexual violence is closely related to the honor of human dignity, in this case women. The state has given special attention with legislation on sexual violence, because the victims in this case are women and children. In reality, cases of sexual violence are not only the fault of the perpetrator, the victim is also “considered” guilty because they contribute to the crime, including the social circle, the way the victim dresses or the work time factor that requires returning home late at night. An important point in handling criminal acts of sexual violence is the recovery of victims both physically and psychologically. It has been previously described regarding the laws and regulations that have been established by the state in an effort to protect and fulfill the rights of victims, and it should be noted that the punishment of the perpetrator does not necessarily provide justice for the victim. Likewise, recovery in the form of compensation and rehabilitation for victims, will not restore the original state of the victim, especially the honor of human dignity.

The term “dignity” in the Big Indonesian Dictionary is defined as the degree of human dignity and self-respect [10]. Victims of sexual abuse are stigmatized due to the perceived loss of women's dignity resulting from the illegal acts they have endured. Sexual violence constitutes a form of aggression and maltreatment that undermines human dignity, contradicting the principles of divinity and humanity, while disrupting societal security and harmony. Article 3, paragraph (1) of Human Rights Law stipulates that all individuals are born free, with equal human dignity, and are gifted with a virtuous mind and heart to coexist within society, nation, and state in a spirit of fraternity. The infringement of human dignity, namely the crime of sexual violence, can be perceived as a disregard for human rights by the offender. The victim's physical and psychological anguish is challenging to overcome, necessitating protection and rehabilitation for victims. Law Number 31 of 2014, which amends Law Number 13 of 2006 concerning Witness and Victim Protection, specifies in Article 6, paragraph (1), that individuals who have suffered from gross human rights violations, terrorism, human trafficking, torture, sexual violence, and severe persecution are entitled to a. medical assistance and b. psychosocial and psychological rehabilitation assistance. Furthermore, individuals who have suffered harm are entitled to restitution, encompassing compensation for the loss of assets or income, remuneration for the distress directly arising from the criminal act, and/or reimbursement for medical and/or psychiatric treatment costs (refer to Article 7A).

Despite the state's implementation of numerous laws and regulations aimed at safeguarding and fulfilling the rights of sexual abuse victims, the stigma associated with the loss of honor for human dignity persists for these individuals. Restorative justice is employed to facilitate the healing of victims. According to Muladi, “Restorative justice is a criminal justice system that aims to listen to and reassure parties affected by a conflict, and to restore fractured relationships in a just and equitable manner between opposing parties. It emphasizes problem-solving to mutually repair social losses and allows for the expression of remorse and forgiveness” [12]. Psychological healing initiatives for victims encompass forgiveness, initiated by the perpetrator's acknowledgment of guilt to the victim. An acknowledgment of culpability and an apology are a type of accountability from the

offender. Forgiveness constitutes the foundation of local wisdom, serving as the primary means to attain peace in restorative justice. Apologies from offenders and forgiveness from victims facilitate settlements and the rebuilding of damaged relationships, including those within affected communities [13]. Forgiveness may facilitate peace and healing for victims, despite the settlement of sexual violence offenses remaining governed by the stipulations of the TPKS Law. Restorative justice seeks to empower victims, offenders, families, and communities to rectify unlawful conduct by utilizing understanding and conviction as foundations for enhancing social cohesion. The pursuit of peace and the mending of relationships damaged by acts of sexual assault does not entail halting prosecution or the judicial process.

Restorative justice is a methodology focused on rectifying, to the greatest extent feasible, the damage inflicted by crime, conflict, or other violations. A fundamental aspect of restorative justice is the voluntary engagement of the victim, the offender, and potentially additional stakeholders, such as the community, facilitated by a mediator to confront the injury and its repercussions. The restorative justice program convenes the perpetrator, victim, their families, friends, and a community representative to facilitate reconciliation and compensation. [15]. Restorative justice in sexual violence offenses involving victims, offenders, law enforcement, and the community is implemented with meticulous attention and emphasizes the rehabilitation of victims. Restorative justice primarily focuses on the rehabilitation and reintegration of both victims and offenders, as well as the welfare of the entire community. Restorative justice focuses on equitably addressing the interests of all stakeholders. [16]. Restorative justice seeks to establish equilibrium among the perpetrator, victim, and impacted community, emphasizing recovery, justice, and the reintegration of all parties involved. The ideology of restorative justice emphasizes the intrinsic value and respect owed to every individual, especially crime victims. Nevertheless, restorative justice possesses several weaknesses. Critiques of restorative justice include its fundamental nature as a façade for rehabilitation, its potential to condone violence, particularly against women and children, its contradiction to public justice, its perceived leniency towards crime, and its undermining of community retribution. A significant drawback of restorative justice is that the offender often anticipates a swift resolution of the case. The restorative justice concept serves as a mechanism for the offender to avert a court ruling of conviction. The perpetrator's readiness to provide compensation as though the victim's and/or their family's pain can be quantified monetarily [18]. The limitation in the implementation of restorative justice should be a priority for the state in legal reform, particularly in the formulation of laws pertaining to restorative justice.

4 Conclusion

As a result of the fact that crimes of sexual violence are closely associated with the concept of honoring human dignity, in this case women, and that they are extremely sensitive for victims and/or their families as well as the community, the implementation of restorative justice requires careful consideration in order to avoid causing unrest and turmoil

within the community. The primary objective of the implementation of restorative justice in cases involving sexual abuse is to provide victims with assistance or to make the process of rehabilitation easier. The application of restorative justice does not result in the termination of the prosecution or the cessation of the judicial process for sexual violence crimes; rather, it is an effort to obtain recovery, particularly the restoration of the honor and dignity that has been damaged by the perpetrator. Peacemaking and the restoration of damaged relationships are both components of restorative justice.

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