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Victimological Analysis of the Fulfillment of Rights ror Victims of Assault within the Resolution of Cases Through Restorative Justice

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ABSTRACT

Resolving criminal cases through restorative justice is an approach that prioritizes restoring the situation following a criminal offense by involving the perpetrator, the victim, and other relevant parties. However, in cases of assault, resolution through reconciliation must carefully consider the rights and interests of the victim, ensuring that the process is not merely focused on an agreement between the parties involved. This study aims to analyze the fulfillment of the rights of assault victims using a victimological perspective within the framework of restorative justice, and to identify measures to optimize victim protection. The research employs a normative legal methodology, utilizing both statutory and conceptual approaches. Legal materials were gathered through a literature review encompassing legislation, legal textbooks, and relevant scholarly journal articles and subsequently analyzed qualitatively. The findings underscore the importance of recognizing the victim as a party entitled to protection, restitution, access to information, and the opportunity to express their wishes throughout the case resolution process. Restorative justice can effectively support the fulfillment of victims' rights, provided it is carried out voluntarily, free from coercion, and with due regard for the physical, psychological, and economic harm suffered by the victim. Consequently, the success of a case resolution should not be measured solely by the achievement of reconciliation, but also by the fair fulfillment of the victim's rights and interests.

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1. INTRODUCTION

The criminal offense of assault is an act that can inflict both physical and psychological suffering upon a victim. The impact of such an offense is not limited to visible physical injuries; it can also affect the victim's mental state, social relationships, and ability to carry out daily activities (A. Sharma & Verma, 2025). Consequently, the handling of assault cases must prioritize the interests of the victim, who is the party directly harmed. From the perspective of victimology, a victim is not merely a source of information regarding a crime, but an individual with specific needs and a right to protection and recovery (Dieu et al., 2017).

Restorative justice is an evolving approach to the resolution of criminal cases. This approach emphasizes achieving a fair outcome through the involvement of the offender, the victim, their families, and other relevant parties, to restore the situation and address the consequences of the crime rather than focus solely on retribution (Nascimento et al., 2023). Regulation of the Attorney General of the Republic of Indonesia Number 15 of 2020 incorporates the restoration of the situation and the balancing of the interests of both the victim and the offender into the concept of restorative justice. Meanwhile, Regulation of the Indonesian National Police Number 8 of 2021 governs the handling of criminal offenses through restorative justice within the scope of police operations. The application of such mechanisms must strictly adhere to the requirements and jurisdictional limits stipulated in the prevailing regulations (Hamzani et al., 2026).

Nevertheless, the application of restorative justice presents challenges if the success of a case resolution is measured solely by the achievement of reconciliation between the victim and the perpetrator. In certain circumstances, victims may face pressure from their families, social circles, or other parties to accept a settlement without receiving adequate redress (Murhula & Tolla, 2020). Furthermore, a reconciliation agreement does not necessarily guarantee that the victim's needs, such as coverage for medical expenses, psychological recovery, or compensation for losses resulting from the assault, will be met. Consequently, it is essential to evaluate whether the restorative justice process truly provides victims with the space to express their wishes and advocate for their own interests (Zinsstag & Keenan, 2017).

From the perspective of victimology, the fulfillment of victims' rights is a crucial element in assessing the fairness of a case resolution. Victims must have access to information regarding the resolution process, the opportunity to participate meaningfully, protection from intimidation, and redress commensurate with the harm they have suffered. A victim's consent to a reconciliation process must be given freely and without coercion (Nur et al., 2025). Moreover, the interests of the victim cannot be separated from the legal provisions that govern the authority of law enforcement officials and the requirements for resolving cases through restorative justice. Research on restorative justice and victim protection should be developed by adopting victimology as the primary analytical framework. The contribution of this article lies in its analysis of the interplay between the position of a victim of assault, the fulfillment of the victim's rights, and the criteria for a successful resolution via restorative justice (Nurlaila et al., 2026). This approach goes beyond viewing reconciliation as the sole outcome; it also assesses whether both the process and the result of the resolution have adequately addressed the victim's need for recovery. This analytical focus serves as the article's core contribution and should be further strengthened through comparisons with relevant existing research (Nnawulezi et al., 2025).

Based on the preceding discussion, this research addresses two issues: how the rights of victims of assault are fulfilled when cases are resolved through restorative justice, examined from the perspective of victimology and how the protection and restoration of victims' rights can be optimized within this mechanism. This study aims to analyze the fulfillment of victims' rights in accordance with prevailing legal provisions and to formulate measures to ensure that the resolution of cases through restorative justice does not overlook the interests of the victims.

2. RESEARCH METHOD

This study applies a normative legal method to examine norms, principles, and regulations concerning the fulfillment of assault victims' rights within restorative justice frameworks. To address the research problem, the author utilizes a statute approach to evaluate protection rules alongside a conceptual approach to explore victimology theory, victim entitlements, and penal reparation principles. The gathered legal sources consist of primary materials such as Law No. 20 of 2025 on Criminal Procedure, Attorney General Regulation No. 15/2020, and

National Police Regulation No. 8/2021 supported by secondary literature including textbooks and journals, as well as tertiary references like legal dictionaries.

All materials were compiled via literature review and evaluated qualitatively through doctrinal interpretation tied directly to victimology concepts and victim recovery principles. The findings are delivered in a descriptive-analytical manner to answer the research inquiries while formulating strategic optimizations for protecting victim rights throughout case resolutions.

3. RESULTS AND DISCUSSIONS

3.1. Victimological Perspective on the Status and Rights of Victims of Assault

Victimology is the study of victims of criminal offenses, encompassing their status, the losses they have sustained, and their needs throughout the case resolution process. In cases of assault, the victim is the party directly affected by the perpetrator's actions, suffering both physical injuries and psychological distress (Hamzani et al., 2025). Such impacts may also entail economic losses, including medical expenses and a loss of income during the recovery period. Consequently, the handling of assault cases should not focus solely on the perpetrator's actions and their criminal liability; it must also account for the condition and interests of the victim. From the perspective of victimology, the status of the victim warrants adequate attention within the criminal justice system. Victims should not be viewed merely as sources of testimony to assist in the evidentiary process; rather, they are individuals with a legitimate interest in receiving protection and restitution. The application of restorative justice viewed through the lens of victimology prioritizes the fulfillment of victims' rights as a core objective in the resolution of criminal cases. This perspective underscores that the victim’s position must be taken into account from the very outset of the case resolution process, including instances where the parties involved consider the possibility of reaching a settlement (Yuliartini et al., 2026).

The fulfillment of victims' rights must also be examined in light of applicable legal provisions. Law Number 31 of 2014, which amends Law Number 13 of 2006 concerning the Protection of Witnesses and Victims, serves as a relevant legal basis for addressing the protection of victims of criminal offenses(Ali et al., 2022). Furthermore, a victim's right to obtain restitution must be considered in accordance with the governing legal requirements. In essence, restitution pertains to compensation charged to the perpetrator or a third party, pursuant to prevailing regulations. In cases of assault, this mechanism is an aspect that warrants examination when a victim has suffered losses as a result of a criminal act (Wibowo et al., 2023).

Based on the above, the author posits that a victimological approach is essential for assessing whether the interests of the victim have been taken into account in the resolution of an assault case. Such an assessment cannot be limited merely to whether the perpetrator has offered an apology or whether the parties have reached a settlement (N. Sharma et al., 2025). It is equally important to consider whether the victim has been given the opportunity to express their needs, whether the losses they sustained have been taken into account, and whether the resolution process provides adequate protection. Thus, victimology can serve as a framework for evaluating the resolution of a case from the victim's perspective, rather than focusing solely on the viewpoints of the perpetrator and law enforcement authorities.

3.2. Fulfilling the Rights of Victims of Assault in Case Resolution through Restorative Justice

Restorative justice is an approach to resolving criminal cases that emphasizes addressing the consequences of a crime through the involvement of the victim, the offender, their families, and other relevant parties. In Indonesia, one of the legal frameworks governing

this at the prosecution stage is the Regulation of the Attorney General of the Republic of Indonesia Number 15 of 2020 concerning the Termination of Prosecution Based on Restorative Justice. Under this regulation, restorative justice is understood as a method of case resolution that prioritizes restoring the situation to its original state, rather than focusing on retribution(Aljamalulail et al., 2024). The regulation incorporates principles such as justice, public interest, proportionality, the use of criminal law as a last resort, and the requirement for a process that is swift, simple, and cost-effective (Republic of Indonesia, 2020).

In cases of assault, a restorative justice approach provides space for victims to express the impact they have experienced, and for offenders to demonstrate accountability for their actions. Such accountability should not be viewed merely as a willingness to apologize; rather, it must be assessed based on the actual harm caused and the specific needs for reparation. For instance, if a victim has sustained injuries and incurred medical expenses, these needs should be addressed during the resolution process (Dalhuisen et al., 2024). Similarly, if a victim has suffered psychological distress, this condition should be taken into account when determining an appropriate form of reparation. Nevertheless, any form of reparation requested or implemented must remain consistent with the applicable legal framework and the specific circumstances of the case in question (Zinsstag & Keenan, 2017).

Research on restorative justice as a form of legal protection for victims of criminal offenses in Indonesia explains that this approach focuses on restoring the relationship between the victim and the perpetrator; it can be applied at various stages of case handling, in accordance with legal provisions. This research serves as a foundation for understanding that restorative justice holds potential as a mechanism for victim protection. Nevertheless, this potential must be considered in the context of its actual implementation. If a reconciliation process prioritizes case resolution without addressing the losses suffered by the victim, the restorative goal aimed at restoration risks not being achieved optimally (Ismail et al., 2024).

Another issue that warrants attention is the voluntary nature of the victim's consent. In certain circumstances, a victim may feel pressured to agree to a reconciliation due to familial ties, friendships, economic dependency, or pressure from their social environment. Therefore, a victim's consent should not be interpreted solely based on the presence of a signature on a reconciliation agreement. The resolution process must ensure that the victim has received sufficient information, has had the opportunity to express their views, and has agreed to the settlement without any threats or coercion. This constitutes a normative analysis regarding the importance of safeguarding the victim's interests; it is not an assertion that such pressure occurs in every single case of assault.

Beyond the fulfillment of rights through reconciliation, restitution is also a relevant aspect to examine. The enforcement of a victim's right to restitution in cases of assault—as discussed in Court Decision Number 1127/Pid.B/2023/PN Mdn—highlights restitution as a form of accountability for the material and immaterial losses experienced by the victim. The study also underscores challenges in the implementation of restitution, including the level of understanding among law enforcement officials and the roles played by relevant institutions. These findings demonstrate that victim protection must be analyzed not only in terms of legal regulations but also in terms of the actual realization of the available rights to redress (Sukendar et al., 2023). A peace agreement cannot be the sole metric for determining whether a victim's rights have been fulfilled. While such an agreement is one possible outcome of restorative justice, assessing whether a victim's rights have been met also requires examining the process undertaken and the responsibilities agreed upon. If an agreement is reached voluntarily and accounts for the relevant harm, it has the potential to benefit the victim. Conversely, if an agreement serves only the perpetrator or disregards the victim's needs, its effectiveness in providing protection and redress becomes questionable. Therefore, the application of restorative justice in cases of assault must remain attentive to the rights of the

victim and applicable legal requirements, including limitations regarding which types of cases may be resolved through such a mechanism.

3.3. Obstacles and Efforts to Optimize the Fulfillment of Rights for Victims of Assault

Fulfilling the rights of victims of assault through restorative justice can present various challenges that require normative analysis. One such issue is the power imbalance between the victim and the perpetrator. The perpetrator may possess social or economic influence, or share a specific relationship with the victim, which makes it difficult for the victim to decline an offer of reconciliation(Strang et al., 2006). Furthermore, victims may not necessarily be aware of their rights or the forms of redress they are entitled to seek under the law. Such circumstances can compromise a victim's ability to make free, autonomous decisions and to effectively advocate for their own interests throughout the case resolution process. Another obstacle stems from the misconception that a reconciliation agreement automatically resolves all of a victim's concerns. In reality, the harm resulting from an assault may persist long after the reconciliation process has concluded. Victims may still require medical treatment, psychological recovery, or compensation for specific losses even after an agreement has been reached. If these needs are not considered from the outset, the resolution may merely settle the conflict between the parties without providing adequate redress to the victim. Consequently, a reconciliation agreement must be evaluated based on its substance and implementation, rather than solely on the existence of a formal settlement document (Nur et al., 2026).

Within the framework of positive law, Regulation of the Attorney General of the Republic of Indonesia Number 15 of 2020 governs the termination of prosecution based on restorative justice, while Regulation of the Indonesian National Police Number 8 of 2021 governs the handling of criminal offenses through restorative justice within the police jurisdiction. Both regulations have distinct scopes and requirements, meaning their application cannot be treated as identical. Law enforcement officials must assess whether a case meets the applicable criteria and ensure that the resolution process does not overlook the interests of the parties involved—particularly those of the victim who has suffered harm as a result of the criminal offense (Azisa et al., 2025). Efforts to optimize the fulfillment of victims' rights can be pursued by enhancing the quality of the case resolution process. Victims must receive an adequate explanation regarding the restorative justice process, their relevant rights, and the implications of any agreement to be reached. Before an agreement is finalized, the harm suffered by the victim must be identified to ensure that the proposed form of redress is appropriate to the circumstances of the case (Sayang Bidul, 2024). Furthermore, law enforcement officials must remain vigilant regarding the potential for pressure exerted upon the victim and ensure that the victim is afforded sufficient space to express their own wishes. These recommendations are derived from victimological analysis and the principles of restorative justice, with their implementation remaining subject to the established legal authority and applicable regulations.

Furthermore, the mechanism for restitution must be considered if a victim meets the requirements to exercise this right. This highlights the importance of implementing the right to restitution for victims of assault, as well as the need to address the challenges involved in its application. Consequently, law enforcement officials and relevant institutions must pay attention to the available legal mechanisms to ensure that victims can obtain information and access to compensation for their losses, in accordance with established regulations. However, restitution cannot be assumed to be automatically available or granted in a specific amount in every assault case, as its application depends on the relevant legal basis and requirements (Iliadis, 2020). Based on this discussion, the author argues that restorative justice should be

optimized by placing the victim at the center of the case resolution process. The success of a resolution cannot be measured solely by the reaching of an agreement between the victim and the perpetrator; it must also be evaluated based on whether the process was voluntary, whether it accounted for the losses suffered by the victim, and whether it provided clarity regarding the agreed-upon responsibilities. This approach does not imply that every assault case must be resolved through reconciliation, as its application remains constrained by prevailing legal provisions. Thus, restorative justice can serve as a mechanism for redress—provided it is applied appropriately—without compromising the rights of the victim or the principles of criminal law enforcement.

3.4. Analysis of Strengthening Victims' Rights Based on Legislation

Strengthening the rights of victims in case resolution through restorative justice must be analyzed based on prevailing laws and regulations. A relevant provision is Supreme Court Regulation of the Republic of Indonesia Number 1 of 2024 concerning Guidelines for Adjudicating Criminal Cases Based on Restorative Justice. This regulation establishes the restoration of the situation along with the strengthening of the rights, needs, and interests of the victim as a core principle in the application of restorative justice. Furthermore, the implementation of restorative justice principles is not intended to eliminate criminal liability. This provision indicates that a reconciliation between the victim and the defendant should not be viewed as the sole metric for the successful resolution of a case (Supreme Court of the Republic of Indonesia, 2024).

Supreme Court Regulation (PERMA) Number 1 of 2024 also sets boundaries for the application of restorative justice guidelines in court, including instances where the victim or defendant refuses reconciliation, or where power imbalances exist. From a victimological perspective, these provisions are significant as they underscore the necessity of considering the consent of the parties involved and ensuring a balance in their respective positions during the case resolution process. Consequently, efforts to achieve reconciliation must not disregard the victim's wishes, nor should they come at the expense of protecting the party in a weaker position. The application of these provisions must remain consistent with the scope and requirements stipulated within the regulation (Supreme Court of the Republic of Indonesia, 2024).

Additionally, the fulfillment of victims' rights must take into account provisions regarding restitution. Law Number 3 of 2026 concerning the Protection of Witnesses and Victims serves as the latest legal basis that must be examined when discussing the protection and recovery of victims. Provisions regarding restitution must be read in conjunction with relevant implementing regulations, including Government Regulation Number 7 of 2018—as amended by Government Regulation Number 35 of 2020—and Supreme Court Regulation Number 1 of 2022 concerning Procedures for Processing Applications for and Granting Restitution and Compensation to Victims of Criminal Offenses. The application of each provision must take into account the applicability, scope, and requirements stipulated within these regulations.

Based on these provisions, the author argues that the fulfillment of victims' rights within the framework of restorative justice should be evaluated from two perspectives: the resolution process and the restorative outcome achieved. Regarding the process, victims must be given the opportunity to express their wishes without pressure and to fully understand the agreements reached. Regarding the outcome, it must be considered whether the agreement adequately addresses the victim's losses and needs, given the specific circumstances of the case. Both aspects are essential to ensure that restorative justice does not merely result in a formal reconciliation, but also genuinely addresses the interests of the victim. Ultimately,

however, any conclusion as to whether a victim's rights have been fulfilled in a particular case must be based on an examination of the facts and the relevant legal provisions.

4. CONCLUSION

From the perspective of victimology, it is concluded that victims of assault hold a significant position in the resolution of criminal cases, as they may suffer not only physical harm but also psychological, material, and social losses. Therefore, resolving cases through restorative justice should not merely focus on reconciliation between the perpetrator and the victim; it must also address the fulfillment of the victim's rights—such as the right to be informed, to receive restitution or compensation where necessary, and to provide consent free from any pressure or coercion. The application of restorative justice can serve as a means to restore the relationship between the victim and the perpetrator, while providing the victim with an opportunity to articulate their needs and the losses they have sustained. However, its implementation must carefully consider the victim's position to ensure that reconciliation does not become a mere formality used to terminate legal proceedings. In this regard, law enforcement officials must ensure that any peace agreement is reached voluntarily, that the victim's interests are taken into account, and that the perpetrator's obligation to redress the harm caused is genuinely fulfilled.

Consequently, the fulfillment of the rights of assault victims through restorative justice must be balanced with the protection of the victim, the accountability of the perpetrator, and the maintenance of legal certainty. Strengthening the role of law enforcement, overseeing the execution of peace agreements, and fostering a deeper understanding of victims' rights are essential to ensure that restorative justice does not merely result in reconciliation, but also provides fair redress for the victim. This conclusion underscores that the success of restorative justice should not be measured solely by the attainment of an agreement, but rather by the extent to which the victim's rights and interests are truly addressed.

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