

Victim Protection in Indonesian Criminal Justice: Assessing the Implementation of Restorative Justice as a New Paradigm

I Made Agus Astra Wiguna¹, I Dewa Gede Dana Sugama²

¹ Udayana University and agusastrawiguna@gmail.com

² Udayana University and dana_sugama@unud.ac.id

ABSTRACT

The purpose of this study is to analyze the new paradigm in the protection of crime victims in Indonesian criminal law through the implementation of restorative justice, by identifying and comparing the laws of countries that have successfully implemented it, to determine the extent to which the principle has been accommodated in the national legal system. The research method used is normative legal writing with a statutory regulatory approach, legal concept analysis, and comparative law. The results indicate that the paradigm for protecting crime victims in Indonesian criminal law remains dominated by a retributive approach focused on perpetrators, while victims tend to be passive and lack comprehensive recovery. Although regulations such as the Criminal Procedure Code and the Law on Witness and Victim Protection exist, their implementation has not systematically integrated restorative justice principles. This study highlights the need for a new paradigm that places victims as the main subject through a restorative justice approach based on dialogue, recovery, and active participation. Through comparative analysis of practices in New Zealand, Canada, and the Netherlands, it is shown that restorative justice can be effectively implemented if supported by clear regulations, institutional support, and awareness among law enforcement officers. Therefore, the Indonesian criminal law system needs to be updated by formulating a contextual, just, and sustainable restorative justice-based victim protection model, to create a justice system more responsive to victims' needs

Keywords: *Victims Protection, Restorative Justice, Criminal Law, Comparative Law, New Paradigm.*

1. INTRODUCTION

Indonesia's current criminal justice framework remains largely shaped by a retributive orientation, wherein emphasis is placed on assigning blame and administering punishment to offenders. This dominant approach tends to overlook key aspects such as victim restoration, the reparation of social ties harmed by crime, and the safeguarding of victims' rights. As a consequence, the justice system often fails to deliver a meaningful sense of justice to those who have suffered harm. Victims are routinely marginalized within rigid and formal legal procedures, which do not adequately address their psychological, financial, or social rehabilitation needs. Such a condition stands in contradiction to the principle of equality before the law and government, as enshrined in Article 27(1) of the 1945 Constitution of the Republic of Indonesia. A truly just legal process must therefore consider the interests of both offenders and victims alike [1].

The position of crime victims in the criminal justice system as seekers of justice has long been neglected. When examined from the perspective of sentencing objectives, offenders receive more attention, such as rehabilitation, social readaptation, reintegration, and so on. This represents a form of injustice for victims, as the harmed party is merely used as a means of evidence, and not infrequently, the fundamental rights of victims are overlooked. The dominance of the retributive approach in criminal law has led to victims' rights, both legally and morally, often not receiving proportional attention. This inequality reflects a form of structural injustice that not only weakens the position of victims in the legal process but also neglects their fundamental rights to recovery, recognition, and active participation in the justice process [2].

Restorative justice has emerged as an alternative to address the shortcomings of the retributive system. Restorative justice is an approach to resolving criminal cases through the involvement of multiple parties, including the offender and their family, the victim and their family, as well as relevant community groups. Thus, restorative justice seeks to achieve beneficial outcomes for crime victims, not solely focusing on the interests and welfare of the offender. It is rooted in the traditional values upheld within indigenous communities. This approach offers a new paradigm that emphasizes the restoration of relationships among victims, offenders, and the wider community. Restorative justice prioritizes dialogue, mediation, and peaceful conflict resolution by actively involving all parties affected by the crime. Its goal is to reach a more holistic resolution, encompassing the reparation of victims' losses, offender accountability, and the restoration of social harmony. The emergence of restorative justice is influenced by developments in modern legal theory and traditional values that emphasize deliberation and reconciliation. By offering a more humanistic approach, this concept is expected to provide a viable solution for creating a criminal justice system that is fairer, more effective, and recovery oriented [3].

Restorative justice holds significant potential in simplifying the resolution of criminal cases in Indonesia. This approach can reduce the workload of law enforcement institutions by encouraging the settlement of conflicts outside the lengthy and bureaucratic litigation process. In addition, restorative justice offers victims the opportunity to obtain faster and more effective recovery, while allowing offenders to make amends without undergoing purely repressive punishment. Thus, this approach not only enhances the efficiency of the criminal justice system but also promotes the creation of social harmony.

Various legal instruments in Indonesia, such as Law No. 13 of 2006 on the Protection of Witnesses and Victims, as amended by Law No. 31 of 2014, have provided a normative framework for the protection of victims. However, implementation in practice still reveals numerous weaknesses, ranging from limited access to justice, lack of legal and psychological assistance, to inadequate restoration of victims' rights. This reflects that victim protection has not yet been systematically integrated into the overall criminal justice process.

Although the restorative justice approach has begun to be adopted within Indonesia's criminal justice system, its implementation still faces several fundamental weaknesses. One major issue is the absence of a comprehensive legal framework that clearly regulates the principles, limitations, and mechanisms of its application. As a result, existing policies such as Police Regulation No. 8 of 2021 and the Attorney General's Circular No. 15 of 2020 remain sectoral and discretionary in nature. The implementation of restorative justice also tends to prioritize case resolution efficiency rather than the holistic recovery of victims. This condition is further exacerbated by the lack of standard operating procedures, the limited capacity of law enforcement officials in understanding restorative justice principles, and the absence of a specialized institution to professionally facilitate penal mediation. Furthermore, the restriction of restorative justice to minor offenses prevents victims of serious crimes who are in greater need of recovery from accessing this approach. This reality underscores the urgency of reformulating a criminal law paradigm that is more responsive to victims' rights through the substantial, structured, and equitable integration of restorative justice.

Given the importance of implementing restorative justice as an alternative paradigm that places victims as the primary subjects in the recovery process, a victim-oriented reform of criminal law has become a necessity. Restorative justice offers a more humane, participatory, and solution-oriented approach to resolving criminal acts, particularly by providing space for dialogue between

the offender, the victim, and the community. However, due to persistent normative and structural weaknesses in its implementation in Indonesia, serious efforts are required to strengthen its legal foundations. Therefore, this study adopts a comparative law approach by examining victim protection systems based on restorative justice in several countries, such as Canada, New Zealand, and the Netherlands. These countries were selected due to their notable success in systematically and comprehensively integrating restorative justice principles into their criminal justice systems. Canada is known for its strong restorative legal framework rooted in Indigenous community practices; New Zealand is a pioneer in applying restorative justice within both juvenile and adult justice systems; while the Netherlands has incorporated restorative approaches through penal mediation across all stages of the criminal process. Through this comparative analysis, the study aims to identify a more responsive and applicable legal model as a reference for constructing a new paradigm of victim protection within Indonesia's criminal law system.

Previous similar studies have been conducted, such as the one by Adriansya Tiawarman and Ahmad Redi, published in 2025 in *Jurnal Retentum*, titled "*Reformasi Sistem Hukum Pidana di Indonesia Melalui Restorative Justice Untuk Pemulihan Korban dan Pelaku*" ("Reforming Indonesia's Criminal Law System through Restorative Justice for Victim and Offender Recovery"). This study focuses on the reform and strengthening of legislation necessary to ensure the optimal implementation of restorative justice, thereby accommodating better recovery for both victims and offenders. Another related study was conducted by Gregorius Widiartana, titled "*Paradigma Keadilan Restoratif dalam Penanggulangan Kejahatan dengan Menggunakan Hukum Pidana*" ("The Restorative Justice Paradigm in Crime Prevention through Criminal Law"), published in *Jurnal Justitia Et Pax* in 2017. It discusses how the retributive paradigm is offender-oriented and contrasts it with restorative justice, where crime resolution involves the offender, victim, and the community. What distinguishes the current study as the *state of the art* is its focus on the implementation of restorative justice in Indonesia's criminal justice system, with specific emphasis on developing a new paradigm of victim protection through restorative justice. Furthermore, this research is distinct in its use of comparative legal analysis, examining the application of restorative justice in New Zealand, Canada, and the Netherlands. The findings are expected to offer valuable insights and contribute positively to shifting the paradigm toward restorative justice, potentially improving Indonesia's criminal justice system in the future.

Based on the above explanation, this study addresses two main research questions: (1) How is the protection of crime victims regulated and implemented in Indonesian criminal law at present, and to what extent have restorative justice principles been accommodated in these regulations? (2) How do models of victim protection through restorative justice in other countries compare, and what kind of model can be adopted to develop a more responsive and equitable criminal justice system in Indonesia?

The general objective of this study is to analyze the new paradigm of victim protection in Indonesian criminal law through the implementation of restorative justice, by identifying the extent to which this principle has been accommodated within the national legal system. The specific objectives are to assess the current regulation of victim protection in Indonesian criminal law and identify both the weaknesses and opportunities in applying restorative justice; to conduct a comparative legal analysis with countries that have successfully implemented restorative justice to derive the best model that can be adapted; and to provide practical recommendations for integrating

restorative justice more effectively, responsively, and sustainably into the victim protection system in Indonesia.

2. LITERATURE REVIEW

2.1 *Restorative Justice*

Restorative justice represents a meaningful departure from traditional punitive models, emphasizing repair over retribution through structured, facilitated dialogues that bring together victims, offenders, and community members. A comprehensive meta-analysis by Fulham, Blais, Rugge, and Schultheis, in the *International Review of Victimology*, which included 27 studies spanning four decades, found that restorative programs consistently produce small but significant reductions in overall recidivism and notable improvements in victim and client satisfaction, as well as enhanced perceptions of procedural fairness and offender accountability. These findings underscore RJ's dual strength in promoting healing for victims while encouraging meaningful responsibility-taking among offenders, demonstrating its potential as an evidence-based alternative within contemporary criminal justice frameworks, so long as programs are well-structured and adhere to core restorative principles [4].

2.2 *Victim Protection*

Traditional criminal justice systems have historically overlooked the central role of victims, relegating them to the status of mere witnesses or passive participants in legal proceedings. Recent scholarship emphasizes that criminal justice systems must do more than process offenders; they must actively protect and support victims throughout the legal process. Nunna, Kirchhoff & Palit, note that victims endure not only physical and economic harm but also profound emotional and social damage. They highlight the phenomenon of secondary victimization, where complicated procedural steps inadvertently re-traumatize victims through cross-examinations or repetitive questioning. Their study stresses the importance of proactive interventions legal, institutional, and psychological, to mitigate further harm and help victims regain agency and dignity. This research underscores an essential imperative for justice systems: to enhance victim protection mechanisms, reduce additional harm, and reinforce public confidence in procedural fairness by treating victims as central participants, rather than peripheral witnesses [5].

2.3 *Criminal Justice*

The conventional criminal justice system is primarily retributive—centered on determining guilt and imposing punishment, often overlooking the broader social context and the needs of victims. Garland, explains that this model is deeply rooted in legal formalism, where justice is equated with procedural correctness and penal sanction, rather than restoration or healing. As a result, victims are frequently marginalized, offenders are not encouraged to take meaningful responsibility, and communities are excluded from the justice process [6]. According to Tonry, contemporary critiques emphasize that this model often fails to deliver substantive justice, particularly for vulnerable groups, and can exacerbate social inequalities. Moreover, recent studies have highlighted how procedural complexity, institutional rigidity, and limited public trust continue to undermine the legitimacy of legal

institutions. These concerns have prompted growing interest in developing criminal justice systems that are more participatory, equitable, and evidence-informed. Efforts to reform include enhancing victim rights, promoting transparency in prosecution and sentencing, and building mechanisms that support rehabilitation and reintegration, rather than focusing solely on deterrence and incapacitation. This evolving paradigm reflects a broader trend toward balancing the foundational goals of justice, punishment, protection, and prevention with democratic accountability and social fairness [7].

3. METHODS

The research method employed in this study is normative juridical research, conducted by examining statutory regulations, legal principles, fundamental norms or rules, legal doctrines, legal theories, jurisprudence, and other relevant literature to serve as the foundation for building a structured analytical framework. The types of approaches used include: (1) the statute approach, which entails a rigorous examination of national legislation and formal legal instruments governing restorative justice and victim protection; (2) the conceptual approach, which delves into the theoretical underpinnings and philosophical foundations of restorative justice as a legal and socio-legal construct; and (3) the comparative approach, which involves comparing the concept and regulation of restorative justice in Canada, the Netherlands, and New Zealand, and relating them to the legal reality in Indonesia. The legal materials used in this research consist of primary legal materials, secondary legal materials, and tertiary legal materials. The legal materials were collected through library research by reading, quoting, and understanding various sources relevant to the topic of study. The collected data was interpreted using comparative interpretation, then analyzed and concluded to answer the legal issues being examined [8].

4. RESULTS AND DISCUSSION

4.1 Regulation and Implementation of Crime Victim Protection in Indonesian Criminal Law and the Extent to which Restorative Justice Principles Have Been Accommodated

Arif Gosita defines a victim as an individual who suffers physically or psychologically as a result of the actions of others that serve their own or others' interests and conflict with the interests and fundamental rights of the person suffering harm. Furthermore, Article 1 point 2 of Law No. 13 of 2006 on the Protection of Witnesses and Victims defines a victim as a person who experiences physical, mental, and/or economic suffering resulting from a criminal act [9]. According to Lilik Mulyadi, from a victimologies perspective, the definition of a victim can be classified into broad and narrow interpretations. In a broad sense, a victim is someone who suffers harm due to a violation, either of a penal nature (criminal law) or non-penal nature, and may also include victims of abuse of power. In the narrow sense, the term refers specifically to a victim of crime, i.e., someone harmed by an act regulated under criminal law. From the standpoint of victimology, the concept of a victim fundamentally focuses on the consequences of human actions. Therefore, consequences that arise from non-human causes such as natural disasters are not considered within the scope of victimologies study [10].

The forms of victim protection outlined in the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power include the following:

1. Victims of crime must be treated with compassion and respect for their dignity, and be granted the right to promptly seek compensation.
2. Victims of crime must be informed about their role in the process, the timing, and the progress made in the handling of their cases.
3. Victims of crime must receive compensation awarded to them or their families as a result of the crime.

The protection of victims of crime in Indonesia is regulated across various legal instruments, including: Law No. 8 of 1981 on Criminal Procedure; Law No. 39 of 1999 on Human Rights; Law No. 26 of 2000 on Human Rights Courts; Law No. 23 of 2002 on Child Protection; Law No. 35 of 2014 as an amendment to Law No. 23 of 2002 on Child Protection; Law No. 23 of 2004 on the Elimination of Domestic Violence; Law of the Republic of Indonesia No. 21 of 2007 on the Eradication of Human Trafficking Crimes; Law No. 13 of 2006 on the Protection of Witnesses and Victims; Law No. 31 of 2014 as an amendment to Law No. 13 of 2006 on the Protection of Witnesses and Victims; and Law No. 5 of 2018 as an amendment to Law No. 15 of 2003 concerning the stipulation of Government Regulation in lieu of Law No. 1 of 2002 on the Eradication of Terrorism Crimes.

Based on the above explanation, it can be seen that the protection of crime victims within Indonesia's criminal law system has received normative recognition through various statutory regulations. However, these regulations are partial and scattered across multiple sectoral legal instruments, thus failing to establish a comprehensive, integrated, and victim-centered protection system. Although victims are legally acknowledged, the implementation of their protection remains suboptimal and continues to face both structural and substantive weaknesses. Therefore, to better accommodate and prioritize victim recovery, a paradigm shift toward a restorative justice approach is necessary.

Theo van Willigenburg, describes restorative justice as a mechanism for empowering victims by restoring their sense of autonomy, dignity, and self-confidence. By allowing victims to have meaningful control over the justice process, restorative justice provides a deeper and more effective alternative to conventional retributive approaches, where victims are often sidelined or reduced to mere witnesses [11]. Matthew C. Altman, articulates in *The International Journal of Restorative Justice* that restorative justice "attempts to improve communities by engaging offenders and victims in a shared process of both repairing harms" and fostering "relations of mutual recognition and respect." This reinforces the idea that restorative justice is more than a procedural alternative, it reframes the very purpose of justice to emphasize reparation, relational repair, and community cohesion. In this view, justice becomes a collaborative and healing endeavor rather than a one-sided punitive response [12].

Donald J. Schmid, emphasizing that RJ is not merely an alternative approach but a foundational framework that reorients the entire justice system. Unlike the conventional retributive system, which focuses primarily on punishing offenders, restorative justice actively involves victims, offenders, and the wider community in a collaborative process. This process seeks to foster meaningful dialogue, repair harm, and achieve reconciliation among all parties affected by a crime. Schmid argues that such an approach acknowledges the relational and social dimensions of criminal acts, emphasizing accountability, healing, and restoration rather than vengeance. By centering the needs of victims and encouraging offenders to take responsibility in a constructive manner, restorative justice offers a more humane, inclusive, and ultimately transformative model of justice that aligns legal outcomes with broader societal values of empathy, responsibility, and social reintegration [13].

According to Muladi, the primary goal of restorative justice is to achieve the fairest possible form of justice, particularly for all parties involved, rather than merely emphasizing punishment. The prevailing concept of justice referred to by abolitionists as retributive justice is fundamentally different from restorative justice. Retributive justice defines crime as a violation by an individual against another person and views the offender's accountability primarily in terms of punishment. In contrast, restorative justice views accountability as an understanding of the impact of one's actions and a process to determine what is most appropriate for all parties. In terms of application, retributive justice tends to emphasize deterrence and suffering as a form of punishment, while restorative justice focuses on restitution. Within the framework of restorative justice, in addition to imprisonment, courts may impose sanctions such as reparation (compensation), fines, community service, periodic detention, or community-based programs [14].

From the research, Victim participation in restorative justice processes has been shown to significantly reduce trauma by lowering levels of anger, fear, and post-traumatic stress symptoms when compared to experiences in conventional justice systems. This therapeutic effect arises because restorative justice frameworks empower victims with a formal space to express their experiences and emotions, offering them a sense of validation and agency that is often absent in adversarial proceedings. Moreover, these processes facilitate direct offender acknowledgment of wrongdoing in a structured and respectful setting, which not only enhances the victim's sense of justice but also reinforces offender accountability, thus contributing to a more holistic and healing-centered approach to criminal justice [15].

Another research by Van Camp demonstrates that victims often participate in restorative justice processes not merely to seek answers about why the offense occurred, but also to support offenders in developing empathy and a deeper understanding of the harm caused. This interaction is frequently driven by victims' prosocial motivations, which emerge early in the restorative process. Such meaningful dialogue fosters therapeutic outcomes for both parties, as it allows victims to reclaim their voice and agency while encouraging offenders to acknowledge responsibility and show genuine remorse. This highlights the transformative power of direct, respectful communication within restorative justice settings [16].

Jo-Anne Wemmers, emphasizes that adversarial legal processes, particularly mechanisms such as cross-examination, often lead to the retraumatization of victims and diminish their sense of dignity and self-worth. In contrast, restorative justice prioritizes procedural fairness and the recognition of harm suffered by victims, offering a more humane and supportive framework. By shifting focus away from hostile confrontation and toward dialogue and validation, restorative justice helps mitigate secondary victimization and facilitates the emotional healing of those affected [17].

Criminal sanctions formulated and imposed within a criminal law system built on a restorative paradigm must be rehabilitative. Such sanctions are not intended to exact retribution against the offender. Restorative sanctions aim to awaken the offender's sense of responsibility for the suffering experienced by the victim due to the offense. These sanctions are designed to consider the offender's need to atone for their wrongdoing, the victim's need to recover from the harm suffered, and the state's interest in maintaining peace and order in society. Furthermore, the resolution of criminal cases based on a restorative justice paradigm involves all parties directly affected or connected to the criminal incident. This process also allows broader participation from other stakeholders who are deemed to have a legitimate interest in resolving the conflict. In this model, the parties engage with one another on equal footing, thus supporting the realization of substantive justice [18].

Thomas Trenczek, asserts that restorative justice represents a significant paradigm shift in criminology, not merely a sensitizing concept or theoretical framework, but a practical and institutionalized approach to justice. He argues that restorative justice introduces an alternative model that focuses on healing, reconciliation, and rebuilding relationships damaged by crime. Unlike the conventional retributive system, which centers on punishment and often overlooks the needs of victims and communities, restorative justice offers a more holistic and inclusive method of resolving criminal conflicts. It corrects the limitations of retributive justice by promoting dialogue, accountability, and restoration among all parties involved [19].

Indonesia's criminal justice system has yet to systematically and consistently adopt the principles of restorative justice. Victim protection remains embedded in a legal framework that is repressive and formalistic, rather than grounded in recovery and active participation—key characteristics of the restorative approach. One clear example of Indonesia's lack of victim-centered regulation can be seen in the Criminal Procedure Code (Law No. 8 of 1981), where crime victims are not granted a substantive role in the criminal justice process. Victims are primarily positioned as complainants or witnesses during evidentiary proceedings, without having meaningful rights to recovery, adequate compensation, or participation in determining the outcome of the case. Victim

protection under the Criminal Procedure Code is also limited; for instance, the right to compensation only covers material losses and must be pursued through a complex civil process. This illustrates that the Indonesian criminal justice system remains rooted in a retributive paradigm that prioritizes offender punishment and has not yet fully shifted toward a restorative paradigm that places victims at the center of the justice process [20].

This paradigm persists because the principle of justice in Indonesia's criminal justice system has historically been based on retributive justice, in which punishment is viewed as a means of retribution for the wrongful act committed. The offender is seen as the party responsible for the crime and must receive punishment accordingly. Over time, the concept of retributive justice has evolved, with punishment no longer seen solely as retribution but also aimed at achieving other objectives, such as the rehabilitation of offenders. However, both retributive and rehabilitative justice principles continue to focus primarily on the offender and their protection or interests, while the interests and protection of victims remain neglected. Therefore, to accommodate the rights and interests of victims within the criminal justice process, the incorporation of restorative justice is essential [21].

Furthermore, the disadvantaged position of victims—stemming from an unaltered legal framework that continues to emphasize a retributive justice approach—is reflected in Law No. 13 of 2006 on the Protection of Witnesses and Victims, as amended by Law No. 31 of 2014. This law was intended to be a crucial regulation that explicitly grants victims rights such as legal and physical protection, medical assistance, psychological rehabilitation, restitution from offenders, and state-provided compensation. Unfortunately, the implementation of these provisions remains far from optimal. Many victims do not receive their full entitlements due to procedural limitations, insufficient funding, weak inter-agency coordination—particularly between the Witness and Victim Protection Agency (LPSK) and law enforcement authorities—and the absence of clear and enforceable mechanisms. Poor coordination between LPSK and law enforcement agencies at both the national and regional levels, the lack of human resources, and low public awareness about available victim protection services are among the primary obstacles. These issues have led to many victims being unable to fully access the rights guaranteed to them by law [22].

In addition, victim protection is also regulated in several sectoral laws, such as Law No. 23 of 2002 on Child Protection (as amended by Law No. 35 of 2014), Law No. 23 of 2004 on the Elimination of Domestic Violence, and Law No. 21 of 2007 on the Eradication of the Crime of Human Trafficking. However, the scope and effectiveness of protection under these sectoral regulations largely depend on the type of crime regulated, as well as the technical implementation mechanisms, which often vary from one regulation to another. The absence of uniform norms and procedures results in inconsistent, uneven, and often reactive rather than preventive and participatory protection for victims.

In addition to substantial regulatory obstacles, several challenges hinder the implementation of restorative justice, including [23]:

1. Uneven understanding among legal practitioners, the criminal justice system, and the general public regarding the concept and principles of restorative justice. This lack of comprehension often impedes progress and limits the application of restorative approaches.
2. Financial constraints also pose a significant barrier. Restorative justice programs and services often require substantial resources, including training for professionals, funding for program implementation, and support for both victims and offenders. These financial challenges can limit access to and availability of restorative justice within the criminal justice system.
3. A lack of institutional support further impedes the implementation of restorative justice. Effective restorative justice practices require collaboration among various stakeholders, such as the courts, police, prosecution offices, and correctional institutions. However,

weak coordination and cooperation among these institutions can significantly hinder the effective implementation of restorative justice.

This aligns too with the findings of Mimi and Sunggara, whose research evaluates that despite recent reforms, such as the Attorney General Regulation No. 15 of 2020 and Police Regulation No. 8 of 2021, both introduced to support restorative justice, its implementation continues to face several persistent challenges. These include insufficient legal clarity, limited institutional capacity within law enforcement, widespread public misunderstanding of restorative justice principles, inadequate resources, and the complex dynamics of diverse local cultures. Their study concludes that “integrated legal policy reform, ongoing training for law enforcement, and public education on the benefits of this approach” are essential to improving the inclusiveness and overall effectiveness of restorative justice in Indonesia [24].

Given these conditions, it can be concluded that Indonesia's criminal law system has not yet systematically and consistently adopted the principles of restorative justice. Victim protection remains embedded within a legal framework that is repressive and formalistic, rather than one that emphasizes recovery and active participation, key elements of the restorative approach. Although the principle of restorative justice has begun to gain recognition in legal practice, particularly through Chief of Police Regulation No. 8 of 2021 and the Attorney General's Circular Letter No. 15 of 2020, its implementation remains limited to minor offenses and tends to focus primarily on resolving conflict between the offender and the victim to avoid formal judicial proceedings. However, restorative justice is not merely about mediation or reconciliation between offender and victim; it also involves acknowledging the victim's suffering, restoring losses, and promoting social reintegration for all parties involved. In this regard, restorative principles have not yet been fully integrated into Indonesia's formal criminal law or criminal justice system as a whole.

Restorative justice may only be applied to certain types of criminal cases, in accordance with provisions set out in the relevant legislation, including Chief of Police Regulation No. 8 of 2021. The types of cases eligible for resolution through this approach include: first, criminal offenses involving children, which are regulated under the Juvenile Justice Law; second, traffic offenses, which often involve material and social losses and can be resolved through mediation to achieve mutually beneficial agreements between the parties involved; third, offenses related to electronic information and transactions (ITE), where a restorative approach can help resolve conflicts and reduce the social tensions they may cause; and fourth, criminal cases involving women in conflict with the law, which require a more sensitive and humanistic approach in the dispute resolution process.

Based on the above explanation, it can be concluded that although the protection of crime victims has gained normative legitimacy in various Indonesian laws and regulations, the sectoral, partial, and integrated nature of these regulations reflects a weak commitment within the criminal justice system to position victims as central subjects of justice. While certain laws contain provisions for victim protection, particularly in cases involving violence against women and children, human trafficking, and terrorism, the approach remains largely formalistic and does not ensure comprehensive recovery. The Indonesian Code of Criminal Procedure (KUHAP) provides no participatory space for victims, while specific laws such as the Witness and Victim Protection Law and other sectoral regulations have yet to offer fully effective and sustainable protection. Furthermore, the principles of restorative justice as an alternative paradigm for addressing crime have not been comprehensively accommodated in legal substance, institutional frameworks, or judicial practices. This situation highlights the urgent need for a paradigm shift in Indonesian criminal law toward a system that is more responsive to the needs of victims by normatively and practically integrating restorative justice principles. These principles, which emphasize victim restitution, active stakeholder participation, and reconciliation, have yet to be fully reflected in Indonesia's criminal justice system. Therefore, it can be concluded that the victim protection paradigm based on restorative justice has not been systematically implemented within national criminal law and still requires more targeted and holistic legal reform efforts.

4.2 Comparative Models of Victim Protection through Restorative Justice in Other Countries and Potential Models for Adoption to Develop a More Responsive and Equitable Indonesian Criminal Justice System

In an effort to promote criminal law reform in Indonesia toward a system that is more responsive to the needs of victims, the comparative law approach can offer significant contributions by drawing lessons from countries that have successfully implemented structured models of restorative justice. Generally, the primary objective of comparative law is to improve our understanding of law to achieve better law (arriving at the better law). Therefore, an idealistic perspective is necessary. This perspective introduces a broader approach in which comparative legal studies are not confined to a "law as rules" framework, but instead focus more broadly on academic activities aimed at understanding law in its context and as a living culture within society. This allows for a deeper understanding of the legal subject under study, while also enabling inductive reflection on these findings within a broader legal phenomenon. Comparative law also aims to identify and understand the differences and similarities among various legal systems and rules across countries, thereby expanding legal perspectives and deepening insight into the backgrounds, structures, and values underlying these differences. Through this approach, commonalities across different legal traditions can be identified, which in turn serve as the foundation for formulating a better legal framework, one that is more appropriate to the needs of specific societies. Moreover, comparative law is not merely a descriptive academic endeavor; it also functions as a normative tool aimed at realizing concrete objectives in legal reform. This study is both technical and methodological, as it is specifically used to assess, evaluate, and improve the quality of existing legal institutions or norms, thus offering tangible contributions to a more targeted and evidence-based legal reform process [25].

One of the most progressive reference countries in implementing restorative justice is New Zealand. New Zealand has emerged as one of the most innovative nations in integrating restorative justice principles into its criminal justice system. This implementation began in the 1990s, when the country started to explore alternative approaches to addressing criminal offenses, particularly those involving children and young offenders. The primary objective was to reform a justice system that had previously focused heavily on retributive punishment for offenders, without providing sufficient attention to victim recovery and the social reintegration of offenders.

A significant initial step was the enactment of the *Children, Young Persons, and Their Families Act 1989*, later revised into the *Oranga Tamariki Act*. This law introduced the concept of the *Family Group Conference (FGC)*, which provides an opportunity for the families of both the victim and the offender to meet and discuss restorative solutions. In these conferences, both the victim and the offender may speak about the impact of the offense and jointly determine appropriate recovery steps. The FGC concept emphasizes dialogue, mutual agreement, and restorative reparations rather than punitive measures. The success of this model encouraged New Zealand to expand the implementation of restorative justice into the adult criminal justice system, reflected in a series of laws governing legal processes for offenders. Some of the key statutes that constitute the restorative legal framework in New Zealand include [26]:

1. *Sentencing Act 2002*, which authorizes judges to consider the outcomes of restorative justice processes such as mediation or conferences when determining sentences for offenders. In this regard, restorative justice serves as an alternative for sentencing, including options such as imprisonment, rehabilitation, or community service.
2. *Victims' Rights Act 2002*, which affirms the rights of victims to receive information, protection, and the opportunity to participate in restorative processes. This statute acknowledges that victims should be given the chance to express the harm caused by the offense and be involved in the justice process. Thus, victims are not merely treated as legal objects, but as subjects entitled to take part in the resolution of the case.
3. *Parole Act 2002*, which allows for the use of restorative justice as a consideration in parole decisions. Offenders who participate in restorative processes may be viewed as better

prepared for social reintegration, as they have demonstrated accountability for their actions and efforts to restore relationships with victims.

4. *Corrections Act 2004*, which governs the social reintegration of offenders who have served their sentences. In this context, restorative justice provides the foundation for recovery and reintegration programs, including those carried out within correctional institutions. These programs focus not only on punishment but also on behavior change and restoring community ties.

Through this series of laws, restorative justice in New Zealand is not merely regarded as an alternative approach but has become an integral component of the criminal justice system. The use of restorative processes offers greater recognition of victim rights and introduces a rehabilitative model of resolution that prioritizes recovery rather than focusing solely on punishment. Moreover, New Zealand's restorative justice system emphasizes the principle of inclusivity, allowing all parties involved in a criminal act, including the victim, offender, their families, and the community, to participate in the resolution process. This makes the approach an effective means to reduce stigma against offenders and to create solutions that are based on mutual healing instead of unilateral retribution. With this robust legal framework, restorative justice in New Zealand has evolved into a holistic, participatory, and humane element of the criminal justice system. The New Zealand experience demonstrates that the successful implementation of restorative justice requires strong political commitment, clear legal legitimacy, and institutional support to consistently and effectively address the justice needs of both victims and offenders.

Canada is one of the countries that has pragmatically implemented the restorative justice approach, grounded in social and community needs, particularly those of Indigenous communities that have historically been underserved by the conventional criminal justice system. The implementation of restorative justice (RJ) in Canada does not rely solely on written legal provisions but has instead evolved through local initiatives that were later supported by public policy and government funding. RJ programs in Canada are firmly rooted in the Canadian legal system. The Criminal Code and the Youth Criminal Justice Act provide a legal basis for RJ processes within the framework of criminal law enforcement. Various RJ models are applied, including victim-offender mediation, family group conferencing, and sentencing or healing circles, which are traditional Indigenous practices. RJ processes in Canada can occur at multiple stages of the justice system—prior to charging (pre-charge diversion), before trial, during court proceedings, and even post-sentencing as part of rehabilitation and social reintegration efforts. However, these programs require the voluntary participation of both parties: the offender must acknowledge responsibility and express willingness to make amends, while the victim must feel safe and choose to participate without coercion. Both federal and provincial governments provide support in the form of funding and policy frameworks, yet the success of RJ programs largely depends on the capacity of local resources, including the availability of trained facilitators and strong collaboration between judicial institutions and civil society. Despite its promise, the RJ system in Canada also faces challenges, such as its limited applicability in cases involving serious violence, the reluctance of some victims to participate, and the risk of re-victimization if the process is not handled sensitively. The practice of RJ in Canada illustrates that successful implementation relies heavily on a balance between supportive public policy, an inclusive legal culture, and active community participation. Therefore, Canada's experience is valuable to this study as it provides a comparative perspective on how a participatory and recovery-based restorative justice model can contribute to the development of a more responsive victim protection system in Indonesia, which remains rooted in a retributive and offender-centered approach.

Flexibility and inclusivity are key to effectiveness. Reviews conducted by the Canadian government indicate that restorative justice practices are most effective when they are implemented with flexibility, cultural sensitivity, and inclusivity, particularly by incorporating Indigenous legal traditions. These elements help ensure that the process aligns with the values and lived experiences

of both victims and offenders. Victims report higher levels of satisfaction when restorative justice is conducted on a voluntary basis, with adequate information provided in advance, and when their cultural backgrounds and personal dignity are respected throughout the process. This approach not only enhances engagement but also contributes to more meaningful and lasting resolutions [27].

The Netherlands is one of the European countries that has demonstrated a progressive commitment to implementing restorative justice principles within its criminal justice system, although this approach has developed gradually and has been strongly influenced by civil society initiatives. Since the early 1990s, various forms of restorative justice practices have been introduced, such as mediation programs in Maastricht and Limburg, along with peer mediation and family group conferencing. These initiatives received positive responses but initially faced sustainability challenges due to the absence of regulatory frameworks and financial support policies. A significant development occurred with the strengthening of the legal foundation through the inclusion of Article 51H in the Dutch Code of Criminal Procedure, which obligates police officers and public prosecutors to inform both victims and offenders about the possibility of mediation. This article also requires judges to consider the outcome of mediation agreements when determining criminal sanctions. In addition, Article 9a of the Dutch Penal Code, although not explicitly framed as a restorative justice provision, allows judges to issue a discharge from punishment for offenders in recognition of restorative efforts undertaken. Restorative justice in the Netherlands is implemented both within the formal criminal justice system through penal mediation mechanisms and outside the formal system with the support of specialized institutions such as Victim in Person and the *Centraal Justitieel Incassobureau* (CJIB). Programs like HALT (*Het Alternatief*), which target minor offenses committed by children and adolescents, also reflect the integration of restorative justice within youth crime prevention policies. This approach is not solely aimed at reducing the burden on courts, but is also intended to achieve fair social recovery for both victims and offenders through dialogue-based and mutually responsible resolution. The Dutch government has played an active role in establishing the necessary legal and institutional infrastructure, including providing restorative justice consultants and developing a structured mediation system.

The Netherlands is currently preparing to modernize its Code of Criminal Procedure, a reform process that began in 2014. One of the significant innovations in the draft is the inclusion of restorative justice as a mechanism to assist judicial decision-making. For instance, the new provisions allow for mediation even after a case has been transferred to the court, and prosecutors are no longer permitted to withdraw the case once the judge has decided to initiate a mediation process. In the Dutch context, restorative justice operates through a triadic framework involving the offender, the victim, and the community. The draft also outlines specific rights for victims and emphasizes restorative justice, largely influenced by the victims' movement and European Union law, which prioritizes victim-oriented justice, especially regarding victims' rights in criminal proceedings. Consequently, restorative justice in the Netherlands is not only about the victim but also considers the rights of suspects and the broader community. The Dutch restorative justice model focuses heavily on the restoration of the victim's losses caused by the offense and the rebuilding of the relationship between the victim and offender after the crime [28].

The effectiveness of implementing restorative justice in the Netherlands can be identified through research published in the *Journal of Experimental Criminology* (2022) highlighting that the HALT program in the Netherlands, designed for teenagers, offers restorative interventions such as community service, study assignments, and apologies instead of formal charges. This program is specifically aimed at addressing minor offenses committed by youth and seeks to hold them accountable in a constructive way. This approach allows juvenile offenders to avoid a criminal record while encouraging behavioral reflection and social reintegration. The study emphasizes that HALT not only reduces recidivism among youth but also increases satisfaction among victims and community stakeholders, demonstrating the practical effectiveness of restorative justice in diverting young people from the formal criminal justice system [29].

Restorative justice (RJ) practices in the Netherlands stand out for their balance between victim and offender, as well as the availability of both formal and informal resolution pathways, all consistently aimed at achieving restorative outcomes. The Dutch experience demonstrates that the success of RJ depends on a strong legal framework, institutional support, and political will to fully integrate restorative justice values into the criminal justice system. Therefore, the Dutch model is highly relevant for comparison with Indonesia's still fragmented and offender-centric criminal justice system. It offers concrete inspiration for developing a more responsive, integrated, and sustainable framework for victim protection through restorative justice in Indonesia.

Based on the comparative analysis of the implementation of restorative justice principles in Indonesia, New Zealand, Canada, and the Netherlands, it is evident that Indonesia is still in the early stages of establishing a legal and institutional framework that effectively supports victim protection through a restorative approach. In Indonesia, regulations concerning restorative justice remain fragmented across various sectoral legal instruments and have yet to be systematically integrated into the broader criminal justice system. Victim protection remains limited, largely symbolic, and lacks sufficient participatory mechanisms. In contrast, New Zealand stands out as a pioneer in adopting a legally grounded restorative justice model with a structured and integrated system, particularly through the Oranga Tamariki Act, the Sentencing Act, and the Victims' Rights Act, which mandate restorative mediation considerations from the early stages of criminal proceedings. Canada, in comparison, adopts a pragmatic and community-based approach, with many restorative justice programs initiated by civil society including Indigenous communities, and supported by law enforcement agencies as well as government funding. Restorative justice in Canada is applied at various stages such as pre-charge, pre-trial, during trial, and post-sentencing, providing ample space for voluntary engagement between victims and offenders. Meanwhile, the Netherlands incorporates restorative principles into its formal criminal justice system through Article 51h of the Dutch Criminal Procedure Code and Article 9a of the Dutch Criminal Code, and also offers penal mediation mechanisms along with strong institutional support. A shared characteristic among these three countries is the normative and functional recognition of the victim's role in the justice system, offering opportunities for dialogue, recovery, and reconciliation. Conversely, Indonesia still requires comprehensive reforms in legal frameworks, institutional capacity, and legal culture to establish victim protection that is responsive and sustainable within a fully developed restorative justice framework.

From the comparative analysis of victim protection systems based on restorative justice in countries such as New Zealand, Canada, and the Netherlands, it is evident that their success depends not only on regulatory frameworks but also on institutional commitment, resource support, and active community participation. These countries demonstrate that restorative justice is not a peripheral approach but rather a central framework that can be formally integrated into the criminal justice system. In the context of Indonesia, these models offer highly relevant references for developing a more inclusive, responsive, and humane system of victim protection.

The comparison also reveals that Indonesia remains in the early stages of integrating restorative justice into its criminal justice system, both in terms of regulation, institutional frameworks, and enforcement paradigms. This contrasts with countries such as New Zealand, where restorative justice has become an inherent part of the criminal justice system, supported by strong legal frameworks and broad community participation. Canada and the Netherlands also demonstrate more mature approaches through flexible yet structured regulations, active civil society engagement, and formal recognition of victims' rights and recovery processes. All three countries position victims as central subjects in case resolution and treat restorative justice as a legitimate alternative across various stages of criminal proceedings. Therefore, learning from these practices is essential for Indonesia to develop a new paradigm of restorative justice tailored to its national legal characteristics, with a stronger emphasis on victim protection, participation, and sustainable recovery.

CONCLUSION

Based on the discussion, it can be concluded that the protection of crime victims within Indonesia's current criminal law system remains partial, sectoral, and has not yet been systematically integrated into a legal framework based on restorative justice. Although several legal instruments exist, such as the Criminal Procedure Code, Law No. 13 of 2006 on the Protection of Witnesses and Victims as amended by Law No. 31 of 2014, as well as other sectoral regulations, the implementation of victim protection remains limited, particularly in ensuring comprehensive recovery of victims' rights. The existing criminal procedure system continues to place victims in a passive role and is predominantly focused on punishing offenders, rather than on restoring losses or encouraging active victim participation in the justice process. Meanwhile, comparisons with countries such as New Zealand, Canada, and the Netherlands demonstrate that restorative justice can be effectively integrated into formal criminal justice systems, provided that it is supported by a clear legal framework, consistent policies, and strong institutional backing. These countries position victims as central actors in the resolution process, offering space for dialogue, recovery, and participation, while reinforcing their legal rights. Lessons from these international practices indicate that Indonesia requires criminal law reform that not only addresses offender punishment but also ensures comprehensive, fair, and sustainable victim protection and recovery. Therefore, Indonesia must shift its victim protection paradigm toward a more transformative model by developing a restorative justice-based approach that is contextual, inclusive, and recovery-oriented, to create a more responsive, just, and sustainable criminal justice system.

ACKNOWLEDGEMENTS



The author would like to express sincere gratitude to all parties who have contributed to the completion of this research. Special thanks are extended to the advisors whose guidance, insights, and constructive feedback greatly enhanced the quality of this work. Appreciation is also conveyed to the institutions that provided financial support for this study, without which the research would not have been possible. The author is equally grateful to the individuals who assisted in the refinement of this article, including proofreaders and colleagues who offered valuable suggestions during the writing process. Lastly, heartfelt thanks are given to all other parties whose contributions, directly or indirectly, supported the successful completion of this research.

REFERENCES

- [1] A. Redi, "Reformasi Sistem Hukum Pidana di Indonesia Melalui Restorative Justice Untuk Pemulihan Korban dan Pelaku," *J. Retentum*, vol. 7, no. 1, pp. 358–369, 2025.
- [2] I. Maya, "Perlindungan Korban suatu Perspektif Viktimologi dan Kriminologi," *Jkt. Pernada Media*, 2014.
- [3] S. Awaluddin, "Keadilan Restoratif: Konsep Dan Pengaturannya Dalam Sistem Hukum Indonesia," *Amandemen J. Ilmu Pertahanan Polit. Dan Huk. Indones.*, vol. 1, no. 1, pp. 24–42, 2024.
- [4] L. Fulham, J. Blais, T. Rugge, and E. A. Schultheis, "The effectiveness of restorative justice programs: A meta-analysis of recidivism and other relevant outcomes," *Criminol. Crim. Justice*, p. 17488958231215228, Nov. 2023, doi: 10.1177/17488958231215228.
- [5] B. P. Nunna, G. F. Kirchhoff, and M. Palit, "The Criminal Justice System's Interventions toward Crime Victimization: Aims and Challenges," *J. YUSTIKA MEDIA Huk. DAN KEADILAN*, vol. 25, no. 01, pp. 54–64, Aug. 2022, doi: 10.24123/yustika.v25i01.5110.
- [6] D. Garland, *The culture of control: Crime and social order in contemporary society*, vol. 77. Oxford university press, 2001.
- [7] M. Tonry, *The Oxford handbook of crime and criminal justice*. Oxford University Press, 2011.
- [8] M. Muhaimin, "Metode penelitian hukum," *Dalam Dr Muhaimin Metode Penelit. Huk. Mataram-NTB Mataram*, 2020.
- [9] H. Sujarwo, "Perlindungan Korban Tindak Pidana Dalam Peraturan Perundang-Undangan Indonesia," *Syariati J. Studi Al-Quran Dan Huk.*, vol. 6, no. 02, pp. 233–246, 2020.
- [10] N. Yuniati, "Perlindungan Hukum Terhadap Korban Kejahatan.," *J. Ilmu Huk. Hum. Dan Polit. JIHHP*, vol. 4, no. 6, 2024.
- [11] T. Van Willigenburg, "Restorative justice as empowerment: how to better serve the goals of punitive retribution," *Int. J. Restor. Justice*, vol. 1, no. 2, pp. 274–290, Sep. 2018, doi: 10.5553/IJRJ/258908912018001002006.
- [12] M. C. Altman, "The justification and scope of restorative justice," *Int. J. Restor. Justice*, vol. 6, no. 3, pp. 370–377, Dec. 2023, doi: 10.5553/IJRJ.000183.

- [13] D. J. Schmid, "Restorative Justice: A New Paradigm for Criminal Justice Policy," *Vic. Univ. Wellingt. Law Rev.*, vol. 34, no. 1, pp. 91–134, Apr. 2003, doi: 10.26686/vuwlr.v34i1.5799.
- [14] I. Maulana and M. Agusta, "Konsep Dan Implementasi Restorative Justice Di Indonesia," *Datin Law J.*, vol. 2, no. 11, pp. 46–70, 2021.
- [15] A. M. Nascimento, J. Andrade, and A. De Castro Rodrigues, "The Psychological Impact of Restorative Justice Practices on Victims of Crimes—a Systematic Review," *Trauma Violence Abuse*, vol. 24, no. 3, pp. 1929–1947, Jul. 2023, doi: 10.1177/15248380221082085.
- [16] T. Van Camp, "Understanding victim participation in restorative practices: Looking for justice for oneself as well as for others," *Eur. J. Criminol.*, vol. 14, no. 6, pp. 679–696, Nov. 2017, doi: 10.1177/1477370816682981.
- [17] J.-A. Wemmers, I. Parent, and M. Lachance Quirion, "Restoring victims' confidence: Victim-centred restorative practices," *Int. Rev. Vict.*, vol. 29, no. 3, pp. 466–486, Sep. 2023, doi: 10.1177/02697580221128830.
- [18] G. Widiartana, "Paradigma Keadilan Restoratif Dalam Penanggulangan Kejahatan Dengan Menggunakan Hukum Pidana," *Justitia Pax*, vol. 33, no. 1, 2017.
- [19] T. Trenczek, "Restorative justice: new paradigm, sensitising theory or even practice?," *Restor. Justice*, vol. 3, no. 3, pp. 453–459, Sep. 2015, doi: 10.1080/20504721.2015.1109368.
- [20] F. Fatur Rahman, M. A. Vira, and S. R. Alia, "Peran Korban dalam Penyelenggaraan Sistem Peradilan Pidana Saat Ini di Indonesia," *Borobudur Law Soc. J.*, vol. 2, no. 6, pp. 263–270, 2023.
- [21] S. H. Hafrida and S. H. Usman, *Keadilan Restoratif (Restorative Justice) dalam Sistem Peradilan Pidana*. Deepublish, 2024.
- [22] N. Halawa, A. Gultom, A. Hamonangan, and J. Marbun, "Peran Lembaga Perlindungan Saksi dan Korban (LPSK) Dalam Sistem Peradilan Pidana di Indonesia," *J. Retentum*, vol. 6, no. 1, pp. 127–136, 2024.
- [23] M. C. Risal, "Analisis Kritis Terhadap Implementasi Restorative Justice Dalam Sistem Peradilan Pidana," *J. Al Tasyrilyyah*, pp. 55–70, 2023.
- [24] Mimi and Muhamad Adystia Sunggara, "The Challenges and Potential of Implementing Restorative Justice for Minor Criminal Offenses in Indonesia," *J. Law Polit. Humanit.*, vol. 5, no. 2, pp. 1349–1355, Jan. 2025, doi: 10.38035/jlph.v5i2.1155.
- [25] R. Lukito, "'Compare But Not to Compare': Kajian Perbandingan Hukum di Indonesia," *Undang J. Huk.*, vol. 5, no. 2, pp. 257–291, 2022.
- [26] Nurhayati, "Rekonstruksi Konsep Retorative Justice dalam Pembaharuan Hukum Acara Pidana," M.S. thesis, Dept. Law. Eng., Islam Indonesia Univ., Yogyakarta, Indonesia, 2023.
- [27] J. Evans, S. McDonald, and R. Gill, "Restorative justice: The experiences of victims and survivors," *Vict. CRIME ISSUES* 11, p. 27, 2018.
- [28] U. Hasanah and T. Aulia, "Studi Komparasi: Restorative Justice Indonesia dan Belanda Sebagai Alternatif Penyelesaian Perkara Pidana," *SAPIENTIA VIRTUS*, vol. 9, no. 2, pp. 415–429, 2024.
- [29] M. Vooren, I. Rud, I. Cornelisz, C. Van Klaveren, W. Groot, and H. Maassen Van Den Brink, "The effects of a restorative justice programme (Halt) on educational outcomes and recidivism of young people," *J. Exp. Criminol.*, vol. 19, no. 3, pp. 691–711, Sep. 2023, doi: 10.1007/s11292-022-09502-4.

BIOGRAPHIES OF AUTHORS

	<p>I Made Agus Astra Wiguna Bachelor of Law at Legal Studies Program, Udayana University. Studien Bachelor by taking a concentration in Criminal Law. Then continued her Master's Studies at Udayana University, by taking a concentration in Criminal Law. Email: agusastrawiguna@gmail.com</p>
	<p>I Dewa Gede Dana Sugama Bachelor of Law at Legal Studies Program, Udayana University. Then continued his Master's Studies at Udayana University. After completing his Master's education, he continued his Doctoral Education in Criminal Law at Udayana University. Email: dana_sugama@unud.ac.id</p>