

GIVING VOICE TO CHILD VICTIMS: VICTIM IMPACT STATEMENTS AS A PATH TOWARD VICTIM-CENTERED JUSTICE

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Abstract

Sexual violence against children constitutes a grave violation of human dignity and causes long-term psychological and developmental harm. Although Indonesia's Law No. 12 of 2022 on Sexual Violence Crimes (UU TPKS) reflects a victim-oriented substantive framework, criminal procedure law remains largely offender-centered. Neither the current nor the newly enacted Criminal Procedure Code recognizes the Victim Impact Statement (VIS) as a formal mechanism for conveying victims' experiences during criminal proceedings. This study examines the urgency of VIS in realizing victim-centered justice and formulates a regulatory model for its integration into UU TPKS. Using normative juridical research with statutory, conceptual, and comparative approaches, the study analyzes relevant legislation, judicial regulations, and scholarly literature. The findings reveal a regulatory gap between substantive victim protection and procedural mechanisms. This article

proposes standardized VIS provisions to strengthen restorative justice and ensure judicial decisions reflect the recovery and dignity of child victims.

Keywords: Victim Impact Statement; Victim-Centered Justice; Sexual Violence;

Introduction

Sexual violence constitutes a grave violation of human dignity and fundamental rights, producing profound and long-lasting physical, psychological, social, and economic consequences for its victims.¹ Children are among the most vulnerable groups affected by sexual violence due to their dependency, limited capacity to resist abuse, and unequal power relations.² In response to this reality, Indonesia enacted Law of the Republik Indonesia Number 12 of 2022 on Sexual Violence Crimes (UU TPKS), which reflects a significant normative shift toward victim-centered justice by emphasizing protection, recovery, and restitution for victims, particularly children.³

Despite this progressive framework, the operation of Indonesia's criminal justice system continues to reflect a predominantly offender-oriented paradigm. Both the previous Criminal Procedure Code and the newly enacted Law of the Republik Indonesia Number 20 of 2025 primarily regulate the procedural rights of suspects and defendants. Although the new KUHAP introduces several reforms aimed at improving procedural fairness, victim protection, and procedural efficiency, the regulation does not explicitly provide a formal mechanism equivalent to the Victim Impact Statement (VIS) that allows victims to systematically communicate the broader consequences of crime during judicial proceedings. As a result, victims particularly children continue to be positioned mainly as evidentiary witnesses

¹ Rajandran, Malaika, "Sexual Violence and International Law", *Refugee Survey Quarterly*, vol. 23, no. 4 (2004), pp. 58–73.

² Anastasia Hana Sitompul, "Kajian Hukum tentang Tindak Kekerasan Seksual terhadap Anak di Indonesia," *Lex Crimen* IV, no. 1 (2015): 46–56.

³ Angelin N Lilua, "Perlindungan Hukum terhadap Anak sebagai Korban Kejahatan Seksual Menurut Hukum Pidana Indonesia," *Lex Privatum* IV, no. 4 (2016): 162–70.

rather than active participants whose experiences may inform judicial considerations.⁴

This limitation primarily reflects a normative gap within the procedural legal framework rather than merely an institutional shortcoming of criminal justice agencies. In other words, while institutions such as courts, prosecutors, and investigators may facilitate victim participation to a certain extent, the absence of explicit procedural provisions regulating VIS restricts the formal incorporation of victims' lived experiences into sentencing considerations.⁵ This gap becomes particularly problematic in cases of child sexual violence, where the harm suffered extends far beyond the factual elements of the offense and deeply affects the victim's psychological well-being, social relationships, and long-term development.⁶ Judicial decisions that rely solely on legal facts without adequately considering these broader impacts risk delivering formal legality while falling short of substantive and restorative justice.⁷

Scholarly discussions have increasingly emphasized the importance of victim-centered justice mechanisms in criminal proceedings. Several studies highlight the role of Victim Impact Statements in enabling victims to communicate the physical, psychological, social, and economic consequences of criminal acts to judicial authorities. For example, Erez argues that VIS strengthens victim participation by allowing courts to understand the real-life consequences of crime beyond the elements required for proving guilt. Similarly, Maulani and Windari emphasize that VIS functions as an important instrument for balancing the procedural position between victims and offenders in criminal proceedings. Other studies in the Indonesian context have discussed VIS primarily in relation to victim protection and restorative justice mechanisms, yet most of these

⁴ Anggi Mustavia Maulani and Rusmilawati Windari, "Victim Impact Statement Dalam Sistem Peradilan Pidana: Sebuah Urgensi Hukum," *Rechtidee* 17, no. 1 (June 2022): 27–53, <https://doi.org/10.21107/ri.v17i1.14369>.

⁵ Rani Hendriana, "Perlindungan Hukum Korban Tindak Pidana: Antara Desiderata Dan Realita," *Jurnal Kosmik Hukum* 16, no. 1 (2016): 30–33.

⁶ Rifqi Alif Darmawan et al., "Analysis of the Effectiveness of the Application of Restorative Justice in Criminal Cases in Indonesia," *Articles, Journal of World Science* 3, no. 5 (May 2024): 567–72, <https://doi.org/10.58344/jws.v3i5.612>.

⁷ Mudzakkir, "Kedudukan Korban Tindak Pidana Dalam Sistem Peradilan Pidana Indonesia Berdasarkan KUHP Dan RUU KUHP," *Jurnal Ilmu Hukum Universitas Muhammadiyah Surakarta* 14, no. 1 (March 2011): 28–62, <http://hdl.handle.net/11617/4190>.

discussions remain limited to theoretical perspectives or isolated procedural stages.

Comparative legal experiences demonstrate that many jurisdictions have formally integrated VIS into their criminal justice systems. In the United States, the Victims of Crime Act and subsequent legal reforms recognize the right of victims to submit impact statements before sentencing, allowing judges to consider the emotional, psychological, and financial harm suffered by victims. In the Netherlands, the *spreekrecht* (right to speak) enables victims or their relatives to address the court directly regarding the impact of the crime, particularly in serious offenses.⁸ Australia also incorporates VIS within sentencing procedures, where victims may submit written or oral statements that inform judicial sentencing considerations. Similarly, Finland allows victims to present statements describing the harm suffered as part of the broader framework of victim participation in criminal proceedings.⁹ These comparative experiences demonstrate that providing institutional space for victims' voices can contribute to sentencing decisions that reflect both legal accountability and restorative considerations.

In the Indonesian legal context, academic discussions on Victim Impact Statements remain limited. A review of recent publications indexed in Google Scholar indicates that only a small number of studies address Victim Impact Statements, and most of them focus on specific procedural stages or isolated legal issues.¹⁰ Notably, scholarly attention to Victim Impact Statements within the framework of UU TPKS, especially after the enactment of the new KUHAP, is still scarce.¹¹ This absence highlights a significant normative and scholarly gap, given that

⁸ Mohammad Kemal Dermawan, *Sosiologi Peradilan Pidana* (Jakarta: Yayasan Pustaka Obor Indonesia, 2015).

⁹ Zaeni Asyhadie and Arief Rahman, *Pengantar Ilmu Hukum* (Jakarta: Rajawali Press, 2016).

¹⁰ Edi Yunara and Taufik Kemas, "The Role of Victimology in the Protection of Crime Victims in Indonesian Criminal Justice System," *Mahadi: Indonesia Journal of Law* 3, no. 01 (February 2024): 63–78, <https://doi.org/10.32734/mah.v3i01.15379>.

¹¹ Yolanda Hosana, "Victim Impact Statement sebagai Perlindungan Hukum Korban Kekerasan Seksual," *Jurist-Diction* 5, no. 3 (May 2022): 1171–84, <https://doi.org/10.20473/jd.v5i3.35812>.

procedural law reform has not yet aligned with the victim-centered orientation promoted by substantive criminal law.¹²

The novelty of this article lies in its analysis of Victim Impact Statements within the contemporary Indonesian legal landscape, where UU TPKS coexists with a newly enacted KUHAP that has yet to accommodate victim-centered procedural instruments. This study is among the few in Indonesia to conceptualize a model of Victim Impact Statements specifically designed to achieve victim-centered justice in child sexual violence cases. By positioning Victim Impact Statements as a judicial tool that should be integrated into the adjudicative process, this research offers a forward-looking normative framework that bridges the gap between substantive victim protection and procedural criminal law.¹³

This article aims to examine the urgency and relevance of Victim Impact Statements in realizing victim-centered justice for child victims of sexual violence and to propose a concrete model of Victim Impact Statements applicable to Indonesian courts. By addressing the absence of explicit VIS regulation in both UU TPKS and the new KUHAP, this study seeks to contribute to the limited body of Indonesian legal scholarship and to provide practical guidance for judges. Ultimately, this research aspires to strengthen the implementation of UU TPKS by ensuring that judicial decisions not only punish perpetrators but also meaningfully recognize and restore the rights and dignity of child victims.

Method

This study employs normative juridical legal research to examine the position and potential integration of the Victim Impact Statement (VIS) within Indonesia's criminal justice system, particularly in relation to the protection of child victims of sexual violence under Law No. 12 of 2022 on Sexual Violence Crimes (UU TPKS). The research applies statutory, conceptual, and comparative approaches. The study is based on primary and secondary legal materials. Primary legal materials include relevant legislation such as UU TPKS, the Criminal Procedure Code

¹² Syamsul Fatoni, *Pembaharuan Sistem Pemidanaan Perspektif Teoritis Dan Pragmatis Untuk Keadilan* (Malang: Setara Press, 2016).

¹³ Edna Erez, *Victim Impact Statements* (Canberra, A.C.T.: Australian Institute of Criminology, 1991).

(KUHAP), Supreme Court Regulation No. 1 of 2022 concerning restitution and compensation for crime victims, and other related legal instruments. Secondary legal materials consist of academic literature, scholarly journal articles, books, and previous studies discussing victim protection, restorative justice, and Victim Impact Statements. Legal materials were collected through library research and analyzed using qualitative legal analysis. The analytical process involved interpreting relevant legal norms, identifying regulatory gaps within Indonesia's procedural framework, and conducting comparative analysis with jurisdictions that have formally incorporated VIS into their criminal justice systems. Through this process, the study formulates a victim-centered model of Victim Impact Statements applicable to cases of child sexual violence in Indonesia.

Child Victims and The Urgency of Victim Impact Statements in Sexual Violence Crimes

Sexual violence against children is a serious crime with far-reaching consequences, not only for the victim but also for the family and society.¹⁴ Children, as a vulnerable group, often face difficulties in voicing their experiences and suffering in a legal process that is more oriented toward the perpetrator.¹⁵ Therefore, a mechanism is needed to ensure that the victim's voice is heard and taken into consideration in the legal process. One of the instruments that can be used is the Victim Impact Statement (VIS), which provides an opportunity for victims to convey how the crime they experienced has impacted their lives in various aspects, including physical, emotional, social, and economic.¹⁶

As explained above, the definition of VIS can be concluded as a statement made by the victim or a representative of the victim regarding the impact caused by a criminal act. VIS becomes an essential instrument

¹⁴ Silvia Cahyadi, "Perspektif Hukum terhadap Perlindungan Anak Korban Kekerasan Seksual dalam Undang-Undang Nomor 12 Tahun 2022," *UNES Law Review* 6, no. 4 (2024): 305–11, <https://doi.org/10.31933/unesrev.v6i4>.

¹⁵ Dini Oktavia Putri, Wanda Hafisya, and Mahesa Arya Pratama, "Pencegahan dan Penanganan Tindak Kekerasan Terhadap Anak oleh Dinas Pemberdayaan Perempuan, Perlindungan Anak, Pengendalian Penduduk dan Keluarga Berencana (DP3KB) di Kabupaten Bintan," *Aliansi: Jurnal Hukum, Pendidikan dan Sosial Humaniora* 1, no. 6 (November 2024): 283–92, <https://doi.org/10.62383/aliansi.v1i6.613>.

¹⁶ *Loc. cit.*, Maulani And Windari, "Victim Impact Statement Dalam Sistem Peradilan Pidana."

in the victim-centered criminal justice system because it allows victims to express their suffering, whether physically, psychologically, socially, or economically, as a result of the crime committed by the perpetrator.¹⁷

Since the 1960s, many Western countries have reformed their criminal justice systems to enhance the legal position of crime victims in criminal proceedings. An important procedural right introduced in many jurisdictions is the possibility for crime victims to submit a VIS. As stated in the research by Robert Booth and Edgar:

“VIS allows victims (i.e., individuals directly targeted by the crime and family members of directly targeted individuals who died as a result of the crime) to tell legal decision-makers (i.e., jury members and/or judges), either orally – live on audio, or on video – or in written format.”

This means that VIS gives crime victims, including family members of victims who have died, a chance to communicate directly with legal decision-makers (jury members and/or judges) about the impact of the crime on their lives. This can be done orally, either live, through audio or video recordings, or in written form. The VIS describes the direct consequences experienced by the victim as a result of the crime and helps the judge consider the appropriate sentence before delivering the verdict to the defendant.¹⁸

The urgency of applying VIS in cases of sexual violence against children is high, considering that the impact of this crime can last a lifetime (long-term effect).¹⁹ Child victims often experience deep trauma, difficulties in social life, mental health issues, and barriers to education and careers.²⁰ Unfortunately, the current legal system still primarily focuses on punishing the perpetrator rather than the recovery of the victim. Although the Sexual Violence Crime Law (UU TPKS) provides a legal basis for restitution and victim recovery, its implementation remains suboptimal. VIS can serve as a solution to ensure that the victim's perspective is an essential part of the legal process.

¹⁷ Aulia Pasca Diprina and Diana Haiti, “Pernyataan Dampak Korban (Victim Impact Statement) Dalam Tindak Pidana Kekerasan Seksual,” *Badamai Law Journal* 9, no. 2 (2024).

¹⁸ *Loc. cit.*, Hosana, “Victim Impact Statement sebagai Perlindungan Hukum Korban Kekerasan Seksual.”

¹⁹ I Nyoman Adi Susila et al., “Urgensi Perlindungan Anak dari Kejahatan Seksual dalam Perspektif Hukum Adat di Kabupaten Buleleng,” *Kertha Wicaksana* 18, no. 1 (February 2024): 46–68, <https://doi.org/10.22225/kw.18.1.2024.46-68>.

²⁰ Khairunnisa Ulfadhilah, Pudir Saripudin, and Salsabila Dwi Nurkhaifah, “Penanganan Kekerasan Mental Anak (Pola Asuh yang Merusak Kekerasan Mental Anak Usia Dini),” *Jurnal Pendidikan Anak Usia Dini Indonesia* 03, no. 01 (2024): 1–16.

In addition to being part of the victim's recovery efforts, VIS is also aligned with the restorative justice theory, pioneered by Albert Eglash was an American psychologist, which emphasizes the restoration of victims and the repair of social relationships disrupted by crime.²¹ With VIS, victims or their families have the opportunity to directly express how the crime has affected their lives. This not only helps the victim in the emotional recovery process but can also influence the judge's considerations in issuing a verdict that better aligns with the crime's impact.

For comparison, several countries have successfully adopted VIS into their judicial systems. For example, the United States has integrated VIS since the 1980s through the Crime Victims' Rights Act, which gives victims the right to express the impact before a verdict is delivered.²² Canada has also recognized VIS since 1988, where VIS can be included in case files before a sentence is imposed. Australia applies VIS not only as part of the trial process but also as a basis for providing compensation to victims. The successful implementation of VIS in these countries shows that this instrument can have a positive impact on both victims and the criminal justice system as a whole.

In Indonesia, the implementation of VIS is not yet standardized in every case, particularly in cases of sexual violence against children. Therefore, several steps need to be taken to ensure that VIS can be applied more effectively. Although there is no specific VIS concept yet, access to justice for women and children has actually been a priority of the Supreme Court (MA) for over a decade. This commitment is evident through various concrete steps, including the establishment of the Women and Children Working Group in 2010 by the MA, based on the Supreme Court Decision No. 029/KMA/SK/II/2010 regarding the Establishment of the Working Group and Legal Study on Women and Child Protection, which was later updated through Supreme Court Decision No. 237/KMA/SK/HK2/XI/2024.²³ As part of its commitment, the MA has also drafted a Policy Paper on the Handling

²¹ Mochamad Sukedi and I Nengah Nuarta, "Keadilan Restoratif Sebagai Upaya Penyelesaian Tindak Pidana Dalam Sistem Hukum di Indonesia," *Jurnal Preferensi Hukum* 5, no. 2 (September 2024): 222–30, <https://doi.org/10.22225/jph.5.2.10415.222-230>.

²² Muhammad Abduh Jerusalem, "Pengaturan Victim Impact Statement Yang Berkeadilan Bagi Korban," *Branijaya Law Journal* 7, no. 1 (2020): 1–20.

²³ Prim Haryadi, "Kebijakan Dan Arahan Penerapan PERMA 1 Tahun 2022 Secara Konsisten Dan Efektif," Jakarta, Desember 2024.

of Sexual Violence against Women in the Workplace. This effort is a strategic step toward creating a safer work environment and supporting gender equality within the judicial institution.

The existence of Supreme Court Regulation No. 1 of 2022 on Procedures for the Settlement of Requests and Provision of Restitution and Compensation to Crime Victims, hereinafter referred to as PERMA No. 1 of 2022, details the mechanisms and procedures related to restitution and compensation. This PERMA was designed to provide comprehensive guidance to the courts in handling requests from crime victims, particularly sexual violence, human rights violations, and other crimes. The author argues that PERMA No. 1 of 2022 serves as a basis for determining a standardized format for VIS for child victims of sexual violence. To understand the structure of this PERMA, the following table presents the systematics of PERMA No. 1 of 2022:

Table 2. The Structure of Supreme Court Regulation (PERMA) No. 1 of 2022

The Structure of Supreme Court Regulation (PERMA) No. 1 of 2022	
Chapter I	General Provisions (Article 1)
Chapter II	Scope (Article 2)
Chapter III	Restitution Section One to Section Seven (Articles 3-15)
Chapter IV	Compensation Section One to Section Five (Articles 16-27)
Chapter V	Consolidation of Applications and Examination of Compensation with Restitution
Chapter VI	Implementation of Restitution and Compensation (Articles 30-32)
Chapter VII	Miscellaneous Provisions (Article 33)
Chapter VIII	Closing Provisions (Article 34)

Sources: Data processed from Supreme Court Regulation (PERMA) No. 1 of 2022 on Procedures for Settling Applications and Granting Restitution and Compensation to Victims of Criminal Acts.

Next, Chapter III of PERMA No. 1 of 2022 specifically regulates restitution, covering the court's authority, the rights of the victims, as well as the procedures for submitting and examining requests. The following is a detailed outline of the systematics outlined in Chapter III concerning restitution:

Table 3. Restitution

CHAPTER III RESTITUTION	
Section One	Court's Authority to Adjudicate (Article 3)
Section Two	Victim's Rights and Forms of Restitution (Article 4)
Section Three	Application Requirements (Article 5)
Section Four	Consolidation of Applications (Article 6)
Section Five	Deposit of Restitution Funds (Article 7)
Section Six	Submission and Examination of Applications Before a Final and Binding Court Decision (Articles 8-9)
Section Seven	Submission and Examination of Applications After a Final and Binding Court Decision (Articles 8-9)

Sources: Data processed from Supreme Court Regulation (PERMA) No. 1 of 2022 on Procedures for Settling Applications and Granting Restitution and Compensation to Victims of Criminal Acts.

The authority to adjudicate restitution is regulated in Article 3 of PERMA No. 1 of 2022, which states that the court hearing the case of the Perpetrator of the Criminal Act holds this authority. The forms of restitution regulated in Article 4 include: “compensation for the loss of property or income, material and immaterial compensation for the direct suffering caused by the criminal act, reimbursement of medical and/or psychological treatment costs, as well as compensation for other losses resulting from the criminal act.” As for the requirements for a restitution application, as outlined in Article 5, they include “the identity of the applicant, the identity of the victim (if the applicant is not the victim themselves), a description of the criminal act, the identity of the defendant/respondent, a description of the losses suffered, and the amount of restitution requested. Regarding the restitution application requirements for child victims, the application can be submitted by the parent, family, guardian, heir, legal representative, or the LPSK in writing in Indonesian and signed by the applicant or their representative. The application may be submitted directly to the head of the court or through LPSK, investigators, or public prosecutors.

A comparison of restitution as regulated in the TPKS Law and PERMA No. 1 of 2022 is as follows:

Table 4. Comparison of Restitution as Regulated in the TPKS Law and Supreme Court Regulation No. 1 of 2022

No	Comparison	Law No. 12/2022 On TPKS	PERMA No. 1 / 2022
1	Definition	Restitution is compensation imposed on the perpetrator, or a third party based on a legally binding court decision for material and/or immaterial losses suffered by the victim or their heirs.	Restitution is compensation given to the victim or their family by the perpetrator of the crime or a third party.
2	Purpose	To restore the victim's condition regarding material and immaterial losses due to a criminal act.	To provide guidelines for courts in determining the amount of restitution and the procedures to be followed.
3	Process	The victim may file a restitution request during legal proceedings, and the court has the authority to grant it.	Provides clear administrative steps for victims to apply for restitution and ensures their rights.
4	Perpetrator's Involvement	The perpetrator is required to provide restitution as part of criminal sanctions.	The court is responsible for ensuring that the restitution granted aligns with the losses suffered by the victim.

Sources: Data processed from Law No. 12/2022 on TPKS and PERMA No. 1/2022

Restitution may be requested in cases of "serious violations of human rights, terrorism, human trafficking, discrimination based on race and ethnicity, criminal acts involving children, as well as other crimes designated by the LPSK in accordance with applicable legal provisions. Meanwhile, compensation is specifically applied in cases of terrorism and serious human rights violations as regulated by the laws and regulations.

As a concrete example of the implementation of PERMA No. 1 of 2022, the researcher reviewed the decision of the Karanganyar District Court No. -/Pid.Sus/2024/PN Krg, where the LPSK filed a Restitution request for 6 (six) child victims, namely Victim Child 1, Victim Child 2, Victim Child 3, Victim Child 4, Victim Child 5, and Victim Child 6, with restitution components regulated in Article 3 of Government Regulation No. 43 of 2017 on the Implementation of Restitution for Child Victims. The Applicants, represented by their parents, requested the following compensation:

- a. Compensation for loss of wealth, namely the costs incurred by the applicants' parents due to the criminal event, including: a. Transportation and consumption costs incurred during the legal process and psychological examination. b. Loss of income of the applicants' parents;
- b. Compensation for suffering as a result of the criminal act, specifically related to the psychological impact experienced by the Applicants due to the incidents of sexual assault and/or abuse they endured;
- c. Reimbursement for medical and/or psychological treatment costs.

The total of these three components was submitted by the Applicants with the restitution claim as assessed by LPSK. Based on the reasonable value, the LPSK issued the following decision:

Table 5. List of Restitution Applicants and Decisions by LPSK

No	Decision Number	Name	Register Number	Decision
1	-	Child Victim 1	-	Restitution Calculation Approved at Rp16,940,000.00 (Sixteen Million Nine Hundred Forty Thousand Rupiah)
2	-	Child Victim 2	-	Restitution Calculation Approved at Rp12,970,000.00 (Twelve Million Nine Hundred Seventy Thousand Rupiah)
3	-	Child Victim 3	-	Restitution Calculation Approved at Rp12,808,200.00 (Twelve Million Eight Hundred Eight Thousand Two Hundred Rupiah)
4	-	Child Victim 4	-	Restitution Calculation Approved at Rp12,120,000.00 (Twelve Million One Hundred Twenty Thousand Rupiah)
5	-	Child Victim 5	-	Restitution Calculation Approved at Rp11,956,800.00 (Eleven Million Nine Hundred Fifty-Six Thousand Eight Hundred Rupiah)

6	-	Child Victim 6	-	Restitution Calculation Approved at Rp11,900,000.00 (Eleven Million Nine Hundred Thousand Rupiah)
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Sources: Witness and Victim Protection Agency (LPSK), Report and Restitution Submission No. -/-/PPP/LPSK/-/2024

Based on the table above, the panel of judges considered the restitution application through the LPSK, agreeing with what was outlined in the restitution letter. Therefore, it is deemed very appropriate and fair for the Child Victims who have suffered the impact of the criminal act to receive restitution. In its ruling, the panel of judges relied on Article 4 of PERMA No. 1 of 2022 and stated in the ruling that the Defendant is required to pay restitution in the same amount as calculated by LPSK.

This decision demonstrates that the restitution request submitted through the LPSK reflects the articulation of the victims' losses and suffering, which in substance resembles the function of a Victim Impact Statement (VIS) in conveying the consequences experienced by victims of crime. Nevertheless, it is important to emphasize that restitution should not be considered the primary objective of a VIS. Rather, VIS primarily functions as a mechanism that enables victims to communicate the physical, psychological, social, and economic impacts of the crime they experienced, thereby ensuring that the victim's perspective is acknowledged within the judicial process.

In this regard, VIS does not constitute binding evidence for judges; instead, it serves as a complementary consideration that may assist judges in understanding the broader impact of the crime when determining an appropriate sentence or other judicial measures. Through this mechanism, the experiences and suffering of victims can be more meaningfully reflected in judicial deliberations, which contributes to a more victim-centered approach within the criminal justice system.

However, the implementation of VIS within Indonesia's criminal justice system still faces several challenges, particularly in terms of

regulatory clarity, the awareness and capacity of law enforcement officials, and the availability of adequate support mechanisms for victims. Addressing these challenges requires a comprehensive approach grounded in legal theory, particularly Lawrence M. Friedman's legal system theory, which identifies three essential components of a legal system: legal structure, legal substance, and legal culture. Based on this framework, the challenges in implementing VIS can be explained as follows:

First, in the legal structure, law enforcement officers, including judges, prosecutors, and investigators, need to receive intensive training on the urgency and procedures for implementing VIS. This training aims to ensure that VIS is genuinely considered during the trial process and not merely a formality.

Second, regarding the legal substance, clearer and more binding regulations concerning VIS must be established to be applied consistently in every case of child sexual violence. This can be done through the revision of the Criminal Procedure Code (KUHAP) and the drafting of derivative regulations from the TPKS Law, which regulate the procedures and format of VIS in detail. Existing regulations, such as the TPKS Law and PERMA No. 1 of 2022, still need further clarification through more detailed implementing regulations to avoid different interpretations in practice.

Third, the legal culture of law enforcement officials and society also poses a major obstacle to the implementation of VIS. There is still a conservative paradigm among law enforcement officers who view VIS as an additional aspect that does not need to be considered in the judicial process. Moreover, public awareness of the victim's right to submit a VIS is still low, meaning many victims are unaware that they have this right.

All in all, VIS has a high level of urgency in realizing justice for victims of child sexual violence. By providing space for victims to directly convey the impact of the crime, VIS can help create rulings that are more focused on the victim's recovery.²⁴ Although the implementation of VIS in Indonesia still faces challenges, various strategic steps such as drafting specific regulations, training law enforcement officials, supporting victims, educating the public, and

²⁴ Heru Susetyo, "Fulfillment and Protection Of Procedural Rights Of Victims Of Terrorism On Victim Impact Statements (Vis) In The Indonesian Criminal Justice System," n.d.

continuous monitoring and evaluation can serve as solutions to strengthen the application of VIS in Indonesia's criminal justice system. Thus, justice that is more favourable to victims can be achieved, and it will have a long-term effect in enhancing protection for children as a vulnerable group in society.²⁵

Standardized Victim Impact Statement (VIS) Model for Victims of Child Sexual Violence

At present, Indonesia's criminal justice system does not explicitly regulate the Victim Impact Statement, particularly in cases of sexual violence.²⁶ As a result, victims' rights to convey the impact of the harm they have suffered are not clearly accommodated within the existing legal framework.²⁷ Victims are primarily positioned as witnesses who provide testimony limited to what they have seen, heard, or directly experienced. This procedural role, however, does not adequately address the need for victims to articulate the profound emotional, physical, psychological, and social consequences resulting from sexual violence. The Victim Impact Statement should therefore function as a dedicated space for victims, as well as their families who experience secondary harm, to express their suffering in a comprehensive and dignified manner.²⁸ VIS is not merely an evidentiary instrument, but a form of humanitarian recognition that affirms victims' experiences as an essential component of justice. Through VIS, victims' voices are acknowledged as legitimate considerations for judges in determining

²⁵ Ataka Badrudduja and Yeni Widowaty, "Analisis Pemenuhan Hak Atas Restitusi Terhadap Anak Sebagai Korban Tindak Pidana Kekerasan Seksual," *Indonesian Journal of Criminal Law and Criminology (IJCLC)* 4, no. 2 (September 2023): 57–68, <https://doi.org/10.18196/ijclc.v4i2.19115>.

²⁶ Anang Riyan Ramadianto, Milda Istiqomah, and Nurini Aprilianda, "Victim Impact Statement as a Model of Victim-Centered Justice in Child Sexual Abuse Cases," *Jurnal Hukum IUS QUILA IUSTUM* 32, no. 2 (August 2025): 337–60, <https://doi.org/10.20885/iustum.vol32.iss2.art4>.

²⁷ Badrudduja and Widowaty, "Analisis Pemenuhan Hak Atas Restitusi Terhadap Anak Sebagai Korban Tindak Pidana Kekerasan Seksual."

²⁸ Ashley Benitez, *How Victim Impact Statements Can Affect Judges' Emotions And Sentencing Decisions*, 2024, 1–40.

sentences that not only enforce the law but also respond humanely to the injuries endured by victims.²⁹

In principle, both victim testimony and Victim Impact Statements may serve as important considerations for judges during criminal proceedings.³⁰ Judges may provide opportunities for victim-witnesses to convey matters they deem relevant, including their expectations regarding the court's decision. Nevertheless, the scope and function of VIS differ fundamentally from ordinary witness testimony. VIS may be delivered not only by direct victims, but also by family members or other parties who suffer the consequences of the crime.³¹ This distinction is particularly significant in cases where child victims experience severe psychological trauma, such as post-traumatic stress disorder, are unable to testify, or have died. In such circumstances, VIS enables the articulation of harm that would otherwise remain unheard within the formal trial process.³²

Based on comparative legal analysis and core victim-protection principles, the future regulation of Victim Impact Statements in cases of child sexual violence should draw upon best practices from other jurisdictions. Accordingly, this study proposes the incorporation of a dedicated section on Victim Impact Statements into Undang-Undang Nomor 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual (UU TPKS), as follows.

²⁹ Muhammad Saef El Islam and ImasNovita Juaningsih, "Victim Impact Statement As The Restoration Of The Rights Of Victims In Law Number 12 Of 2022 On Sexual Violence," *Pancasakti Law Journal* 1, no. 12 (2022), <https://doi.org/10.24905/plj.v1i2.43>.

³⁰ Muhammad Abduh Jerusalem, "Prospek Pengaturan Victim Impact Statement Dalam Pengambilan Keputusan Pembebasan Bersyarat Narapidana Di Indonesia" (Thesis, Universitas Gadjah Mada, 2024).

³¹ Hervina Puspitosari and Bintara Sura Priambada, "Victim Impact Statement Model in Criminal Justice System in Restorative Justice Perspective," *SHS Web of Conferences* 54 (2018): 07006–07006, <https://doi.org/10.1051/shsconf/20185407006>.

³² Dini Oktavia Putri, Wanda Hafisyah, and Mahesa Arya Pratama, "Pencegahan dan Penanganan Tindak Kekerasan Terhadap Anak oleh Dinas Pemberdayaan Perempuan, Perlindungan Anak, Pengendalian Penduduk dan Keluarga Berencana (DP3KB) di Kabupaten Bintan."

Table 6. Proposed Addition to UU TPKS

Part Four Victim Impact Statement		
No	Article	Addition
1	Article 72A	<p>Definition of Victim Impact Statement</p> <p>A Victim Impact Statement, hereinafter referred to as VIS, is a statement submitted by the victim, the victim’s family, or legal representative describing the physical, psychological, emotional, social, and or financial impacts arising from a sexual violence offense. VIS constitutes a form of victim participation in the criminal justice process and serves as a judicial consideration in sentencing.</p>
2	Article 72B	<p>Right to Submit a VIS</p> <p>Victims, their family members, or legal representatives have the right to submit a VIS during court proceedings. Where victims are unable to submit a VIS due to psychological conditions, age, physical limitations, or death, submission may be made by family members, legal representatives, or public prosecutors based on victim assistance and assessment results. The submission of a VIS does not diminish the evidentiary value of victim testimony within criminal procedure.</p>

3	Article 72C	Forms and Procedures of VIS Submission VIS may be submitted in written form, audio or video recordings, oral statements before the court, or through an official representative. For child victims, VIS submission must employ child-sensitive approaches appropriate to the child's age and psychological condition, accompanied by psychological support, legal assistance, and or parents or guardians. VIS may be delivered in open or closed court sessions based on the victim's request or judicial considerations to prevent secondary trauma.
4	Article 72D	Access and Protection of VIS VIS shall be submitted to the panel of judges and may be accessed by public prosecutors for sentencing considerations. VIS may not be accessed or reproduced by defendants or their legal counsel without the victim's written consent or a court order. Courts are obligated to ensure the confidentiality of VIS contents to protect victims' privacy, security, and psychological recovery, particularly in cases involving children.
5	Article 72E	Legal Weight of VIS in Judicial Consideration

		VIS constitutes a lawful non-evidentiary consideration for judges in determining the severity of sentences. VIS assists judges in understanding the comprehensive impact of the offense, assessing victims' recovery needs, and balancing justice between victims and offenders. VIS shall not serve as the primary basis for proving criminal elements.
6	Article 72F	<p>Enhanced Protection for Child Victims</p> <p>VIS submitted by or on behalf of children must adhere to child protection principles, including age-appropriate communication, freedom from intimidation, and holistic trauma handling. Courts are required to provide child-friendly courtrooms, professional assistance tailored to children's needs, and dedicated time for VIS submission when necessary.</p>

In addition, it is important to consider recent developments in Indonesia's criminal procedural framework, particularly the provisions of the new Criminal Procedure Code (KUHAP) that increasingly recognize the role of victims within criminal proceedings. Although the regulation of Victim Impact Statements (VIS) has not yet been explicitly standardized in detail, the evolving procedural paradigm emphasizes greater participation of victims and the acknowledgment of their rights during judicial processes. Within this context, the integration of VIS into the legal framework, particularly under the TPKS Law, would complement these developments by providing a structured mechanism

through which victims may formally communicate the consequences of the crime they experienced.

Furthermore, the legal implications of VIS within judicial proceedings must also be considered. Since VIS functions as a non-evidentiary judicial consideration rather than binding proof, judges retain discretion in determining the weight given to the statement. However, if a VIS is submitted but not considered in judicial reasoning, this may raise concerns regarding the fulfilment of victims' procedural rights and the principle of fair and balanced justice. In such circumstances, legal remedies may be pursued through available procedural mechanisms, including appellate review or cassation, particularly where the omission reflects a failure to consider relevant aspects of the victim's suffering that should have been addressed in judicial reasoning. Therefore, the regulation of VIS should also clarify that courts are obliged to acknowledge the existence of a submitted VIS within the judgment's legal considerations, even if the judge ultimately assigns limited weight to it. This approach ensures transparency, accountability, and stronger protection of victims' participatory rights within the criminal justice system.

From the perspective of Satjipto Rahardjo's theory of legal protection, the proposed regulation of VIS reflects the understanding that law is not merely a rigid system of rules, but a means to liberate individuals from suffering and injustice, particularly those who are structurally marginalized, such as victims of sexual violence and children.³³ The proposed Articles 72A to 72F signify a paradigmatic shift from a legalistic approach toward a humanistic legal framework that recognizes victims as active legal subjects rather than procedural accessories.

Satjipto Rahardjo strongly criticized legal systems that pursue formal justice while neglecting substantive justice. In criminal proceedings, victims' voices are often disregarded because they fall outside formal evidentiary structures. The recognition of VIS as a non-evidentiary judicial consideration embodies substantive justice by acknowledging victims' suffering as a legitimate reality deserving judicial attention, even if it does not constitute formal proof of criminal liability.

³³ M. Zulfa Aulia, "Hukum Progresif Dari Satjipto Rahardjo," *Undang: Jurnal Hukum* 1, no. 1 (June 2018): 159–85, <https://doi.org/10.22437/ujh.1.1.159-185>.

According to Rahardjo, legal subjects include not only offenders and the state, but also those affected by legal processes, namely victims. Good law elevates victims as participants rather than mere complements within the justice system. The proposed VIS framework formally recognizes victims as active legal subjects with autonomous rights to articulate their suffering through mechanisms that are fair, safe, and dignified. At the same time, VIS does not compromise defendants' rights, as it is not used as a means of criminal proof, thereby preserving procedural fairness while enhancing moral justice.

The integration of VIS into UU TPKS demonstrates the state's commitment to placing victims, particularly children, at the center of criminal justice processes. VIS is not merely a channel for expressing suffering, but an affirmation of victims' rights to participation and recognition. This regulatory model is expected to strengthen restorative justice principles, reduce power imbalances between victims and offenders, and ensure that judicial decisions reflect not only legal norms but also humanitarian considerations. Consequently, incorporating VIS into Indonesia's criminal justice framework represents a critical step toward a more responsive, empathetic, and just legal system for victims of sexual violence.

Conclusion

This study concludes that the absence of an explicit Victim Impact Statement (VIS) mechanism within Indonesia's criminal procedure framework constitutes a significant barrier to the realization of victim-centered justice for child victims of sexual violence. Although Law of the Republik Indonesia Number 12 of 2022 on Sexual Violence Crimes reflects a progressive commitment to victim protection, recovery, and restitution, both the previous and the newly enacted KUHAP continue to marginalize victims by confining them to a passive evidentiary role. The findings demonstrate that the multidimensional harm suffered by child victims psychological, emotional, social, and developmental cannot be adequately addressed through conventional witness testimony alone. By proposing a standardized VIS model to be integrated into the UU TPKS, this study bridges the normative gap between substantive victim protection and procedural criminal law, while ensuring that victim participation does not undermine defendants' procedural rights. Viewed through the lens of victim-centered and

humanistic legal protection, the institutionalization of VIS represents a critical step toward achieving substantive and restorative justice, strengthening judicial sensitivity to victims' lived experiences, and ensuring that criminal adjudication in cases of child sexual violence reflects not only legal accountability but also humanity and dignity.

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