

The strategy for fulfilling restitution payments for victims of human trafficking criminal acts

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Abstract: The right of every citizen to obtain equality and status before the law, as well as the fulfillment and acquisition of their rights. Restitution is compensation for victim assistance, as a fundamental right of law enforcement for human trafficking crimes, and mandatory provisions to be fulfilled by perpetrators for the consequences of the criminal acts committed. Since Law No. 21 of 2007 was enacted, the fulfillment of victims' rights has not been optimally implemented or facilitated at all. Previous research found two decisions at the Medan District Court; until now, the payment order has had no meaning for the convict, thus causing neglect and disregard for the rights that the victim has expected. The finding of this failure to pay, when associated with the calculation of losses concluded by the Witness Victim Protection Agency, between the amount concluded, the amount decided by the judge, and the amount of the perpetrator's ability to pay, has a considerable gap. It proves the opportunity for this criminal decision to be set aside. Based on these findings, it is necessary to conduct a study to improve the strategy for achieving the intended justice. This study is legal research conducted through a case approach and legal concepts; the aim is to find solutions to the evaluation process using existing legal regulations.

Keywords: Fulfilment, Human, Restitution, Trafficking crime, Victims.

1. Introduction

The principle of law should be able to uphold protection (*Iustitia protective*) for every human being in protecting interests; if the law functions firmly against violators, of course, the law is seen as being able to realize the value of justice. In achieving punishment, Andi Hamzah stated that the achievement system has developed into a more humane and rational system. Initially, in the practice of the criminal procedure system, the position of the victim was sometimes less considered because the legal provisions were still based on the protection of the perpetrator (*Offender-oriented*), not yet directed at the safety of the victim (*Defender-oriented*).

Recognition of victims' rights in the current criminal justice system has given a role to the victims so that their fundamental rights are fulfilled. One of them is that the victim receives notification from the judicial institution regarding the development of case handling. Therefore, the essence of reforming criminal law in Indonesia is more meaningful as an effort to reorient and renew criminal law with the basic idea of adjusting to the characteristics [1] of social, political values, social, philosophical values, and socio-cultural values of the Indonesian nation in the formulation of *social policy*, *criminal policy*, dan *law enforcement policy*.

Mudzakkir argued, quoted from Budi Suharyanto, the form of fulfilment of the victim's rights in the criminal policy system is the restoration of losses suffered by the victim. It is an effort to maximize victim protection in the context of the restitution mechanism through reformulating the provision as in

the context of the philosophy of punishment oriented towards "restorative justice" [2]. Restitution is identified as one approach to alleviating the losses experienced by the victim. In the legal framework, restitution refers to compensation given to the victim or his family by the perpetrator or a third party, which aims to replace losses due to the crime that occurred [3].

Besides having normative juridical meaning, law is also attached as a social meaning that describes the conditions of how the law works in society. The social meaning will be compared to efforts to achieve the principle of the rule of law with the principle of supremacy of law, which is considered good and fair [4]. However, the social meaning of the intention of the two principles will be different if seen from the practice in reality. If faced with the justiciable will have distinct differences and different economic capabilities.

The imprisonment process is a relatively complex form of punishment whereby imprisoning someone for a mistake will result in suffering. Still, it has an impact on the state's losses to meet needs and also losses to the person concerned not getting income. This situation, when viewed against the idea of the purpose of Radbruch [5] law, is the achievement of justice [6]. As in achieving this justice, of course, it will be seen from 3 (three) inherent values, although sometimes, in the field of fact, its synchronization is complex to unite. For example, the value of achieving justice can be measured from a reciprocal approach to achieving fairness and equality. The value of attaining legal benefits can be calculated from intermediaries in achieving goals, and the value of attaining certainty has been regulated with certainty in existing norms.

Based on previous preliminary research, the criminal restitution payment decision has not been optimally implemented [7]. In addition, in several journals, the same conclusion was found concerning the judge's decision on restitution that the convict has not fulfilled as the judge's decision. The convicts tend to claim to be financially incapable as ordered by the court judge, who ultimately tends to choose to serve an alternative prison rather than fulfil the obligation to pay restitution. his provision is quite worrying, concluding that the decision to pay compensation is useless. So, developing a restitution model that genuinely meets the objectives of improving and rehabilitating victims affected by criminal acts is necessary.

This initial assumption is also reinforced by the results of the calculation tracing carried out by the Witness Victim Protection Agency regarding the amount of compensation to be decided. The annual report of the Witness Victim Protection Agency for 2022 and 2023 describes the effectiveness of the implementation of payments as very far from expectations [8], not by the calculation process that was concluded. The results of the calculation with the Convict's ability are described as follows:

Table 1.

The restitution payment report in 2022-2023 is described as follows.

Year	LPSK Calculation (In Rupiah)	Total Prosecutor's Demands (In Rupiah)	Total Judge's Verdict (In Rupiah)	Amount of the Perpetrator's Will (In Rupiah)
Januari-Maret 2022	3,171,075,859.00	629,331,360.00	697,833,485.00	0
2022 April-Desember	5.700.000.000,00	1.600.000.000,00	1.100.000.000,00	131.000.000,00
2023	11.404.105.701,00	2.560.477.682,00	1.817.237.894,50	22.463.000,00

Source: LPSK Report Data 2022-2023.

The results of the report submitted by LPSK as an institution competent in calculating victim losses, from the initial conclusion with the ability of the perpetrator himself, are very contradictory. As with the January-March calculation in 2022, the calculation figures were fantastic, but the final result expected by the perpetrator's ability was zero rupiah and then the April-December 2022 report, between the calculations produced and those decided by the judge were reconnected with the perpetrator's ability

to pay Rp 131,000,000.00 and the condition in 2023, the final result of payment with the amount of loss concluded due to criminal acts, only 1% was able to be paid by the perpetrator.

Starting from this problem, it is considered important to conduct a Criminal Law Policy Evaluation to find a formulation of strategic efforts to maximize the restitution payment process for victims of human trafficking. This evaluation process is expected to see a format that encourages perpetrators to be willing and aware of their moral obligations, as the restitution decision handed down is a binding legal provision to be implemented.

2. Method

This study is intended to examine the efforts to achieve discipline from legal norms in achieving legal benefits in the process of restitution compensation to victims. Using the statute and case approaches, the aim is to answer the problems to be studied [9]. The data collection process is carried out through literature studies and field studies. The field study was conducted through interviews and FGD (Focus Group Discussion) involving Law Enforcement Officers, namely Judges, Prosecutors, Police, and Advocates. LPSK, Victim Companions and Academics.

Relating to the emphasis of Radbruch [5] legal theory on the concept of legal objectives. Radbruch takes an approach here through empirical and normative culture; in other words, Radbruch [5] combines two methods, namely normative and empirical [10] as law can be based on the knowledge and willingness of law enforcers to achieve justice for the parties.

3. Analysis and Discussion

3.1. Implementation of Restitution Payments Through District Court Decisions

Human trafficking crimes often go unnoticed, and the economic and financial difficulties of the victims, ultimately vulnerable to exploitation by the perpetrators through offers of promises to be able to support their living needs. Because of the compulsion, the victims ignore and are less critical in assessing job offers due to the pressure of fulfilling urgent living needs. So, regarding the conditions of the crime of the recruitment process for the placement of workers abroad, it is not uncommon for their documents to be held by the recruiter or employer; in law enforcement, they become the perpetrators. This is because the victim cannot stand the conditions of the work situation and dares to run away even without an identity, finally getting into a new legal problem as a trafficker. As was found during an interview when the Ministry of Social Affairs distributed an emergency assistance program for victims of human trafficking, let's call it "Sri" (not her real name) from Serdang Bedagai, North Sumatra Province, was forced to languish for three years in Sungai Udang Melaka prison, Malaysia. Starting from the conditions of the work placement experienced by Sri, not according to the agreement, unable to stand the work conditions, finally ran away. To survive, Sri sells small things, and unexpectedly, Sri's business grows and has several members to develop the catering business unit jointly. Finally, Sri was caught in a raid by the Malaysian police and charged with the crime of human trafficking based on employing several Indonesian citizens who live together without permission and identity. Finally, Sri was sentenced to 4 years in prison in neighbouring Malaysia.

Reviewing the provisions of Article 6 of the Palermo Protocol, which mandates steps that focus on protecting victims of human trafficking, which more explicitly states that "each State must "consider the implementation of measures to provide for the physical, psychological and social recovery [for] victims of human trafficking," the basis of this provision mandates that participating countries that have ratified the Convention immediately take steps to protect them from becoming victims again.

The form of this commitment before the ratification of Law No. 4 of 2009 concerning the Ratification of the Palermo Protocol, the protection of victims of the crime of human trafficking had been explicitly formulated in Law No. 21 of 2007 concerning the Eradication of Human Trafficking (Anti-Human Trafficking Law). The form of commitment to the attention of victims is in the form of the right to restitution, which must be given by the perpetrator of the crime of human trafficking as compensation to the victim.

Interpreting victim protection, Barda Nawawi Arief revealed that the context of his understanding can be seen from the position:

1. Protection of victims so as not to become victims of criminal acts in the sense of protecting human rights or a person's legal interests;
2. Protection to obtain legal guarantees/compensation for the suffering/losses of people who have become victims of criminal acts. The form of compensation here can be in the form of restoring a good name (rehabilitation), restoring inner balance can be in the form of forgiveness, or providing compensation (restitution, compensation, social welfare guarantees/compensation).

The formulation of compensation punishment in Law No. 21 of 2007 concerning the Eradication of Criminal Acts of Human Trafficking, in its policy concept, is an additional punishment whose status is the same as the imposition of the main sentence. In developing the politics of criminal law reform, this restitution principle has an important position because it contains the values and ethical demands of one law, as its provision can be made 14 days after the verdict is read (vide Article 48 paragraph (6) of Law No. 21 of 2007).

To maximize the criminalization process for compensation, formal legal references have placed the Witness and Victim Protection Agency (LPSK) as the vanguard in making efforts to facilitate the rights of victims before or after a court decision (vide Article 7A paragraph (4) & (5) of Law No. 31 of 2014 concerning Amendments to the Protection of Witnesses and Victims. The authority of the sentencing determines the amount of compensation. This formulation of the amount of compensation becomes a reference for the Public Prosecutor to combine his demands to obtain a decision that has permanent legal force from the court.

The maximum fulfilment of the restitution rights of victims of human trafficking, as described in the background, has not been optimally implemented. One of the reasons for the provisions of the right to restitution not being optimal, Lukman Hakim concluded, was because the victims did not know their rights, and even law enforcement officers did not inform them about the victims' rights from the start. In addition, it was also found that law enforcement officers did not know how to provide the proper restitution mechanism.

The statement above is in line with the findings of research results on the imposition of restitution payments granted in several district courts. As the process of measuring the effectiveness of the achievement of existing decision policies, it was simulated after 1 (one) year of enacting the policy of Law No. 21 of 2007 until 2023 by dividing 5 (five) years, namely:

Table 2.
Court Decision for Restitution Payment for the Period 2008-2012.

Register and Year	Verdict
The decision of the Tanjung Karang District Court No. Reg. 1663/PID/B/2008/PN.TK	Granting the lawsuit/demand for restitution even though the amount is not as large as that demanded, namely Rp. 10,000,000,- (ten million rupiah)
Medan District Court Decision Number 1554/Pid.B/2012/PN.MDN	The combined verdict is a 3-year prison sentence, a fine of 120 million, subsidiary to 2 months and restitution of Rp. 64,700,000.
Cibadak District Court in 2012 with Number 396/Pid.B/2012/PN.Cbd	Eight years imprisonment, a fine of 200 million subsidiary three months, restitution of Rp. 10 million, if restitution is not paid subsidiary three months
The decision of the South Jakarta District Court Number: 550/Pid/Sus/2012/PN.JKT.Sel, dated June 13, 2012	The verdict grants restitution of Rp. 150,000,000,- (one hundred and fifty million rupiah) subsidiary to 6 (six) months imprisonment. The judge's ruling on the restitution of Rp. 60,000,000,- (sixty million rupiah) subsidiary to 6 (six) months imprisonment

Source: Analysed from the primary source, accessed from the Supreme Court website.

The certainty of the four decisions found in the research, until now, the court order has yet to be effectively implemented, namely the Tanjung Karang Court Decision in 2008, which annulled the imposition of restitution on the convict, amounting to Rp. 10,000,000, - (ten million rupiah) has yet to

be implemented. Likewise, the Medan District Court Decision Number 1554 / Pid.B / 2012 / PN.MDN, the Prosecutor, has been unable to carry out the execution process. Likewise, the Cibadak District Court Decision 2012 with Number 396 / Pid.B / 2012 / PN.Cbd, the results of the investigation, the convict here filed an appeal and cassation, and it was found that the High Court and Supreme Court annulled the restitution payment order because the calculation provisions made by the Prosecutor were unclear.

Table 3.

Period Year 2013-2017.

Register and Year	Verdict
West Jakarta District Court Decision in 2013, No.2044/Pid.Sus/2013/PN.JKT-Bar	Imprisonment sentence of 1 year, a fine of 40 million subsidiary five months, pay restitution of Rp. 1,100,000,000,- (one billion one hundred million rupiah) to 56 witnesses each Rp. 20,000,000,- if not paid, then the defendant will serve a substitute/subsidiary imprisonment for 5 (five) months imprisonment (restitution is implemented)
East Jakarta District Court Decision No: 55/PID.SUS/2014/PN.JAK.TIM	Imprisonment for 4 (four) years and a fine of Rp. 120,000,000,- (one hundred and twenty million rupiah) replaced with imprisonment for 3 (three) months, paying restitution to the victim witnesses of Rp. 20,000,000,- (twenty million rupiah) each, a total of Rp. 120,000,000,- if the defendant does not pay within 14 (fourteen) years, then the sentence will be replaced with imprisonment for 3 (three) months.
Verdict 1083/Pid.B/2015/PN.Mdn	A prison sentence of 18 (eighteen) years, a fine of Rp. 120,000,000 - if the fine cannot be paid, replaced with imprisonment for 3 (three) months and restitution of Rp. 25,000,000, -
Tual District Court, Case of trafficking of Myanmar citizens (Benjina Tragedy), respectively: 1. Number 105/Pid.Sus/ 2015/PN Tul (Human Trafficking) (3 years imprisonment & Restitution of Rp. 129,900,000) 2. Number 106/Pid.Sus / 2015/PN TUL, (Non Restitution) 3. Number 107/Pid.Sus/2015/PN. Tul (Human Trafficking) (3 Years Imprisonment & Rp. 335,300,000 Restitution,- 4. Number: 108/Pid.Sus/2015/PN.TUL. (Human Trafficking) (3 Years Imprisonment & Rp. 49,800,000 Restitution,- 5. Number109/Pid.Sus/2015/PN.Tul (Human Trafficking) (3 Years Imprisonment & Rp. 239,900,000 Restitution,- 6. Number 110/Pid.Sus/ 2015/PN TUL (Human Trafficking) (3 Years Imprisonment & Rp. 18,400,000 Restitution,- 7. Number: 111/Pid.Sus/2015/PN.TUL (Human Trafficking). (non-restitution) 8. Number: 112/Pid.Sus/2015/PN.TUL (Human Trafficking) (Non-Restitution)	In 5 case registers, with separate case concepts, each captain and shipping company paid restitution of (Rp. 937,300,000) to several victims (several media sources reported that only four convicts were willing to pay, amounting to Rp. 438,000,000.

Source: Analysed from the primary source, accessed from the Supreme Court website.

The findings as per the payment process of the 2013-2017 Decision that the perpetrator could pay were in the following decisions:

1. Decision No.2044/Pid.Sus/2013/PN.JKT-Bar, amounting to Rp. 1,100,000,000,- (one billion one hundred million rupiah) to 56 witnesses. This ability to pay is described in the verdict as the perpetrator, in several witness statements during the examination, explained the perpetrator's good faith for the mistakes made and has paid some of the Victim's rights. In addition, there is

- also a point in the verdict considerations explaining the possibility of mediation between the Victim and the defendant, as well as a statement of the defendant's statement that he is willing and able to pay compensation for Rp. 1,120,000,000,- (one billion one hundred twenty million rupiah) to 56 ABK, with each Victim receiving Rp. 20,000,000,-/person.
2. Tual District Court Decision: Information was obtained from 5 decisions that imposed additional criminal penalties for compensation payments, and only four convicts were willing to pay restitution. The Convict's ability to pay was only intended for eight victims, with an amount of Rp. 438,000,000, while the payment order in the court decision was Rp. 773,300,000,-. The ability and willingness of the perpetrators did not match the conditions imposed by the court decision, meaning that there was still a difference that the perpetrators had not paid, namely Rp. 335,000,0000 (three hundred and thirty-five million rupiah).
 3. Decision Number: 55/Pid.Sus/2014/PN.Jak.Tim and Decision Number 1083/Pid.B/2015/PN.Mdn was found to have not been implemented until now; this was obtained directly from the public prosecutor concerned when conducting an information search to confirm the restitution settlement process for the Victim's family. Different information was obtained from the Perpetrator's Attorney directly regarding Decision Number 1083/Pid.B/2015/PN.Mdn, the perpetrator, had paid compensation before the public prosecutor read the demands; the attorney also attached this when reading the defence note in court. The compensation payment process referred to by the perpetrator's attorney is the best practice process achieved at the Medan District Court, as in addition to the restitution sentence imposed on the Convict, the family of the deceased Victim has also received compassionate costs outside the court with the consideration of restoring the Victim's rights that were neglected as a form of restorative justice [11].

Table 4.
Period Year 2021-2023.

Register and Year	Verdict
Cikarang Court Decision Number 592/Pid.Sus/2021/PN. Ckr	Imprisonment for 4 (four) years and a fine of Rp. 120,000,000.00 subsidiary imprisonment for 1 (one) month, restitution for victim Ani Nurani of Rp. 34,669,000.00 (thirty-four million six hundred and sixty-nine thousand rupiahs) and victim Nengyati Binti Saliri Kamad of Rp. 28,941,150,- subsidiary imprisonment for 2 (two) months.
The Decision of the Tanjung Karang District Court Number 376/Pid.Sus/2022/PN Tjk, dated September 8, 2022	Imprisonment for 10 (ten) months, Restitution to 6 (six) victims, with the following values: Rina Fitriyani of Rp. 6,090,000, - Tri Agustini of Rp. 6,674,500, - Siti Khodijah of Rp. 10,873,500, - Supriyatin of Rp. 2,107,871, Eka Santika of Rp. 8,170,180, Reni Pupita of Rp. 7,093,820. If the Defendant is unable to pay it, it will be replaced with imprisonment for 2 (two) months
Decision Number: 527/Pid.Sus/2023/PN.Dps	Sentencing the Defendant to 4 (four) years in prison and a fine of Rp. 200,000,000.00 (two hundred million rupiah) with the provision that if the fine is not paid, it will be replaced with imprisonment for 3 (three) months, Ordering the Defendant to pay restitution of Rp. 366,000,000 to the victim witnesses as detailed (in the Decision)

Source: Analysed from the primary source, accessed from the Supreme Court website.

The results of the data findings from the three decisions above, in the investigation that has been carried out, show that two decisions facilitating restitution payments to victims have been implemented, namely Decision Number 592 / Pid. Sus / 2021 / PN. Ckr and Decision of the Tanjung Karang District Court Number 376 / Pid.Sus / 2022 / PN Tjk, while Decision No. 527 / Pid.Sus / 2023 / PN. Dps, has not been implemented to this day.

The results of the criminal procedure process from the sample decisions above show that in achieving the law, the state, through its power tools, has realized responsibility by imprisoning the

perpetrators who have made mistakes. However, the results of the decision have not relieved or healed the victim because restitution is an additional punishment. Hence, the perpetrators are more dominant in choosing a substitute sentence for imprisonment. The provisions of the norm, which are the implications of constitutional protection, its application cannot be realized, so the obligation to pay and the provisions can confiscate assets cannot be implemented as legal obligations.

3.2. Restitution Payment Process Strategy for Victims of Human Trafficking

The concept of restitution from a victimological perspective focuses on repairing or restoring physical, moral, and property losses experienced by the victim. It also emphasizes the victim's position and rights about the crime's perpetrator. Restitution indicates the perpetrator's responsibility and shows a corrective purpose in the realm of criminal cases.

Restitution can be carried out referring to a court order (Vide Article 1 paragraph 13 of Law No. 21 of 2007), as quoted from Anderson Ryan, explaining that the perpetrator is required to provide financial compensation to the victim for the costs and losses incurred as a result of the perpetrator's crime. However, it is essential to note that restitution usually does not include compensation for pain and mental suffering, as with civil legal remedies, but instead focuses more on the actual losses suffered by the victim.

Restitution's essence lies in repairing or providing compensation for any losses, damage, or injury caused by the perpetrator to the victim. Margery Fry revealed that apart from being for the victim, restitution benefits the perpetrator by providing the perpetrator with self-improvement values in taking responsibility for their actions, even though it cannot wholly free them from their guilt.

Barda Nawawi Arief explained that criminalization aims to:

1. Prevent criminal acts by enforcing legal norms for the protection of society.
2. Require convicts to guide them so that they become excellent and valuable people.
3. Resolve conflicts caused by criminal acts, restore balance and bring a sense of peace to society.
4. Free the convict from guilt.

Furthermore, it is also emphasized that criminalization is not intended to cause suffering and degrade human dignity.

The law can be a social control tool (*a tool of social control*) that functions as a social control and conflict resolution approach aimed at inviting, ordering, and even forcing. In addition, the law can also control consciousness (*a Tool of Social Engineering*) by encouraging them to be willing and aware to carry out and comply with the decision or punishment. If it is related to the fulfilment of the rights of victims of several existing choices, it is essential to link the understanding and knowledge of the associated elements to maximize the process of fulfilling restitution.

The results of an interview with one of the Prosecutors (ic. Rizky Putradinata [12]), namely Decision No. 592 / Pid.Sus / 2021 / PN.Ckr is the strategy for success in paying restitution compensation for Rp. 63,610,450, - from the perpetrator, due to: [12].

- a. In the process of perfecting the filing, it was found that there was a flow of funds in the perpetrator's account, thus making it easier for APH (Investigators and Prosecutors) to block and confiscate the account; the funds became evidence for the Prosecutor in the trial.
- b. After the completion of the evidence, the Prosecutor entrusted the funds to the LPSK team, which was intended as payment of restitution compensation for two victims in the case being tried;
- c. Furthermore, to strengthen the sense of awareness of the perpetrators, the Public Prosecutor provides an understanding that they will have difficulty obtaining the right to obtain remission in reducing the sentence if the person concerned does not carry out the verdict order properly, namely additional punishment in the alternative, because the Prosecutor's recommendation is needed by the Convict if he wants to apply for the right to obtain remission of the sentence, thus facilitating the willingness of the perpetrator to carry out obligations including paying fines and compensation.

Also related to the failure of low payments in several decisions, the ability factor of the perpetrator himself is one factor that needs to be ensured. As conveyed by the Head of the General Crimes Section of the Stabat Prosecutor's Office, it is necessary to carry out the process of tracing the perpetrator's assets early on to be able to provide certainty of the implementation of the compensation claim that is to be submitted as well as efforts to adjust the calculations to be carried out by the LPSK team.

In the sociological concept, legal protection of victims is interpreted as an effort by the state to create a harmonious relationship of trust towards its citizens by realizing service guarantees in the form of fair law enforcement; one form of protection is the provision of compensation or restitution. The form of compensation, as emphasized in Law No. 31 of 2014 concerning Amendments to the Law on Protection of Witnesses and Victims, states that compensation can be in compensation and restitution. Compensation is an obligation of the state, while restitution is an obligation of the perpetrator of the crime.

Normatively, coercive power and submission of restitution are still regulated differently in several existing laws; in addition to Law No. 21 of 2007, the scope of restitution is also regulated in the Law on Amendments to the Protection of Witnesses and Victims, PP No. 7 of 2018 concerning the Provision of Compensation, Restitution and Assistance to Witnesses and Victims. As a reference for obtaining restitution compensation, synergy and integration are needed in an integrated criminal justice system. Synchronization or simultaneity and harmony are the main things in an integrated justice system; as Mulyadi said, it should be:

1. Structural synchronization is simultaneity and harmony within the framework of the relations between law enforcement agencies.
2. Substantive synchronization is simultaneity and vertical and horizontal harmony in relation to positive law.
3. Cultural synchronization is simultaneity and harmony in experiencing views, attitudes and philosophies that underlie the running of the criminal justice system.

Looking at achieving the legal objectives, Radbruch [5] emphasized the legal objectives in 3 (three) achievements, namely justice, benefit and legal certainty. This achievement will see the primary priority value to be achieved and how the final results of the restitution process can be implemented [13]. Quoting the adaptation put forward by Radburch, we must prioritize priorities, where the priority is justice, benefit, and certainty. The priority offered here is a standard priority, with the primary priority position being justice. If there is a choice between the three values, namely between justice and benefit, then the value of justice must be prioritized [14]. When the value of benefit with certainty becomes a choice, benefit is the choice [15].

In Describing the low success of the payments found, an evaluation needs to be carried out for synergy and harmony from the institutions that hold the system in publishing victims' rights. In terms of finalizing the payment request submitted before or after the trial [16], there is a recommendation from the Witness and Victim Protection Agency with general transmission to work together to ensure that the payment process can be carried out, and the court will maximize reporting through electronic and non-electronic media announcements regarding restitution that has been carried out (vide Article 32 paragraph (3) PP No. 7 of 2018).

The maximization of this synergy is not limited to the application process in determining the amount of compensation to be submitted. Still, the course also concerns the priority of the perpetrator's ability to fulfil the compensation claim to be submitted. As the meaning of justice is not merely wanting revenge on the perpetrator [17] crime is a way to recognize the principle of justice by encouraging efforts to improve and move the order of the punishment system by identifying the needs of the victim and being motivated to improve the injustice suffered by the perpetrator.

4. Conclusion

The amount of compensation that has been successfully assessed, of course, becomes useless if what is decided by the court, through the order to pay restitution to the perpetrator, is only accompanied by

the election to carry out additional criminal penalties. So that the justice that the victim dreams of in recovering from trauma and returning to their social condition is not realized.

Maximizing the restitution payment strategy depends on the synergy that is built through the institutional elements of the criminal justice system. The willingness of the perpetrator to choose the responsibility to pay compensation on the order of the court decision depends on the remaining awareness and form of morality in the perpetrator. Of course, the ability of the judicial elements, including the Witness and Victim Justice Institution, is at the forefront in ensuring the ability of the perpetrator to be willing to carry out his responsibility in restoring the victim's condition by providing the material ability of the perpetrator so that the coercive power warned in the decision can be realized.

Transparency:

The authors confirm that the manuscript is an honest, accurate, and transparent account of the study; that no vital features of the study have been omitted; and that any discrepancies from the study as planned have been explained. This study followed all ethical practices during writing.

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