

Reform of Sexual Crimes in the National Criminal Code: Perspectives on Restorative Justice and Victim Protection

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Abstract

The enactment of the new Indonesian Criminal Code (KUHP) represents a significant milestone in the reform of national criminal law, particularly in addressing sexual offenses. This reform is not only reflected in the expansion of offense definitions and the recalibration of criminal sanctions, but also in the formal recognition of restorative justice approaches and the strengthening of victim-centered protection mechanisms. This article aims to examine the extent to which restorative justice principles are incorporated within the new Criminal Code and to assess their implications for the fulfillment of victims' rights in cases of sexual crimes. The study employs a normative legal research method, utilizing statutory and conceptual approaches through an analysis of the new Criminal Code, the Law on Sexual Violence Crimes, as well as relevant legal literature and national academic journals. The findings indicate that, at the normative level, the new Criminal Code provides legal space for the application of restorative justice as an alternative mechanism for resolving criminal cases, including certain categories of sexual offenses. Nevertheless, the implementation of this approach continues to face substantial challenges, particularly the risk of victim marginalization, power imbalances between offenders and victims, and the inadequacy of restitution and recovery mechanisms. Consequently, more explicit regulatory frameworks, clear implementation guidelines, and a stronger victim-oriented perspective are required to ensure that restorative justice practices do not undermine substantive justice or the protection of victims' fundamental rights in sexual crime cases.

Keywords: *Criminal Code Reform, Sexual Crimes, Restorative Justice, Victim Protection, Restitution.*

INTRODUCTION

Sexual offenses constitute a form of criminal conduct with profound and multidimensional consequences. Beyond physical harm, such crimes often inflict long-term psychological, social, and economic suffering on victims. Within the framework of criminal law, sexual crimes are frequently classified as extraordinary crimes due to their complex nature, their frequent occurrence within unequal power relations, and the heightened vulnerability of victims. Consequently, the regulation and handling of sexual offenses require a legal approach that extends beyond offender punishment and places equal, if not greater, emphasis on comprehensive victim protection and recovery (Ramanda, 2025).

For many years, Indonesia's criminal justice system has been criticized for its limited responsiveness to the interests and needs of victims of sexual violence. The former Criminal Code (KUHP), inherited from the Dutch colonial legal system, predominantly categorized sexual crimes as offenses against morality and public order rather than violations of individual rights. As a result, victims were often marginalized within criminal proceedings, relegated primarily to the role of witnesses without adequate guarantees of protection, restitution, or psychological recovery (Yuliantini, 2015).

Criticism of the retributive paradigm in criminal law has intensified alongside growing global awareness of victim-centered justice. A punishment-oriented approach, which prioritizes

retribution against offenders, is increasingly viewed as insufficient in addressing the complex harms suffered by victims, particularly in cases of sexual violence that generate enduring trauma. In many instances, custodial sentences imposed on perpetrators fail to meaningfully restore victims' psychological well-being, social dignity, or sense of justice (Prasetyo & Herawati, 2022).

In response to these systemic shortcomings, Indonesia undertook comprehensive criminal law reform through the enactment of the new National Criminal Code. This reform represents an effort to modernize the criminal justice system in alignment with Pancasila values, evolving societal dynamics, and international human rights standards. One of the most significant innovations introduced by the new Code is the incorporation of restorative justice as an alternative framework for resolving certain criminal cases. This paradigm emphasizes the restoration of relationships among offenders, victims, and the community, while encouraging accountability and responsibility for the harm caused (Roychan et al., 2023).

Restorative justice is widely regarded as a more humane approach, as it reframes crime not merely as a violation of state law, but as a harm inflicted upon individuals and social relationships. Under this perspective, criminal resolution processes are expected to provide victims with meaningful opportunities to express their experiences, articulate their suffering, and obtain forms of redress that contribute to genuine recovery.

Nevertheless, the application of restorative justice in cases involving sexual offenses has generated substantial debate. On the one hand, restorative mechanisms offer the potential for more holistic victim recovery through restitution, rehabilitation, and acknowledgment of wrongdoing by offenders. On the other hand, critics warn that restorative processes may inadvertently place victims at greater risk, particularly when dialogue occurs within contexts marked by unequal power relations or when safeguards against coercion and revictimization are insufficient (Karjono et al., 2024).

These concerns are especially salient given that sexual crimes often arise within hierarchical relationships, such as those between employers and employees, teachers and students, or even within familial settings. In such circumstances, victims may experience social, psychological, or economic pressure to consent to restorative settlements despite not being fully prepared or positioned on equal footing with perpetrators. Therefore, the implementation of restorative justice in sexual offense cases must be approached with extreme caution and grounded firmly in victim protection principles (Rizqian, 2021)

In parallel with the enactment of the new Criminal Code, the promulgation of Law Number 12 of 2022 on Sexual Violence Crimes (UU TPKS) marked a critical advancement in strengthening legal protection for victims. The UU TPKS explicitly adopts a victim-oriented framework by comprehensively regulating victims' rights, including access to handling, protection, recovery services, and restitution. This legislation reflects the state's commitment to shifting the criminal justice paradigm from an offender-centered model toward a victim-centered approach (Elfa & Rayhan, 2025).

Furthermore, the UU TPKS broadens the legal definition and scope of sexual violence, moving beyond traditional conceptions limited to physical force or sexual penetration. This progressive approach enables the legal system to address a wider range of sexual violence acts that previously fell outside the reach of criminal law. Importantly, the UU TPKS also provides a normative basis for the application of restorative justice, while maintaining the primacy of victims' interests and safety (Naim et al., 2025).

Despite these normative advancements, the relationship between the new Criminal Code (KUHP) and the UU TPKS in addressing sexual offenses presents unresolved conceptual and practical challenges. One key issue concerns the potential overlap and tension between regulatory frameworks, particularly with respect to restorative justice mechanisms and victim recovery provisions. While the Criminal Code creates space for restorative resolution, the UU TPKS

establishes strict limitations designed to prevent revictimization. This duality necessitates careful legal harmonization to avoid uncertainty in law enforcement practices. Research (Wibawa et al., 2025) highlights that without harmonization, the coexistence of KUHP's restorative provisions and UU TPKS' strict limitations can generate legal ambiguity and risk secondary victimization.

In practice, law enforcement authorities continue to face difficulties in operationalizing restorative justice appropriately in sexual offense cases. The absence of detailed technical guidelines, inconsistencies in interpretation among legal actors, and limited institutional resources often hinder the effective implementation of victim protection principles. (Safii, 2024) emphasizes that insufficient understanding among legal practitioners and social pressures on victims are significant barriers to implementing restorative justice in a way that prioritizes victim recovery, while (Alifah, 2025) notes that without clear procedural guidance, restorative justice risks undermining accountability and failing to meet the rights and needs of victims. As a result, restorative justice risks being reduced to a formalistic reconciliation process that fails to deliver substantive recovery for victims.

Additionally, entrenched patriarchal norms and social stigma surrounding sexual violence remain significant structural barriers within the criminal justice system. Victims frequently experience secondary victimization through protracted legal procedures, invasive questioning, or pressure to pursue informal settlements in order to preserve family or institutional reputations. In this context, criminal law reform cannot be confined to normative changes alone, but must also be accompanied by transformative shifts in legal culture and societal attitudes.

Accordingly, an examination of sexual offense reform under the new Criminal Code from the perspective of restorative justice and victim protection is both timely and necessary. Such an analysis seeks not only to assess the extent to which recent legal reforms address victims' needs, but also to identify potential risks and implementation challenges. Ultimately, this study aims to contribute both academically and practically to the development of a more just, humane, and human rights-oriented criminal justice system.

Based on this background, the present article focuses on two principal issues. First, how the reform of sexual offense regulation within the new Criminal Code incorporates restorative justice principles. Second, how the application of these principles affects the protection and fulfillment of victims' rights in sexual offense cases. By addressing these questions, the article seeks to offer a critical assessment of the trajectory of Indonesia's criminal law reform and to propose normative recommendations for strengthening victim protection within a restorative justice framework.

RESEARCH METHODS

This study adopts a normative legal research method, which focuses on the examination of positive legal norms, legal doctrines, and relevant legal principles. Normative legal research is considered appropriate because this study primarily analyzes the legal regulation of sexual offenses under the new Indonesian Criminal Code and its relationship with restorative justice principles and victim protection as articulated in statutory provisions and legal scholarship (Rizkia & Fardiansyah, 2023).

The research employs two main approaches: the statutory approach and the conceptual approach. The statutory approach involves a systematic review of legal instruments governing sexual offenses, including the new National Criminal Code, Law Number 12 of 2022 on Sexual Violence Crimes, as well as implementing regulations and policy frameworks related to the application of restorative justice within the criminal justice system. Through this approach, the study identifies relevant legal norms, examines the scope of regulation, and evaluates the coherence and harmonization between applicable laws.

In addition, the conceptual approach is utilized to analyze legal concepts, principles, and theories related to restorative justice, victim protection, and the objectives of punishment in modern criminal law. This approach is essential for exploring the philosophical and theoretical foundations underlying criminal law reform, particularly in assessing the compatibility of restorative justice with the distinctive characteristics of sexual offenses, which often involve power imbalances and heightened victim vulnerability.

The legal materials used in this research are categorized into primary, secondary, and tertiary sources. Primary legal materials consist of binding legal instruments, such as the National Criminal Code and the Law on Sexual Violence Crimes. Secondary legal materials include national academic journals, criminal law textbooks, previous research findings, and scholarly opinions addressing restorative justice and victim protection. Tertiary legal materials serve as supporting references, including legal dictionaries and legal encyclopedias.

Legal materials were collected through library research by identifying, classifying, and reviewing sources relevant to the research issues. The collected materials were subsequently analyzed using a normative qualitative analysis method, which involves systematic, grammatical, and teleological interpretation of legal norms to achieve a comprehensive understanding of the objectives and implications of the legal framework under examination.

The analysis is conducted using a descriptive-analytical method by elaborating in detail the regulation of sexual offenses within the new Criminal Code and comparing it with restorative justice principles and victim protection provisions under the Law on Sexual Violence Crimes. Through this approach, the study aims to provide an in-depth assessment of the strengths, limitations, and implementation challenges of restorative justice in handling sexual offense cases, while also formulating normative recommendations to enhance victim protection within Indonesia's criminal justice system.

RESULTS AND DISCUSSION

Result

1. Reform of the Regulation of Sexual Offenses under the National Criminal Code

- a. The National Criminal Code introduces significant changes compared to the former Criminal Code, including terminological adjustments, reformulation of offense elements, and a shift in the paradigm of understanding sexual crimes.
- b. Sexual offenses are now increasingly framed as infringements on bodily integrity, human dignity, and individual human rights, rather than solely as violations of public morality or social order.
- c. Victims are recognized more clearly as injured parties, although normative attention to recovery remains limited (Masania, 2015)
- d. Classification of sexual offenses aligns with human rights principles and Pancasila values.
- e. Victim recovery mechanisms such as rehabilitation, psychosocial assistance, and post-crime recovery are not yet fully integrated, creating continued reliance on UU TPKS.

Table 1. Comparison of Sexual Offense Regulation under the Former Criminal Code and the National Criminal Code

No	Regulatory Aspect	Former Criminal Code	National Criminal Code	Legal Implications
1	Fundamental paradigm	Focus on public morality and decency	Focus on individual protection and human dignity	Shift from a moralistic to a human rights-based approach

2	Construction of sexual offenses	Viewed as violations of social norms	Viewed as violations of bodily integrity and personal dignity	Recognition of direct harm to victims
3	Position of victims	Treated primarily as witnesses	Increasingly recognized as injured parties	Expanded recognition of victim status, though still limited
4	Regulatory focus	Elements of offenses and criminal sanctions	Reformulated offense elements	Continued dominance of punitive orientation
5	Sentencing approach	Retributive	Moving toward corrective and limited restorative models	Transitional shift in punishment paradigm
6	Victim recovery regulation	Not regulated	Regulated in a limited manner	Continued reliance on UU TPKS
7	Value orientation	Public order	Human rights and Pancasila values	Alignment with human rights principles

The Position of Restorative Justice in the Handling of Sexual Offenses

- The National Criminal Code provides normative space for restorative justice in certain sexual offenses.
- Restorative justice emphasizes victim recovery and offender accountability, aiming to acknowledge victims' suffering and encourage offenders' responsibility (Zaidun & Setiyono, 2024)
- Implementation risks include power imbalances, victim trauma, and social pressures, which can undermine voluntariness and cause secondary victimization (Batubara et al., 2025; Zahrah & Taun, 2023).

Table 2. Analysis of Restorative Justice in the Handling of Sexual Offenses

No	Analytical Aspect	Characteristics of Restorative Justice	Implications for Sexual Offenses
1	Primary objective	Victim recovery and offender accountability	Victim recovery must remain the central priority
2	Position of the victim	Principal subject in the resolution process	Risk of coercion in cases of power imbalance
3	Role of the offender	Acknowledgment of wrongdoing and repair of harm	Admission must be free from manipulation
4	Forms of resolution	Dialogue, agreement, restitution	Must be accompanied by victim support and assistance
5	Implementation risks	Formal reconciliation without substantive recovery	Potential for revictimization
6	Ideal conditions	Voluntary consent and robust victim protection	Requires specific regulations and technical guidelines
7	Compatibility with the National Criminal Code	Normatively recognized	Lacks detailed operational regulation

Victim Protection within the Framework of the National Criminal Code and the Law on Sexual Violence Crimes

- a. The National Criminal Code focuses on criminal acts and offender liability, with limited regulation for victim protection (Trisna & Mubarak, 2017)
- b. UU TPKS explicitly adopts a victim-centered approach, guaranteeing rights to handling, protection, recovery services, legal and psychological assistance, and restitution (Probilla et al., 2021; Saladin, 2020).
- c. Coexistence of KUHP and UU TPKS creates harmonization challenges, particularly in restorative justice implementation (Sidabutar & Syahrin, 2023).
- d. Implementation depends on institutional capacity, inter-agency coordination, and access to victim support services.

Table 3. Challenges in Implementing Restorative Justice in Sexual Offense Cases

No	Implementation Aspect	Normative and Practical Findings	Implications for Victim Protection
1	Victim position in restorative processes	The National Criminal Code does not explicitly designate victims as primary subjects in restorative mechanisms, leaving their participation largely discretionary and dependent on law enforcement judgment.	Risk of marginalizing victims' interests in decision-making processes related to case resolution.
2	Balance of power relations	Sexual offenses often involve psychological, social, or economic power imbalances between offenders and victims, which may influence victims' consent in restorative processes.	Potential for revictimization and psychological pressure during mediation or restorative dialogue.
3	Capacity of law enforcement	Law enforcement officials often lack a comprehensive victim-centered perspective and adequate understanding of restorative justice in sexual offense cases.	Risk of trauma-insensitive implementation and failure to meet victims' recovery needs.
4	Victim recovery instruments	Regulations concerning restitution, psychological rehabilitation, and social recovery in the National Criminal Code remain general and lack clear technical mechanisms.	Suboptimal victim recovery, with reliance on sectoral regulations outside the Criminal Code.
5	Regulatory coordination	Harmonization between the National Criminal Code and the UU TPKS remains insufficient, particularly regarding restorative justice implementation.	Legal uncertainty and potential normative overlap in victim protection.

Harmonization between the National Criminal Code and the Sexual Violence Crimes Law within a Victim Protection Framework

- a. KUHP provides general principles and space for restorative justice.
- b. UU TPKS serves as *lex specialis*, focusing on victim-centered protection and institutional coordination
- c. Misalignment may risk victim rights being overlooked if only KUHP is applied.

Table 4 Harmonization of Sexual Offense Regulations between the National Criminal Code and the UU TPKS

No	Regulatory Aspect	National Criminal Code	UU TPKS (Law No. 12 of 2022)	Juridical Implications
1	Regulatory Character	General in nature as a national criminal law codification governing basic principles of punishment and criminal liability.	Specific (<i>lex specialis</i>) legislation regulating diverse forms of sexual violence in detail.	Requires firm application of the principle <i>lex specialis derogat legi generali</i> in law enforcement practice.
2	Approach to Victims	Victim protection is addressed implicitly and in a limited manner within offender-oriented punishment.	Adopts a victim-centered approach, positioning victims as primary subjects.	Potential reduction of victim rights if only the National Criminal Code is applied.
3	Restorative Justice	Provides general opportunities for restorative justice within the criminal justice system.	Does not prioritize restorative settlement, emphasizing victim protection and recovery instead.	Restorative justice must be applied selectively and without compromising victims' interests.
4	Restitution and Recovery	Regulates restitution and victim recovery in broad normative terms.	Specifies detailed mechanisms for restitution and medical, psychological, and social rehabilitation.	Victim protection is more comprehensive under the UU TPKS framework.
5	Role of the State	Emphasizes the state's role in law enforcement and punishment.	Explicitly mandates state responsibility for prevention, case handling, and victim recovery.	Reinforces the paradigm of an active state presence in protecting victims of sexual violence.
6	Institutional Coordination	Lacks specific provisions on cross-sectoral coordination mechanisms.	Regulates coordination among service institutions, law enforcement agencies, and local governments.	Calls for regulatory harmonization and clear technical implementation guidelines.

Discussion

Reform of the Regulation of Sexual Offenses under the National Criminal Code

The normative analysis indicates that the National Criminal Code introduces substantial changes in the regulation of sexual offenses when compared to the former Criminal Code inherited from the colonial legal system. These reforms are reflected not only in terminological adjustments and the reformulation of offense elements, but also in a fundamental shift in the underlying paradigm for understanding sexual crimes. Whereas the previous Criminal Code largely conceptualized sexual offenses as violations of public morality and social order, the National Criminal Code increasingly frames them as serious infringements upon bodily integrity, human dignity, and individual human rights.

This paradigmatic shift reflects the legislature's growing awareness that sexual crimes can no longer be perceived merely as moral or decency-related issues. Sexual violence produces direct and often long-lasting consequences for victims, encompassing physical harm, psychological trauma, and social marginalization. Consequently, a criminal law approach that overly emphasizes moral considerations is no longer adequate to address the complexity of sexual offenses in contemporary society. The National Criminal Code attempts to move beyond this outdated framework by broadening the definition and scope of sexual crimes in order to better correspond with evolving social realities.

Furthermore, the reform of sexual offense regulation demonstrates an effort to align national criminal law with human rights principles and the foundational values of Pancasila. The classification of sexual offenses as violations of human dignity is consistent with the principle of respect for humanity and justice. In this context, criminal law functions not only as a repressive mechanism to punish offenders, but also as a protective instrument designed to safeguard vulnerable individuals from sexual violence and exploitation.

Nevertheless, the analysis reveals that despite its progressive reformist intent, the National Criminal Code has not fully embraced a victim-centered approach. The regulatory emphasis remains largely focused on the formulation of criminal acts and offender liability, while victim recovery mechanisms receive limited normative attention. In many provisions, victims continue to be positioned primarily as evidentiary instruments within the criminal justice process, rather than as rights-bearing subjects entitled to comprehensive protection and recovery (Masania, 2015)

This limitation suggests that the reform embodied in the National Criminal Code represents a transitional phase between a predominantly retributive paradigm and a more humanistic model of criminal justice. Although the importance of victim protection is acknowledged, concrete regulations concerning victims' rights such as rehabilitation, psychosocial assistance, and post-crime recovery have not yet been fully integrated into the sentencing system of the National Criminal Code. As a result, victim protection in sexual offense cases remains heavily dependent on legal instruments outside the Criminal Code, particularly the Law on Sexual Violence Crimes (UU TPKS).

The Position of Restorative Justice in the Handling of Sexual Offenses

Restorative justice constitutes a key concept introduced through criminal law reform under the National Criminal Code. This approach signifies a departure from a punishment-centered system toward a model of criminal resolution that prioritizes the restoration of harm caused by criminal conduct. Within the restorative justice framework, crime is understood not only as a violation of state authority, but also as an event that produces tangible harm to victims and disrupts social equilibrium within the community.

Normative analysis demonstrates that the National Criminal Code provides legal space for the application of restorative justice in the resolution of certain criminal cases, including specific categories of sexual offenses. The recognition of this approach reflects an effort to humanize criminal law and to enhance its responsiveness to substantive justice. Restorative justice is expected to offer victims acknowledgment of their suffering while encouraging offenders to assume meaningful responsibility for the harm they have caused (Zaidun & Setiyono, 2024)

Despite these normative aspirations, the application of restorative justice in cases of sexual violence presents complex challenges. Unlike conventional criminal offenses, sexual crimes frequently occur within unequal power relationships, such as familial, occupational, or educational contexts. These structural imbalances may place victims in vulnerable positions, exposing them to psychological, social, or economic pressure if restorative mechanisms are implemented without adequate safeguards (Zahrah & Taun, 2023).

A number of scholarly studies caution that restorative justice practices in sexual violence cases are susceptible to misinterpretation as mere reconciliation efforts. In practice, dialogue or mediation processes may be used to persuade victims to accept settlement agreements for the benefit of offenders or perceived social stability, without sufficient consideration of the victim's trauma, consent, or readiness to participate. Such practices risk producing secondary victimization and undermining the core objective of restorative justice as a mechanism for victim recovery (Batubara et al., 2025).

Victim Protection within the Framework of the National Criminal Code and the Law on Sexual Violence Crimes

Victim protection constitutes a central element in addressing sexual offenses, given that the harm caused by such crimes extends beyond physical injury to include psychological, social, and economic consequences. Normative analysis reveals that the National Criminal Code has not yet provided comprehensive regulation concerning the protection of victims of sexual offenses. The primary focus of the Code remains on the formulation of criminal offenses and the imposition of sanctions on offenders, while victim protection and recovery are addressed only implicitly and have not been fully integrated into the sentencing system.

This limitation indicates that, despite its reformist orientation, the National Criminal Code continues to reflect an offender-oriented paradigm. In cases of sexual violence, such an approach poses significant concerns, as victims often experience prolonged trauma that cannot be remedied solely through the punishment of perpetrators. In the absence of adequate protection and recovery mechanisms, victims remain vulnerable to revictimization, both within the criminal justice process and in their broader social environment (Trisna & Mubarak, 2017).

In contrast, Law Number 12 of 2022 on Sexual Violence Crimes (UU TPKS) explicitly adopts a victim-centered approach. This legislation formally recognizes and guarantees a wide range of victims' rights, including the right to handling, protection, recovery services, legal and psychological assistance, and restitution. Such provisions represent a substantial shift in Indonesia's criminal justice system, repositioning victims from passive objects of judicial proceedings to rights-bearing legal subjects whose interests must be actively safeguarded by the state (Saladin, 2020).

The analysis further demonstrates that the UU TPKS places strong emphasis on preventing secondary victimization at every stage of the criminal justice process. Provisions concerning the confidentiality of victims' identities, access to psychosocial and legal support, and the prohibition of practices that blame or stigmatize victims constitute progressive measures aimed at fostering a more victim-sensitive justice system. In this regard, the UU TPKS functions as a corrective legal instrument that addresses the shortcomings of the National Criminal Code in accommodating the needs and interests of victims of sexual violence (Probilla et al., 2021).

Nevertheless, the coexistence of these two legal frameworks also presents distinct challenges. Normative findings indicate a potential lack of harmonization between the National Criminal Code and the UU TPKS, particularly with respect to the application of restorative justice and non-litigation settlement mechanisms. While the National Criminal Code provides normative space for restorative approaches, the UU TPKS imposes strict limitations designed to protect victims from coercion and unequal power relations. Without clear harmonization guidelines, these differing approaches risk generating confusion in law enforcement practice (Sidabutar & Syahrin, 2023).

Moreover, the effectiveness of victim protection is heavily influenced by the institutional capacity of law enforcement agencies and the availability of support services. Although the UU TPKS establishes a strong normative foundation, its implementation continues to face practical obstacles, including limited resources, insufficient victim-centered understanding among law enforcement officers, and weak inter-agency coordination. These challenges may impede the

effective fulfillment of victims' rights, particularly in regions with restricted access to recovery and assistance services.

Accordingly, restorative justice must be applied with caution, under strict conditions, and with a primary focus on the best interests of the victim. Without strong guarantees of psychological protection and meaningful recovery, restorative justice risks undermining its own objectives and obscuring the fundamental goals of victim protection and substantive justice.

Harmonization between the National Criminal Code and the Sexual Violence Crimes Law within a Victim Protection Framework

One of the critical challenges in reforming the regulation of sexual offenses in Indonesia lies in the insufficient harmonization between the National Criminal Code (KUHP Nasional) and Law Number 12 of 2022 on Sexual Violence Crimes (UU TPKS). Normatively, the National Criminal Code functions as a general codification of criminal law that establishes fundamental principles of punishment and criminal liability. In contrast, the UU TPKS serves as a *lex specialis*, specifically designed to regulate various forms of sexual violence and to provide detailed mechanisms for victim protection. Nevertheless, scholarly analysis indicates that the relationship between these two legal instruments still presents areas of overlap and ambiguity in practical application.

The National Criminal Code reflects a more humane orientation by allowing space for restorative justice and socially oriented sentencing. However, its regulatory framework remains largely general and does not explicitly articulate victims' rights in a comprehensive manner, such as rights to restitution, psychological rehabilitation, legal assistance, and social reintegration. Conversely, the UU TPKS adopts a more progressive stance by positioning victims at the center of the legal process through comprehensive provisions on integrated services and the state's obligation to ensure victim recovery (Kurniawati & Nuraeni, 2023)

This lack of synchronization may generate practical dilemmas in law enforcement. Legal practitioners may encounter difficulties in determining the most appropriate legal instrument, particularly in complex sexual violence cases. When the National Criminal Code is applied without due consideration of the specific provisions of the UU TPKS, there is a tangible risk that victims' rights explicitly guaranteed under the special law may be diminished or overlooked (Murdiana et al., 2025).

Furthermore, the application of restorative justice within the framework of the National Criminal Code must be carefully aligned with the victim protection principles enshrined in the UU TPKS. In cases of sexual violence, restorative justice should not be interpreted as an expedient mechanism that sacrifices victims' interests for procedural efficiency. Rather, restorative approaches should function in a complementary manner and be applied only when they ensure victim safety, informed and voluntary consent, and comprehensive recovery processes (Mahardhika & Zuhdi, 2025).

CONCLUSION

The reform of sexual offense regulation within the National Criminal Code reflects a substantial paradigm shift in Indonesian criminal law. This transformation is evident in the movement away from an approach predominantly grounded in moral and decency values toward one that prioritizes human rights protection, particularly the dignity and bodily integrity of victims. Such reforms signify the state's commitment to aligning criminal law with evolving social realities and demands for more substantive justice.

Nevertheless, the findings of this study indicate that the National Criminal Code has not yet fully embraced a victim-centered approach. Although it introduces opportunities for restorative justice and promotes a more humane model of punishment, the mechanisms for victim

protection and recovery remain broadly formulated and insufficiently detailed. In the context of sexual offenses, this limitation may undermine the effectiveness of victim protection, especially when restorative justice is applied without adequate consideration of power imbalances and the psychological trauma experienced by victims.

The enactment of the Sexual Violence Crimes Law (UU TPKS) therefore plays a crucial role in addressing gaps in victim protection that are not comprehensively covered by the National Criminal Code. Accordingly, effective harmonization between the National Criminal Code and the UU TPKS constitutes a fundamental prerequisite for establishing a fair law enforcement system, ensuring legal certainty, and guaranteeing comprehensive victim recovery. Through regulatory alignment and the reinforcement of a victim-centered perspective, criminal law reform is expected to move beyond a merely normative framework and to deliver restorative justice that genuinely safeguards and restores victims of sexual violence.

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