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The Urgency of Providing Restitution as Legal Protection for Victims of Criminal Acts Implementing Article 178 of Law No. 20 Of 2025 Concerning the Criminal Procedure Code

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Abstract: Development law modern criminal law begins shift from paradigm orientation offender-oriented towards victim-oriented research This motivated by frequent neglected recovery victim's rights in system justice classic, where the victim tends to only become witness passive. Research objectives This is analyze construction normative giving restitution in Article 178 of Law No. 20 of 2025 concerning the Criminal Procedure Code as well as formulate a renewal model criminal procedure law For optimize right The research method used is juridical normative with approach legislation and conceptual. Research results show that Article 178 of the 2025 Criminal Procedure Code strengthens the victim's position with integrate restitution to in the judicial process criminal, giving strength executive, and expanding role apparatus enforcer law. However, its implementation Still hampered by factors administrative and capabilities economy perpetrators. In conclusion, strengthening protection law for victims requires a comprehensive reform model, including integration restitution in every stage justice, implementation justice restorative, formation institution manager restitution special, and utilization technology information to ensure justice substantive for the victims.

Keywords: Restitution, Victims of Crime, Criminal Procedure Code, Legal Protection.

INTRODUCTION

Development law modern criminal law shows existence shift paradigm from the beginning offender - oriented towards a more approach balanced with notice victim-oriented interests. In system justice criminal classic, victim of crime criminal tend positioned as the passive party, only play a role as witness in the process of proof without get adequate recovery on the losses he suffered. Conditions This cause inequality justice, because the state is more focus on punishment perpetrator than recovery victim. (Barda Nawawi Arief, 2016)

along with development thinking in field victimology and rights basic human, protection towards victims of crime criminal become an increasingly pressing issue important. The victim does not only experience material losses, but also immaterial losses such as psychological trauma, loss of sense of security, and disturbance social. Therefore that, the

system modern law is required For give comprehensive protection, incl through mechanism restitution as form recovery victim's rights. (Rena Yulia, 2010)

In context law Indonesian national efforts protection towards the victims has experience sufficient development significant. This is seen from various regulations that govern about victims' rights, including right for get restitution. Restitution is change loss charged to perpetrator based on decision the court that has powerful law still. Different with compensation provided by the state, restitution emphasize not quite enough answer direct perpetrator towards the victim. (Lilik Mulyadi, 2017)

Confirmation Constitution Number 20 of 2025 concerning the Criminal Procedure Code (KUHAP) becomes milestone important in strengthen the victim's position in system justice criminal. One of the relevant provisions is Article 178 which regulates about giving restitution to victims of crime criminal provisions This reflect the state's commitment to ensure that the victim did not only get justice formally, but also recovery in a way real.

Article 178 of Law No. 20 of 2025 provides base more laws firm related mechanism submission, determination and implementation restitution. In provision said, the victim or expert his heirs given right for submit application restitution which is then considered by the internal judge decision criminal. This is show existence integration between aspect criminalization and victim recovery in one judicial process. (Article 178 of the Law Number 20 of 2025)

However Thus, the implementation restitution in practice Still face various constraints. One of the problem main is lack of understanding apparatus enforcer law about importance restitution as part from victim protection. In addition, there are still there is obstacle administrative and technical in the application process as well as execution restitution, such as difficulty in count loss, inability perpetrator For pay, and weakness mechanism supervision implementation decision. (Marlina, 2012)

On the other hand, the victim's awareness of his rights For get restitution is also still relatively low. Many victims do not know that they entitled submit restitution, or feel reluctant for do it because the process is considered complicated and time consuming time. Condition This show that although in a way normative right restitution has regulated, but in a way empirical Not yet fully implemented in a way effective.

Urgency giving restitution the more real if associated with principle justice restorative justice approach This emphasize on recovery connection between perpetrators, victims, and society, as well as put forward solution that provides benefit for all parties. Restitution be one of instrument important in realize justice restorative, because give chance to perpetrator For responsible answer in a way direct on his actions, at the same time give recovery to the victim. (Tony F. Marshall, 1999)

In addition, the provision of restitution is also a part from fulfillment right basic human. In various instrument international law, such as the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, is emphasized that the victim has the right get change fair and reasonable losses. Therefore that, the country has obligation For ensure that mechanism restitution can walk in a way effective and can accessible to all victims of crime criminal law. (United Nations, 1985)

In Indonesian context, strengthening the implementation of Article 178 of Law No. 20 of 2025 is very important For ensure effectiveness protection law for the victims. This is No only related with aspect normative, but also requires support from various parties, including apparatus enforcer law, institutions victim protection, as well as society. Required existence synergy between various institutions For ensure that right restitution can implemented optimally.

More further, necessary done improvement in aspect procedural and institutional measures to address various existing constraints. For example, with simplify procedure submission restitution, increasing capacity apparatus enforcer law, as well as strengthen

mechanism execution decision restitution. In addition, it is necessary existence more socialization wide to public about the victim's right to get restitution.

With Thus, giving restitution No only become obligation law, but also constitutes form real from the presence of the state in protect its citizens. Without existence mechanism effective restitution, victims will Keep going is at in disadvantaged position, while perpetrator No fully responsible answer on his actions. Therefore that, study about urgency giving restitution as protection law for victims of crime criminal law, in particular in The implementation of Article 178 of Law No. 20 of 2025 concerning the Criminal Procedure Code is very relevant and important. For conducted. Research This expected can give contribution in development law criminal law, in particular in strengthen protection towards victims of crime criminal. In addition, the results study this is also expected can become material evaluation for maker policy in increase effectiveness implementation restitution in Indonesia.

Based on background back above so arise formulation problem as following, How construction normative giving restitution in Article 178 of the Law Number 20 of 2025 concerning the Criminal Procedure Code in framework protection law for victims of crime criminal law and how the reform model necessary criminal procedure law For optimize giving restitution to victims of crime future criminal penalties.

METHOD

Study This is study law normative (juridical) normative), namely research conducted with reviewing legal norms through material library as source main. (Peter Mahmud Marzuki, 2021) Research This study arrangement about giving restitution in Article 178 of the Law Number 20 of 2025 concerning the Criminal Procedure Code (KUHAP) in perspective protection law towards victims of crime criminal. The approach used in study This is approach statute approach and legal approach conceptual approach. Approach legislation done with examine various related regulations with restitution and victim protection. (Johnny Ibrahim, 2020) Meanwhile that, approach conceptual used For understand draft restitution, justice restorative, as well as victim protection based on doctrine developing law. Soerjono Soekanto and Sri Mamudji, 2019) The legal materials used consists of from material primary, secondary, and tertiary law. Primary legal materials include regulation relevant legislation, including Constitution Number 20 of 2025 concerning the Criminal Procedure Code. (Article 178 of the Criminal Procedure Code) Number 20 of 2025) Legal materials secondary in the form of literature law, journal scientific, and results related research with protection of victims of crime criminal.(Dyah Ochtorina Susanti and A'an Efendi, 2022) Meanwhile material law tertiary in the form of dictionary laws and materials supporters others. Collection techniques material law done through studies library research with method inventory and review various relevant literature with problem research. (Zainuddin Ali, 2021) Analysis material law done in a way qualitative with use method analysis prescriptive, namely give argumentation law about How should arrangement restitution can optimized For give protection effective law for victims of crime criminal. Salim HS and Erlies Septiana Nurbani, 2020)

RESULTS AND DISCUSSION

Normative Construction Of The Provision Of Restitution In Article 178 Of Law Number 20 Of 2025 Concerning The Khibit Of Criminal Procedures In The Framework Of Legal Protection For Victims Of Criminal Acts

Development law modern criminal law shows existence shift paradigm from offender - oriented system towards a system that also takes into account victim-oriented interests. Shift This No let go from development study victimology that positions the victim as subjects who have right For restored on the losses he experienced. (Rena Yulia, 2016)

In context said, restitution become instrument important in give protection law to the victim, because restitution in a way direct related with recovery loss consequence action criminal. (Barda Nawawi Arief, 2018) Before the birth of the 2025 Criminal Procedure Code, regulations restitution in Indonesia tends to spread and not yet integrated in system justice criminal in a way intact. (Lilik Mulyadi, 2017) Therefore that, Article 178 of the 2025 Criminal Procedure Code is form renewal significant law.

1. Construction Normative Restitution in Article 178 of the 2025 Criminal Procedure Code

a) Restitution as Victim's Rights

Article 178 of the 2025 Criminal Procedure Code in particular normative confirm that the victim of the act criminal own right For get restitution filed in the judicial process criminal. Construction This show that restitution No Again just right additional, but an integral part of protection victim law. (Muladi, 2015)

Restitution covers replacement loss material and immaterial things experienced by the victim as consequence direct from action criminal. (Romli Atmasasmita, 2020) With Thus, this norm expand meaning justice that is not only focused on punishment perpetrators, but also the recovery of victims.

b) Restitution Integration in Criminal Proceedings

One of renewal important in Article 178 is integration mechanism restitution to in the judicial process criminal. Previously, the victim had to submit lawsuit civil through mechanism merger case as arranged in the old Criminal Procedure Code. (Andi Hamzah, 2019)

This integration give convenience for the victims because No need Again go through legal process separate eating time and costs. (M. Yahya Harahap, 2016) With Thus, this norm reflect principle access to access to justice for victims of crime criminal.

c) Role of the Apparatus Law enforcer

Construction normative Article 178 also expands role apparatus enforcer law in fulfillment victim's rights. Investigators, prosecutors general, and judges have obligation For ensure that right victim restitution can realized in the judicial process. (Barda Nawawi Arief, 2017)

This matter show that the state does not Again nature passive, but rather active in ensure protection law for the victims. (Muladi and Barda Nawawi Arief, 2016) With thus, responsibility answer victim recovery is not fully charged to the victim Alone.

d) Strength Executorial Restitution

The norm in Article 178 also provides strength executive to decision restitution, so that can implemented as decision criminal others. ((Lilik Mulyadi, 2019) Previously, the implementation restitution often experience constraint Because No own strength adequate force.

With existence strength executive, the state can do action law For ensure perpetrator fulfil his obligations towards the victim. (Romli Atmasasmita, 2021) This increase effectiveness protection law for the victims.

e) Restitution in Perspective Justice Restorative

Construction restitution in Article 178 of the 2025 Criminal Procedure Code in line with with draft justice restorative that emphasizes recovery victim's losses as objective main law criminal. (Tony F. Marshall, 1999) In perspective this, the perpetrator No only punished, but also required For responsible answer in a way direct to the victim.

Restitution become instrument concrete in realize greater justice humanistic and recovery - oriented. (Howard Zehr, 2015).

2. Analysis in Framework Legal Protection for Victims

a) Protection Preventive

In a way preventive, regulatory restitution can push perpetrator For consider consequence economy from action crimes committed. (Barda Nawawi, 2018) This strengthen function law

as means prevention crime. In addition, the existence of this norm also increases awareness law public to importance victim protection.

b) Repressive Protection

In aspect repressive, restitution is form accountability direct perpetrator towards the victim. With Thus, the victim does not only get justice in a way symbolically, but also real through recovery loss. This is show that protection law in the 2025 Criminal Procedure Code is of a nature more comprehensive.

c) Legal Certainty and Justice

Arrangement restitution in the 2025 Criminal Procedure Code provides certainty law Because arranged in a way explicit in criminal procedural law. (Sudikno Mertokusumo, 2014) In addition, this norm also reflects justice substantive Because notice the interests of the victims in general directly. With Thus, the system justice criminal become more balanced between interest perpetrator and victim.

d) Challenges Implementation

Although in a way normative strong, implementation restitution Still face various challenges, such as limitations ability economy perpetrators and difficulties in evaluate loss immaterial. (Eva Achjani Zulfa, 2018) Therefore that, is necessary arrangement more carry on in form regulation implementer. Without support the effectiveness of the restitution norm can become limited.

A Model Of Reforming Criminal Procedure Law To Optimize The Provision Of Restitution To Victims Of Criminal Acts In The Future

Development paradigm law modern criminal law shows existence shift orientation from the beginning focused on the perpetrator (offender oriented) to become more notice victim-oriented interests. In context this, restitution become instrument important as form recovery rights of victims of crime criminal. However thus, in practice criminal procedure law in Indonesia, granting restitution Still face various obstacles, okay from aspect normative and implementative. Applicable criminal procedure law moment This Still Not yet fully accommodate the interests of the victims optimally. Therefore Therefore, an updated model is needed criminal procedural law that is capable ensure effectiveness giving restitution for victims of crime future criminal penalties.

1. Problems in Giving Restitution

One of problem main in giving restitution is Not yet integration mechanism restitution in a way comprehensive in criminal procedure law. During this, restitution often positioned as part additional that is not become focus main in the judicial process criminal. This is causing the victim to have to go through procedure convoluted additions For get his rights. (Lilik Mulyadi, 2022) In addition, there are constraint in matter proof victim's losses. In Lots case, the victim did not own capacity or access For prove in a way details the losses he suffered, so that the judge had difficulty in determine magnitude restitution. (Bambang Waluyo, 2021) Problems other is weakness mechanism execution decision restitution. Although court has decide existence obligation restitution, its implementation often No effective Because No existence instrument adequate coercion to perpetrator. (Marlina, 2023)

2. Model for Reforming Criminal Procedure Law

a) Restitution Integration in the Judicial Process Criminal

The first updated model is integrate restitution as the part that is not inseparable from the judicial process criminal. Restitution must processed since stage investigation, prosecution, up to examination in court. With thus, restitution No Again nature optional, but become obligations that must be fulfilled considered by the authorities enforcer law. (Eddy OS Hiariej, 2022)

In this model, investigators and prosecutors general own obligation For identify and count victim's losses since the beginning of the legal process. This will make it easier for judges to determine magnitude restitution in the verdict.

b) Implementation Restorative Justice Approach

The restorative justice approach is a relevant model in optimize giving restitution. In approach this, focus main is recovery connection between perpetrators, victims, and society. Restitution be one of form concrete from recovery (Tony F. Marshall, 2020)

Through mechanism penal mediation, perpetrator can pushed For in a way voluntary give restitution to the victim as part from settlement matter. This matter No only speed up the recovery process for victims, but also reduce burden system justice criminal.

c) Establishment of Special Institutions Manager Restitution

For increase effectiveness implementation restitution, required formation institution specifically assigned manage and distribute restitution to the victims. This institution can functioning as intermediary between the victim and the perpetrator, and ensure that The victims' rights were fulfilled. (Rena Yulia, 2022)

The institution can also play a role in give help to the victims in count loss, filing application restitution, as well as supervise implementation decision court.

d) Strengthening Mechanism Execution Restitution

One of aspect important in renewal criminal procedure law is strengthening mechanism execution restitution. Decision court related restitution must own strength clear and enforceable executive forced. (Andi Hamzah, 2021) In matter perpetrator No capable pay restitution, the state can take role through scheme compensation, which then can billed return to perpetrator. With Thus, the victim remains get his rights without must wait ability perpetrator.

e) Utilization Technology in the Restitution Process

In the digital era, the use of technology information can become solution in optimize giving restitution. Digital systems can used For record, monitor, and execute payment restitution in a way transparent and accountable. (Barda Nawawi Arief, 2023) In addition, technology can also make it easier for victims to submit claim restitution as well as access information related development matter.

3. Implications of Renewal

Updates criminal procedural law that is oriented towards optimization restitution will give impact positive for system justice criminal in a way overall. The victim will get more protection good, trust public to law will increased, and the goal justice substantive can more achieved. (Muladi, 2022) However Thus, the implementation of the renewal model This need strong commitment from all over stakeholders interests, including maker policy, apparatus enforcer law, and society.

CONCLUSION

1. Construction normative giving restitution in Article 178 of the Law Number 20 of 2025 concerning the Criminal Procedure Code has show strengthening significant to protection law for victims of crime criminal. Restitution placed as integrated victims' rights in the judicial process criminal, no Again as mechanism additional outside system. This norm reflect shift paradigm going to victim-oriented approach, with emphasize recovery loss material and immaterial victims. In addition, there is role active apparatus enforcer law as well as strength executive decision restitution strengthen effectiveness protection law. However thus, in a way implementative Still there is challenges, such as limitations ability perpetrator in pay restitution and hardship evaluation loss, so that required arrangement more continue so that the norms can running optimally. Suggestions, Need existence strengthening regulations derivative from Article 178 of the Law Number 20 of 2025 concerning the Criminal Procedure Code which regulates in a way more technical about mechanism submission,

assessment, and implementation restitution. In addition, the authorities enforcer law must given guidelines and training specifically to be able to implement restitution optimally, including in determine magnitude loss material and immaterial. Strengthening coordination between institutions are also needed For ensure that right real victim restitution protected and able realized in a way effective.

2. Renewal model necessary criminal procedure law For optimize giving future restitution must nature comprehensive and integrated. Updates the covering integration restitution since stage investigation until decision court, application restorative justice approach, formation institution special manager restitution, as well as strengthening mechanism execution decision. In addition, the use of technology information also becomes element important For increase transparency and effectiveness implementation restitution. With a renewal model this, it is hoped giving restitution No only nature normative, but also effective in a way practical in ensure recovery victims' rights and realizing greater justice substantive in system justice criminal. Suggestion, Required renewal more criminal procedural law comprehensive with integrate restitution in all over stages of the judicial process criminal, starting from investigation until execution decision. In addition, it is necessary formed institution special handling management restitution as well as strengthened mechanism execution in order to have Power effective coercion. Implementation restorative justice approach and utilization technology information is also necessary developed For simplify the process, improve transparency, as well as ensure fulfillment victim 's rights fast and precise.

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