

# Victim Impact Statements for Equitable Judicial Protection of Crime Victims



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## ABSTRACT

Indonesia's criminal justice system prioritizes offender prosecution while Law Number 20 of 2025 introduces Victim Impact Statements to strengthen victims' rights. However, the law does not clearly regulate its substantive content, legal function, procedural mechanism, or influence on judicial decision making. This study examines the implementation of the Victim Impact Statement in the Indonesian criminal justice system, evaluates its role in strengthening legal protection for victims, and formulates an ideal integration model. The research employs an empirical legal method using statutory, case, conceptual, and comparative approaches with qualitative analysis of interviews, documents, and legal materials. The findings produce three principal conclusions. First, the existing legal framework does not comprehensively integrate the Victim Impact Statement into the Indonesian criminal justice process, resulting in inconsistent implementation and limited legal effectiveness. Second, the absence of clear substantive and procedural standards restricts judges from incorporating the Victim Impact Statement effectively into sentencing considerations and limits its contribution to victim protection. Third, Indonesia needs to establish a comprehensive normative and procedural framework that strengthens the legal position of victims, supports informed judicial decision making, promotes balanced participation between victims and offenders, and advances a more equitable and justice oriented criminal justice system.



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## Introduction

Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia states that: "Everyone has the right to recognition, guarantees, protection and legal certainty that is just and equal before the law."<sup>1</sup> This constitutional concept sets a

<sup>1</sup> Muhammad Bramantyo, "'Where Do You Hide Your Money?': The Explanation of Low Conviction in Money Laundering," *Journal of Economic Criminology* 8 (2025): 100161, <https://doi.org/10.1016/j.jeconc.2025.100161>.

fundamental obligation of the state to guarantee effective legal protection and equality of access to justice for each person without discrimination.<sup>2</sup> However, the constitutional guarantee has not been fully realized in the form of effective legal protection for victims of crime in Indonesia. The legislative structure provides official recognition of victims' rights, but many victims still face significant barriers in exercising their rights in the criminal justice process. The gap between normative protection and practical implementation limits victims' access to justice and weakens the effectiveness of legal remedies available under existing legislation.<sup>3</sup>

Article 99 of Law Number 8 of 1981 concerning the Criminal Procedure Code recognizes the rights of victims to obtain compensation through a civil lawsuit and criminal proceedings. The clause allows the district court to inquire into its jurisdiction, investigate the legal foundation of the claim, and award damages for the losses sustained by the injured party.<sup>4</sup> This mechanism is a recognition by the legislature of the financial interests of victims, but provides only a limited means of redress for the larger effects of criminal victimization. Law Number 31 of 2014 on the Amendment to Law Number 13 of 2006 on the Protection of Witnesses and Victims enhances the legal status of victims by providing a range of procedural and protective rights.<sup>5</sup> These rights include personal security, protection for family members and property, participation in determining appropriate protection measures, freedom to provide testimony without intimidation, access to interpretation services, protection from misleading questions, information regarding case developments, notification of court decisions, information concerning the release of convicted offenders and confidentiality of identity. These provisions are designed to make sure that victims can participate in criminal processes in a secure, effective and dignified way.<sup>6</sup> The same law, article 7A, grants victims the right to receive restitution for losses incurred as a result of criminal offences. Restitution may include recompense for lost property or income, losses directly incurred from physical or mental suffering resulting from the offense, and reimbursement for medical, psychiatric, or other required expenditures incurred in recovery. These provisions recognize that effective victim protection is not only

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<sup>2</sup> Ezra F Moos et al., "Twice Harmed: A Descriptive Analysis of Illinois Crime Victim Compensation After Sexual Assault and Domestic Violence," *Journal of Surgical Research* 308 (2025): 279–85, <https://doi.org/10.1016/j.jss.2025.02.036>.

<sup>3</sup> Tahani Khalil et al., "The Impact of an Educational Program on Emergency Nurses' Preparedness to Care for Domestic Violence Women Victims," *International Emergency Nursing* 84 (2026): 101715, <https://doi.org/10.1016/j.ienj.2025.101715>.

<sup>4</sup> Ashley N Hewitt, Julien Chopin, and Eric Beauregard, "Offender and Victim 'Journey-to-Crime': Motivational Differences among Stranger Rapists," *Journal of Criminal Justice* 69 (2020): 101707, <https://doi.org/10.1016/j.jcrimjus.2020.101707>.

<sup>5</sup> Peter Enderwick et al., "Criminal Multinational Enterprises and Host State Relations: Insights from Transaction Cost Economics," *Multinational Business Review* 34, no. 1 (2026): 51–67, <https://doi.org/10.1108/MBR-05-2025-0161>.

<sup>6</sup> Tejal Jesrani and Daimiris Garcia, "Gendered SLAPPs: Addressing Criminal Prosecutions against Exposers of Sexual and Gender-Based Violence under International Human Rights Law," *International Journal of Law, Crime and Justice* 80 (2025): 100729, <https://doi.org/10.1016/j.ijlcj.2025.100729>.

procedural participation, but meaningful restoration of the harm caused by criminal conduct.<sup>7</sup>

Article 1 paragraph (26) of Law Number 8 of 1981 concerning Criminal Procedure Code, witnesses are individuals who provide information during the investigation process, prosecution and trial about a criminal offence on the basis of facts directly heard, seen and experienced.<sup>8</sup> The definition places crime victims in the legal category of witnesses because they are the ones who encounter the criminal conduct and know about the offence first hand. This means that victims are entitled to testify about the circumstances and consequences of the crime and so the criminal justice process can include their direct experience.<sup>9</sup> The criminal justice system is an integrated system for the enforcement of substantive and procedural criminal law. Criminal law enforcement is based on normative basis stipulated by statutory provisions. Judicial institutions are the practical implementation of legal norms through investigation, prosecution, adjudication and execution of criminal sanctions.<sup>10</sup> Thus, an effective criminal justice depends not only on the existence of legal standards but also on the coordination and consistency of the organizations that are in charge of their implementation. An integrated criminal justice system requires structural, substantive and cultural harmonization across law enforcement institutions. The structural harmonization enables effective collaboration between the Investigative, Prosecutorial, Judicial and Correctional entities. Substantive harmonization guarantees the uniformity of application and interpretation of criminal law and criminal procedure. Cultural harmonization promotes common institutional values based on justice, accountability and respect for legal rights at all levels of criminal justice. These interdependent characteristics allow the criminal justice system to secure legal clarity and at the same time to maintain fairness and institutional effectiveness.<sup>11</sup>

Despite these goals, the Indonesian criminal justice system is oriented on the prosecution and punishment of offenders, with victims playing a limited procedural role. In practice, victims are mostly witnesses from whom the testimony is used to further the prosecution of the accused, rather than rights holders whose

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<sup>7</sup> Emrah Yürek et al., "Evaluating the Predictors of Psychiatric Impact Using General Health Questionnaire (GHQ-28) in Victims Exposed to Physical Domestic Violence," *Psychiatry Research* 355 (2026): 116862, <https://doi.org/10.1016/j.psychres.2025.116862>.

<sup>8</sup> Mercedes Rosello, "Regional Fishery Management Organisation Measures and the Imposition of Criminal and Administrative Sanctions in Respect of High Seas Fishing," *Marine Policy* 144 (2022): 105213, <https://doi.org/10.1016/j.marpol.2022.105213>.

<sup>9</sup> B M A Gonggrijp et al., "Social Support and Health Outcomes in Crime Victims," *Personality and Individual Differences* 246 (2025): 113326, <https://doi.org/10.1016/j.paid.2025.113326>.

<sup>10</sup> Lucy Harry and Carolyn Hoyle, "Necropolitics and State-Sponsored Drug Violence: The Death Penalty for Drug Offences in Indonesia," *International Journal of Drug Policy* 149 (2026): 105157, <https://doi.org/10.1016/j.drugpo.2026.105157>.

<sup>11</sup> Luiz C P Santos et al., "Psychological, Physical, and Professional Impact on Second Victims in Veterinary Anaesthesia: A Cross-Sectional International Survey - Part 1," *Veterinary Anaesthesia and Analgesia* 52, no. 6 (2025): 831–39, <https://doi.org/10.1016/j.vaa.2024.10.140>.

interests deserve meaningful legal protection.<sup>12</sup> The approach minimizes the opportunity for victims to articulate the full repercussions of criminal action and limits the accomplishment of substantive justice. These facts prove the increasing of the indispensability of the Victim Impact Statement in the Indonesian criminal system. The Victim Impact Statement gives victims or their family the opportunity to describe the physical, psychological, social and economic repercussions of the criminal crimes. In criminal procedures, this system has been implemented in a number of nations to guarantee that judges take into account the perspective of the victim when determining criminal responsibility and sentence. Victim Impact Statements provide victims with a voice in the judicial process and help judges analyze the actual damage caused by the offence.<sup>13</sup> The Indonesian law on witness and victim protection recognizes several procedural rights for victims, but has not explicitly defined the Victim Impact Statement as a formal part of the criminal process. This regulatory vacuum diminishes the ability of victims to participate and curtails the ability of courts to consider the larger consequences of criminal action.<sup>14</sup>

The death of Dini Sera Afrianti is a practical consequence of this regulatory deficiency in criminal law. Dini Sera Afrianti was killed after being beaten by Gregorius Ronald Tannur.<sup>15</sup> This case gained considerable public attention, both because of its severity and because of the controversy surrounding the legal proceedings. While the Supreme Court later convicted the criminal, the victim family did not have a formal opportunity to address the court on the physical, psychological, social and economic implications of the offense. If the Victim Impact Statement was recognized in Indonesian criminal procedure, it would allow the family of the victim to directly convey the harm incurred by the victim, so that judges have more information related to sentencing and victim restoration.<sup>16</sup> The district court first acquitted Gregorius Ronald Tannur because it found that the prosecution had not proved the charge beyond reasonable doubt. This judgement has caused a lot of public concern as the public prosecutor had asked for a twelve years term of imprisonment. An appeal against the acquittal has been filed with the

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<sup>12</sup> Hamzeh Abu Issa et al., "Common Belief vs. Science: Scientific Fallacies in Proving the Victim's Consent and Lies in Sexual Crimes," *Social Sciences & Humanities Open* 12 (2025): 102124, <https://doi.org/10.1016/j.ssaho.2025.102124>.

<sup>13</sup> Sarah S Stoner and Chris Shepherd, "Using Intelligence to Tackle the Criminal Elements of the Illegal Trade in Indian Star Tortoises *Geochelone Elegans* in Asia," *Global Ecology and Conservation* 23 (2020): e01097, <https://doi.org/10.1016/j.gecco.2020.e01097>.

<sup>14</sup> Didde Hauch, Ask Elklit, and Maria Louison Vang, "Beneath the Surface: A Latent Class Analysis of Stalking Tactics and Their Psychological Impact in a Population of Danish Help-Seeking Victims," *European Journal of Trauma & Dissociation* 9, no. 1 (2025): 100522, <https://doi.org/10.1016/j.ejtd.2025.100522>.

<sup>15</sup> Kathryn Bentivegna and Jane M Grant Kels, "Scar Revision Coverage via Crime Victim Assistance and Compensation Services," *Journal of the American Academy of Dermatology* 88, no. 1 (2023): 263–64, <https://doi.org/10.1016/j.jaad.2022.10.028>.

<sup>16</sup> Nurdin Sembiring et al., "The Effects of Emotional Intelligence and Organizational Justice on Job Satisfaction, Caring Climate, and Criminal Investigation Officers' Performance," *International Journal of Organizational Analysis* 28, no. 5 (2020): 1113–30, <https://doi.org/10.1108/IJOA-10-2019-1908>.

cassation by the prosecution.<sup>17</sup> The relatives of the victim voiced their unhappiness with the result and the long legal process, which delayed the settlement of the case. Later investigations resulted in charges of bribery and gratuities against the judges who had acquitted them. Later the Supreme Court reversed the acquittal and imposed a sentence of five years imprisonment.<sup>18</sup> This case exemplifies that lack of a formal mechanism for the victim to explain the impact of the criminal acts hampers meaningful victim participation and further underscores the necessity to incorporate the Victim Impact Statement into the Indonesian criminal justice system.<sup>19</sup>

Another instance that garnered considerable public attention was the case of Zyuhal Laila Nova, the owner of PT Goldy Mixalmina Kudus, who was sent to court for embezzling cash of hundreds of potential Umrah pilgrims, resulting in financial losses of almost Rp 4.9 billion. The Kudus District Court sentenced the defendant to a three-year prison term. After the verdict was announced, the defendant danced publicly in front of the courtroom and in front of many victims. The episode was soon posted on social media and garnered public outrage, as the defendant was seen to be jubilant despite the massive financial losses sustained by the victims.<sup>20</sup> The court also ordered cash and other confiscated assets returned to the victims. However, the proceedings did not offer victims a formal opportunity to describe to the court the emotional, psychological, social and economic implications of the offence. This case highlights the absence of a procedural mechanism for victims to communicate the full extent of criminal conduct at the time of sentencing.<sup>21</sup> An analogous problem emerges regularly in environmental crimes, because the criminal activity harms communities rather than an individual victim. Environmental degradation typically deprives impacted communities of a healthy and sustainable environment, with long-term economic, social and health impacts. The formal Victim Impact Statement would allow representatives of affected communities to present evidence of the real effects of environmental offences, assisting judges in their assessment of the broader effects of criminal

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<sup>17</sup> Aan Widodo, Wa Ode Sitti Nurhaliza, and Moh Rifaldi Akbar, "Virtual Criminal Trials in Indonesia: Communication Inequalities, Power Dynamics, and the Challenges of Justice," *Social Sciences & Humanities Open* 12 (2025): 102272, <https://doi.org/10.1016/j.ssaho.2025.102272>.

<sup>18</sup> Arthur Josias Simon Runturambi and Ridwan Arifin, "New Patterns and Trends of Migration: Hybrid-Crimes among Indonesian Migrant Workers in Southeast Asia," *Regional Science Policy & Practice* 17, no. 10 (2025): 100215, <https://doi.org/10.1016/j.rspp.2025.100215>.

<sup>19</sup> Yasemin Irvin-Erickson and Auzeen Shariati, "The Impact of the Covid-19 Pandemic and the Murder of George Floyd on Victim and Third-Party Reporting of Domestic Violence to the Police in the US," *Journal of Criminal Justice* 90 (2024): 102141, <https://doi.org/10.1016/j.jcrimjus.2023.102141>.

<sup>20</sup> Mulyadi Alrianto Tajuddin, Marlyn Jane Alputila, and Amir Ilyas, "Justice for Women in Handling the Case of Household Violence through Integrated Criminal Justice System (Study in Merauke District)," *Enfermería Clínica* 30 (2020): 394–97, <https://doi.org/10.1016/j.enfcli.2019.11.006>.

<sup>21</sup> Dadang Suwanda and Siti Suwanda, "Self-Blocking in Defense Procurement: A Case Study of Budgetary Coordination Failure in Indonesia's Satellite Acquisition Project," *Journal of Public Procurement* 26, no. 2 (2026): 235–58, <https://doi.org/10.1108/JOPP-12-2025-0156>.

conduct and in incorporating the interests of affected communities into judicial decision making.<sup>22</sup>

In an effort to improve victim participation in the sentencing process, some jurisdictions have formally incorporated the Victim Impact Statement into their criminal justice systems.<sup>23</sup> This allows victims to inform the court pronouncing sentence of the physical, psychological, emotional, social and financial consequences resulting from the offence. It is the victims who bring these consequences directly to the Court. They provide information that goes beyond the factual elements needed to establish criminal liability and assists judges in determining an appropriate and proportionate sentence.<sup>24</sup> Victim Impact declaration A Victim Impact Statement is a formal declaration written by victims, or in suitable situations, by their family members, to convey the human repercussions of criminal victimization.<sup>25</sup> The statement can be made by victims in writing or orally to cover physical injuries, psychological trauma, emotional suffering, financial losses, social disruption and other important impacts that are the direct result of the offence. Victim Impact Statement Unlike witness testimony which is primarily concerned with proving the commission of the criminal act and the culpability of the accused, the Victim Impact Statement is concerned with the ongoing repercussions which victims suffer after the commission of the offence.<sup>26</sup>

A complete Victim Impact Statement allows courts to take into account the significance of the criminal injury from the victim's point of view before deciding on the kind and degree of punishment.<sup>27</sup> The statement gives a better understanding of the losses sustained by victims and helps the court to consider victim restoration in addition to accountability of the criminal. The real consequences of the offence should be part of the judicial assessment throughout sentence once the court has understood them, as they reflect the wider societal and personal impact of criminal action, rather than its legal classification.<sup>28</sup> The Victim Impact Statement is a very different type of statement than those taken in police

<sup>22</sup> Xian Luo, Jingfu Lu, and Oberiri Destiny Apuke, "Understanding the Impact of Computer-Based Technology Storytelling for Help Seeking and Help Receiving among Victims' of Flood Disaster," *Computers in Human Behavior* 153 (2024): 108101, <https://doi.org/10.1016/j.chb.2023.108101>.

<sup>23</sup> Aldo Zammit Borda, "International Criminal Courts and Tribunals," in *Encyclopedia of Violence, Peace, & Conflict (Third Edition)*, ed. Lester R Kurtz, Third Edition (Oxford: Academic Press, 2022), 627–33, <https://doi.org/10.1016/B978-0-12-820195-4.00155-2>.

<sup>24</sup> Marie Claire Van Hout et al., "Care of Pregnant and Breastfeeding Women in Contact with the Criminal Legal System: The Need for Global Reform," *The Lancet Obstetrics, Gynaecology, & Women's Health* 1, no. 4 (2025): e314–19, <https://doi.org/10.1016/j.lanogw.2025.100020>.

<sup>25</sup> Armunanto Hutahae and Erlyn Indarti, "Implementation of Investigation by the Indonesian National Police in Eradicating Corruption Crime," *Journal of Money Laundering Control* 23, no. 1 (2020): 136–54, <https://doi.org/10.1108/JMLC-12-2018-0075>.

<sup>26</sup> Selçuk Akturan et al., "Revealing the Second Victim Status of Standardized Patients through the Escape Room Method," *Clinical Simulation in Nursing* 116 (2026): 101981, <https://doi.org/10.1016/j.ecns.2026.101981>.

<sup>27</sup> Satyam Srivastav et al., "Intelligent Justice: AI-Driven Forensics and Legal Process for Criminal Justice Reforms," *International Journal of Law, Crime and Justice* 84 (2026): 100832, <https://doi.org/10.1016/j.ijlcj.2026.100832>.

<sup>28</sup> Teresa Fajardo, "To Criminalise or Not to Criminalise IUU Fishing: The EU's Choice," *Marine Policy* 144 (2022): 105212, <https://doi.org/10.1016/j.marpol.2022.105212>.

investigations. Police examinations deal with the collection of factual information regarding the commission of the offence, whereas the Victim Impact Statement deals with the ongoing effects of the offence on the victim. Thus, the Victim Impact Statement is an addition, not a duplication, of evidentiary testimony, as it offers information to the judges that is seldom available through traditional criminal procedure.<sup>29</sup> The introduction of Victim Impact Statement into the Indonesian criminal justice system would increase the participation of the victims and create a more balanced approach towards criminal adjudication. This mechanism would enable victims to convey the physical, psychological, economic and social consequences of criminal offences, while assisting judges to make decisions that reflect both legal accountability and substantive justice. A complete legal framework for the Victim Impact Statement would thus strengthen victim protection, increase the quality of judicial reasoning and assist in creating a criminal justice system that addresses the interests of both victims and offenders in a fair and balanced way.<sup>30</sup>

Article 144 of Law Number 20 of 2025 on the Criminal Procedure Code recognizes the Victim Impact Statement as a procedural right that allows victims to present written or oral statements describing the consequences of criminal offences. However, the provision does not regulate the scope, evidentiary value, submission procedure, or judicial consideration of the statement.<sup>31</sup> This regulatory gap creates legal uncertainty and limits the practical implementation of the Victim Impact Statement because law enforcement authorities must conduct criminal proceedings strictly in accordance with statutory procedures. In contrast, the same legislation establishes comprehensive provisions governing restitution and compensation, including procedural mechanisms, institutional responsibilities, implementation deadlines, and legal remedies. This disparity demonstrates that victim participation through the Victim Impact Statement has not received equivalent legislative attention.<sup>32</sup> The current regulation also fails to satisfy fundamental principles of legislative drafting, particularly legal clarity, enforceability, and consistency of substantive content. Furthermore, the National Criminal Code sentencing guidelines do not expressly require judges to consider the Victim Impact Statement during sentencing, thereby reducing its practical significance within judicial decision making. Judicial decisions should reflect both material truth and substantive justice through comprehensive evaluation of all relevant

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<sup>29</sup> Emmanuel Baffour Gyau et al., "Promoting Crime Prevention and Criminal Justice: Examining the Role of Artificial Intelligence, Regulatory Quality, and Digital Infrastructure," *International Journal of Law, Crime and Justice* 86 (2026): 100878, <https://doi.org/10.1016/j.ijlcrj.2026.100878>.

<sup>30</sup> Monique T Barakat et al., "Second Victim Syndrome: A Prevalent Gastroenterology Wellness Issue with a Quality-of-Care Impact," *IGIE*, 2026, <https://doi.org/10.1016/j.igie.2026.06.007>.

<sup>31</sup> Muhammad Ammar Hidayatulloh, "Violence against Women Reform in Indonesia: Between Women's Rights and Islamic Morality," *Women's Studies International Forum* 118 (2026): 103381, <https://doi.org/10.1016/j.wsif.2026.103381>.

<sup>32</sup> Hanafi Amrani and Mahrus Ali, "A New Criminal Jurisdiction to Combat Cross-Border Money Laundering," *Journal of Money Laundering Control* 25, no. 3 (2021): 540–50, <https://doi.org/10.1108/JMLC-06-2021-0059>.

information.<sup>33</sup> Integrating the Victim Impact Statement into the evidentiary and sentencing framework would provide judges with a clearer understanding of the physical, psychological, social, and economic consequences suffered by victims. Such integration would strengthen victim participation, enhance judicial reasoning, improve sentencing quality, and promote a criminal justice system that balances offender accountability with meaningful protection of victims' rights while advancing fairness, legal certainty, and substantive justice.<sup>34</sup>

This study intends to explore the legal status and application of the Victim Impact Statement in the Indonesian criminal justice system and to evaluate its role in improving the equitable judicial protection for victims of crime.<sup>35</sup> The research also intends to uncover the normative and procedural limits that hinder the proper use of the Victim Impact Statement in the scope of criminal proceedings. In addition, the research seeks to develop a comprehensive legal framework for the incorporation of the Victim Impact Statement into the criminal justice process to enhance victim participation, improve judicial reasoning in sentencing, promote balanced protection of the rights of victims and offenders, and achieve equitable judicial protection based on the principles of substantive justice and legal certainty.<sup>36</sup>

## Research Method

This study employs normative legal research, which examines legal issues through the analysis of legislation, legal principles, legal doctrines, judicial decisions, and other legal materials to develop legal arguments and formulate solutions to identified legal problems.<sup>37</sup> The research focuses on evaluating the legal framework governing the Victim Impact Statement and developing an ideal regulatory model that strengthens judicial protection for crime victims within the Indonesian criminal justice system. The research applies four complementary legal research approaches.<sup>38</sup> The statutory approach analyzes constitutional provisions and legislation governing criminal procedure, victim protection, sentencing, and criminal justice. The conceptual approach examines legal doctrines and theories concerning legal protection, substantive justice, victim rights, and criminal justice

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<sup>33</sup> Handar Subhandi Bakhtiar et al., "The Role of Forensic Evidence in Indonesia's Criminal Justice," *Forensic Science International: Synergy* 12 (2026): 100693, <https://doi.org/10.1016/j.fsisyn.2026.100693>.

<sup>34</sup> Yoel Inbar et al., "Bad Victims: Moral Transgressions against Immoral Victims Are Judged Less Harshly," *Cognition* 271 (2026): 106448, <https://doi.org/10.1016/j.cognition.2026.106448>.

<sup>35</sup> Randikha Prabu Raharja Sasmita, Sigid Suseno, and Patris Yusrian Jaya, "The Concept of Reasons for Eliminating Corporate Crime in Criminal Law in Indonesia," *Heliyon* 9, no. 11 (2023): e21602, <https://doi.org/10.1016/j.heliyon.2023.e21602>.

<sup>36</sup> Neha Dikshit, Kavita Srivastava, and Shani Kumar Sav, "The Impact of Real Estate Fraud on Victims' Wealth: Exploring Emotional and Social Biases in Decision-Making," *Acta Psychologica* 262 (2026): 106107, <https://doi.org/10.1016/j.actpsy.2025.106107>.

<sup>37</sup> Giulia Pisano, B Kennath Widanaralalage, and Dominic Willmott, "'We Have to Fight for Our Existence in the System': Exploring Service Providers' Experiences with Male Victims and Female Perpetrators of Intimate Partner Violence," *Journal of Criminal Psychology* 15, no. 1 (2024): 17–36, <https://doi.org/10.1108/JCP-04-2024-0033>.

<sup>38</sup> Chaimae Khodriss et al., "Second Victim Syndrome in Ophthalmology: Contributory Factors and Insights from the First Study," *AJO International* 2, no. 3 (2025): 100150, <https://doi.org/10.1016/j.ajoint.2025.100150>.

reform.<sup>39</sup> The case approach evaluates judicial decisions involving victim participation and sentencing to identify legal issues and practical challenges in implementing victim-oriented justice. The comparative approach examines the regulation and application of the Victim Impact Statement in selected foreign jurisdictions to identify best practices that may support future legal reform in Indonesia.<sup>40</sup>

This study adopts a descriptive research specification by systematically describing and critically analyzing the existing legal framework, judicial practices, and institutional mechanisms concerning victim participation in criminal proceedings. The research uses primary, secondary, and tertiary legal materials. Primary legal materials consist of the 1945 Constitution of the Republic of Indonesia, Law Number 8 of 1981 on the Criminal Procedure Code, Law Number 31 of 2014 on the Protection of Witnesses and Victims, Law Number 1 of 2023 on the National Criminal Code, and Law Number 20 of 2025 on the Criminal Procedure Code. Secondary legal materials include academic books, peer reviewed journal articles, and other scholarly publications. Tertiary legal materials comprise legal dictionaries, official documents, and other supporting references. The research collects data through library research and field research. Library research examines legislation, judicial decisions, legal literature, and official documents. Field research gathers empirical data through purposive in-depth interviews with prosecutors and judges from the Supreme Court of the Republic of Indonesia, district courts, and public prosecutor offices who possess professional expertise relevant to the research. The study analyzes all legal materials and interview findings qualitatively using a deductive method to formulate systematic conclusions concerning the legal position, implementation, and future development of the Victim Impact Statement in Indonesia.

## Results and Discussion

### *The Current Practice of Victim Impact Statements in Indonesia's Criminal Justice System*

The former Indonesian Criminal Code provided limited legal recognition of crime victims when compared with the extensive regulation governing offenders.<sup>41</sup> Its provisions concentrated primarily on the definition of criminal offences, criminal responsibility, and the imposition of sanctions, while offering little attention to the legal rights and interests of victims. Although Article 14C paragraph (1) recognized the possibility of compensation in specific circumstances, the former Criminal Code did not establish a comprehensive framework for victim protection or require courts to consider the consequences of criminal offences for

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<sup>39</sup> Jeffrey C F Ho and Ali Lai Lai Wong, "Effects of Witnessing Accidents in Virtual Reality on Reception of Safety Training: The Role of Empathy toward Virtual Victims," *Safety Science* 196 (2026): 107087, <https://doi.org/10.1016/j.ssci.2025.107087>.

<sup>40</sup> Ko-Hsin Hsu, "Support for Burglary Victims: An Analysis of Victim Service Provider Practices," *Journal of Criminal Justice* 98 (2025): 102420, <https://doi.org/10.1016/j.jcrimjus.2025.102420>.

<sup>41</sup> Nanang Nurcahyo et al., "Reform of the Criminal Law System in Indonesia Which Prioritizes Substantive Justice," *Journal of Law, Environmental and Justice* 2, no. 1 (2024): 89 – 108, <https://doi.org/10.62264/jlej.v2i1.91>.

victims and their families during sentencing. Consequently, the material criminal law adopted an offender centered approach that prioritized punishment and public order while largely excluding victims from the substantive objectives of criminal justice. Indonesia addressed this imbalance through the enactment of Law Number 1 of 2023 on the National Criminal Code. The new Criminal Code introduces a more balanced philosophy by recognizing that criminal law must protect the interests of both offenders and victims while maintaining legal certainty, justice, and respect for human rights. This legislative transformation reflects a significant shift from an exclusively punitive model toward a justice-oriented system that acknowledges victim protection as an essential component of criminal law.<sup>42</sup>

The victim-oriented approach appears clearly in the sentencing principles established by the National Criminal Code. Courts must consider the impact of the criminal offence on victims and their families together with any forgiveness granted by victims when determining an appropriate sentence.<sup>43</sup> These provisions require judges to evaluate the actual consequences of criminal conduct rather than focusing exclusively on the offender's culpability. The Code further strengthens this approach by allowing courts to consider the extent of victim loss, victim compensation, and the victim's position when determining whether imprisonment or a financial penalty constitutes the most appropriate sanction in particular cases. As a result, sentencing now reflects not only deterrence and retribution but also restoration and proportional justice.<sup>44</sup>

The National Criminal Code also provides a broader legal definition of victims by recognizing any person who suffers physical, psychological, or economic harm as a consequence of a criminal offence.<sup>45</sup> This definition extends legal protection beyond the direct target of the offence and includes individuals who experience consequential harm arising from criminal conduct. Such recognition prevents offenders from avoiding responsibility merely because the injured party was not the primary object of the offence and strengthens legal certainty regarding the scope of victim protection.<sup>46</sup> The National Criminal Code establishes specific criminal offences that protect witnesses and victims from intimidation, retaliation, and unlawful disclosure of protected identities. These provisions criminalize

<sup>42</sup> Pardis Roumiani, Hadis Roumiani, and Ali Safdari, "Medical Error and Three Concealed Victims: The Patient, Healthcare Caregivers, and the Credibility of the Healthcare System," *International Journal of Africa Nursing Sciences* 24 (2026): 100940, <https://doi.org/10.1016/j.ijans.2025.100940>.

<sup>43</sup> Rizaldy Anggriawan, "Recovering Ponzi Scheme Losses and Integrating the Victim Impact Statement into Indonesia's Criminal Justice System," *Prawo i Wiez* 56, no. 3 (2025): 173 – 206, <https://doi.org/10.36128/PRIW.VI56.1255>.

<sup>44</sup> Can Yavuz, "Adverse Human Rights Impacts of Dissemination of Nonconsensual Sexual Deepfakes in the Framework of European Convention on Human Rights: A Victim-Centered Perspective," *Computer Law & Security Review* 56 (2025): 106108, <https://doi.org/10.1016/j.clsr.2025.106108>.

<sup>45</sup> Vivi Ariyanti, "Konsep Perlindungan Korban Dalam Sistem Peradilan Pidana Nasional Dan Sistem Hukum Pidana Islam," *Al-Manahij: Jurnal Kajian Hukum Islam* 13, no. 1 (2019): 33 – 48, <https://doi.org/10.24090/mnh.v0i1.2224>.

<sup>46</sup> Nurini Aprilianda et al., "Re-Conceptualizing Child Victim Rights: A Normative and Comparative Analysis of Victim Impact Statement in Indonesia's Juvenile Justice System," *Jambura Law Review* 7, no. 2 (2025): 442 – 467, <https://doi.org/10.33756/jlr.v7i2.30132>.

conduct that interferes with victims who participate in criminal proceedings and impose sanctions on public officials who fail to fulfil legally protected victim rights. By introducing these offences, the legislature seeks to create a safer environment that encourages victims to participate in the administration of justice without fear of retaliation or secondary victimization.<sup>47</sup>

Despite these progressive developments, Indonesian criminal law continues to face a significant normative gap. The National Criminal Code has adopted a victim-oriented paradigm, whereas the Criminal Procedure Code has not yet fully incorporated procedural mechanisms capable of implementing these substantive rights. This disparity creates inconsistency between substantive criminal law and criminal procedure, thereby limiting the effective realization of victim protection. Consequently, harmonizing the Criminal Code with procedural law through comprehensive regulation of victim participation, including the Victim Impact Statement, remains essential to achieving equitable justice and ensuring effective legal protection for crime victims. The Indonesian Criminal Procedure Code continues to adopt an offender-oriented approach that places crime victims in a limited procedural position. The existing procedural framework recognizes victims primarily as witnesses rather than as independent legal subjects with substantive procedural rights. This approach reflects a criminal justice model that prioritizes criminal prosecution, the protection of defendants, and the maintenance of public order while providing insufficient legal recognition of the interests and rights of victims. Consequently, victims participate in criminal proceedings only to provide factual testimony, whereas prosecutors and defendants remain the principal actors throughout the judicial process.<sup>48</sup>

The current legal framework places victims and ordinary witnesses within the same procedural category despite their fundamentally different legal positions. Ordinary witnesses acquire knowledge of a criminal offence through observation, whereas victims experience the offence directly and suffer its physical, psychological, social, and economic consequences.<sup>49</sup> Victims therefore possess unique knowledge concerning the actual impact of criminal conduct that cannot be equated with the observations of third parties. Nevertheless, the Criminal Procedure Code evaluates victim testimony according to the same evidentiary standards applied to ordinary witnesses, without recognizing the distinctive nature of victim experiences. This approach limits judicial understanding of the actual

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<sup>47</sup> Delfina Fernandes et al., "Characterizing Child Sexual Abuse and Child Victims' Participation in the Portuguese Criminal Justice System," *Child Abuse & Neglect* 179 (2026): 108220, <https://doi.org/10.1016/j.chiabu.2026.108220>.

<sup>48</sup> Bardiya Zangbar et al., "Social and Racial Disparity Impacts Victims of Physical Abuse Among Trauma Patients," *Journal of Surgical Research* 313 (2025): 58–65, <https://doi.org/10.1016/j.jss.2025.06.017>.

<sup>49</sup> Edgar R Aguilera, "Truth and Victims' Rights: Towards a Legal Epistemology of International Criminal Justice," *Mexican Law Review* 6, no. 1 (2013): 119–60, [https://doi.org/10.1016/S1870-0578\(16\)30021-X](https://doi.org/10.1016/S1870-0578(16)30021-X).

consequences of criminal offences and diminishes the role of victims in criminal proceedings.<sup>50</sup>

The procedural design of the Criminal Procedure Code also provides extensive safeguards for defendants while offering limited procedural rights to victims. Defendants may challenge indictments, present legal defenses, file appeals, submit cassation petitions, and seek extraordinary judicial review when statutory requirements are satisfied.<sup>51</sup> These procedural guarantees protect defendants from arbitrary punishment and strengthen the principle of due process. However, the law does not establish comparable procedural mechanisms that allow victims to actively participate in judicial proceedings, communicate the consequences of criminal offences, or influence judicial consideration during sentencing. As a result, victims remain passive participants whose interests depend largely upon prosecutorial representation rather than direct procedural recognition.<sup>52</sup>

The evidentiary system further reinforces this imbalance. The Criminal Procedure Code classifies victim testimony as ordinary witness evidence and requires judges to evaluate its credibility by comparing it with other witness testimony and supporting evidence.<sup>53</sup> Although this evidentiary model promotes objectivity and protects defendants against unreliable testimony, it fails to distinguish between information provided by victims and information provided by individuals who merely observed the offence. Victims therefore receive no procedural recognition for the unique physical, emotional, psychological, and economic harm that forms an essential part of the criminal event. This limitation prevents courts from fully understanding the broader consequences of criminal conduct and reduces opportunities to achieve substantive justice.<sup>54</sup>

Law Number 1 of 2023 on the National Criminal Code introduces a more balanced philosophy by recognizing victim protection as an important objective of criminal law. The legislation broadens the legal definition of victims, requires judges to consider the impact of criminal offences on victims during sentencing, and strengthens legal protection against intimidation and retaliation.<sup>55</sup> These reforms demonstrate a significant shift toward a justice oriented criminal law

<sup>50</sup> Maarten Kunst et al., "The Impact of Victim Impact Statements on Legal Decisions in Criminal Proceedings: A Systematic Review of the Literature across Jurisdictions and Decision Types," *Aggression and Violent Behavior* 56 (2021): 101512, <https://doi.org/10.1016/j.avb.2020.101512>.

<sup>51</sup> Hyunjung Shim and Sarayu Cheemalapati, "When Insignificance Is Significant: Rethinking Race, Immigration, and the Myth of Victim Reluctance to Report to Police and Use Victim Services," *Journal of Criminal Justice* 101 (2025): 102511, <https://doi.org/10.1016/j.jcrimjus.2025.102511>.

<sup>52</sup> Amy D Costigan, "My Job: A Courtroom Victim Impact Statement," *Annals of Emergency Medicine* 73, no. 2 (2019): 204–5, <https://doi.org/10.1016/j.annemergmed.2018.07.026>.

<sup>53</sup> Anita Grace et al., "Collaborative Policing: Networked Responses to Child Victims of Sex Crimes," *Child Abuse & Neglect* 93 (2019): 197–207, <https://doi.org/10.1016/j.chiabu.2019.05.001>.

<sup>54</sup> Souvik Mukherjee and Lennon Yao-Chung Chang, "Time to (Re)Visualise Victims? Introducing Shadow Victims of Digital Misinformation," *Computers in Human Behavior* 182 (2026): 109002, <https://doi.org/10.1016/j.chb.2026.109002>.

<sup>55</sup> Ricardo Hernan Medina Rico, "Beyond the Human Victim: Decolonizing Justice and Reimagining Pluriversal Accountability in Colombia's Transitional Peace Process," *Peace and Sustainability* 2, no. 2 (2026): 100045, <https://doi.org/10.1016/j.nerpsj.2026.100045>.

system. Nevertheless, procedural law has not yet undergone equivalent reform. The absence of procedural mechanisms that enable victims to communicate the consequences of criminal offences, including the Victim Impact Statement, creates inconsistency between substantive criminal law and criminal procedure. Harmonizing these two legal frameworks remains essential to strengthen victim participation, improve judicial reasoning, and establish a criminal justice system that provides balanced protection for both victims and defendants while promoting legal certainty, substantive justice, and equitable judicial outcomes.<sup>56</sup>

Crime victims frequently experience long term physical, psychological, social, and economic consequences that extend far beyond the commission of the criminal offence. Recovery often requires continuous medical treatment, psychological counselling, and rehabilitation, all of which impose substantial financial burdens on victims and their families. These prolonged recovery processes frequently reduce victims' productivity, limit their employment opportunities, and diminish their economic capacity.<sup>57</sup> Consequently, victimization produces enduring harm that cannot be measured solely by immediate physical injuries but must also include continuing emotional suffering, financial loss, and reduced quality of life. Despite these extensive consequences, the Indonesian criminal justice system continues to emphasize punishment and the restoration of public order rather than the comprehensive recovery of victims. Prosecutors primarily pursue criminal sanctions to enforce criminal law and maintain social order, while the interests of victims receive only indirect representation throughout criminal proceedings. Although imprisonment may satisfy society's demand for accountability and deterrence, it rarely addresses the broader consequences experienced by victims. The imprisonment of offenders neither restores victims' physical and psychological well-being nor compensates for continuing economic and social losses resulting from criminal conduct.<sup>58</sup>

The procedural structure of criminal proceedings reinforces this imbalance by assigning prosecutors the central role in directing criminal cases. Prosecutors determine whether investigations proceed to trial, formulate criminal charges, and represent the public interest before the court. This institutional responsibility reflects the objective of maintaining public order rather than protecting individual victim interests.<sup>59</sup> Consequently, victims possess limited opportunities to communicate their personal experiences, explain the continuing consequences of

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<sup>56</sup> Yasemin Irvin-Erickson and Auzeen Shariati, "Covid-19 Pandemic's Impact on Socio-Emotional Problems Experienced by Victims of Violence with Disabilities," *Disability and Health Journal* 18, no. 1 (2025): 101710, <https://doi.org/10.1016/j.dhjo.2024.101710>.

<sup>57</sup> Zarina I Vakhitova, Rob I Mawby, and Mine Özaşçılar, "Tourism and Crime," in *International Encyclopedia of Business Management (First Edition)*, ed. Vanessa Ratten, First Edition (Oxford: Academic Press, 2026), 194–98, <https://doi.org/10.1016/B978-0-443-13701-3.00134-1>.

<sup>58</sup> Josep Maria Tamarit, Laura Arantegui-Arràez, and Alba Marsol-Gutiérrez, "Invisible Harm after Lethal Violence: Victims of Homicide by Offenders with Mental Disorders," *Journal of Forensic and Legal Medicine* 120 (2026): 103173, <https://doi.org/10.1016/j.jflm.2026.103173>.

<sup>59</sup> Md Rafiqul Islam, "An Assessment on Surging Crime, Gender Violence, and Justice Mechanisms in the Rohingya Camps in Bangladesh," *Women's Studies International Forum* 111 (2025): 103122, <https://doi.org/10.1016/j.wsif.2025.103122>.

criminal offences, or influence judicial reasoning during sentencing. Their participation remains largely confined to providing factual testimony as witnesses, while prosecutors determine the direction and scope of criminal litigation. To strengthen victim protection, Indonesia enacted Law Number 31 of 2014 concerning the Protection of Witnesses and Victims. This legislation recognizes several procedural rights for victims, including protection of personal security, family members, and property, freedom from intimidation, and the opportunity to provide testimony without coercion. These safeguards seek to ensure that victims participate safely and effectively in criminal proceedings while preserving the integrity of judicial fact finding. The legislation also recognizes victims as individuals entitled to legal protection and recovery rather than merely as evidentiary sources supporting criminal prosecution.<sup>60</sup>

Within the criminal justice system, victims perform two complementary legal functions. First, they provide testimony concerning the criminal offence based on their direct experience.<sup>61</sup> Second, they pursue justice through legal mechanisms that protect their rights and facilitate recovery. These rights include access to justice, restitution, compensation, legal assistance, procedural information, and protection against intimidation or retaliation. Collectively, these guarantees reflect the principle that criminal justice should pursue both offender accountability and meaningful victim protection. Although Indonesian legislation has not expressly adopted the Victim Impact Statement as an independent procedural mechanism, several statutory provisions reflect comparable principles. The Juvenile Criminal Justice System permits child victims to express their views regarding criminal proceedings before the court, thereby recognizing the importance of victim participation beyond evidentiary testimony. Likewise, Law Number 12 of 2022 concerning Sexual Violence Crimes and Supreme Court Regulation Number 1 of 2022 establish procedures governing restitution for victims. These provisions require victims to explain the losses and consequences arising from criminal conduct as part of restitution proceedings. While these mechanisms do not formally constitute a Victim Impact Statement, they demonstrate that Indonesian law has already acknowledged the importance of incorporating victim experiences into judicial decision making. These developments provide a strong normative foundation for formally integrating the Victim Impact Statement into the Indonesian criminal justice system to strengthen victim participation, improve judicial reasoning, and promote equitable justice for both victims and offenders.<sup>62</sup>

The urgency of integrating the Victim Impact Statement into the Indonesian criminal justice system has gained increasing attention during discussions on the reform of the Criminal Procedure Code. Legal scholars and criminal justice

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<sup>60</sup> Christopher Freeman, "Acute and Diffuse Impacts of Fraud: A Victim-Centred Teleology for a Wicked Problem," *Journal of Economic Criminology* 6 (2024): 100104, <https://doi.org/10.1016/j.jeconc.2024.100104>.

<sup>61</sup> Thomas Pearson, "The Impact of Immigration Status on Crime Reporting: Evidence from DACA," *Journal of Urban Economics* 143 (2024): 103670, <https://doi.org/10.1016/j.jue.2024.103670>.

<sup>62</sup> Qian Yang et al., "The Impact of Inaccurate Supply-Demand Types for Emergency Supplies on the Psychological Pain of Victims: Data from Flood Disasters in China," *Journal of Safety Science and Resilience* 7, no. 2 (2026): 100265, <https://doi.org/10.1016/j.jnlssr.2025.100265>.

practitioners have consistently emphasized that the existing procedural framework provides inadequate opportunities for victims to communicate the consequences of criminal offences directly before the court.<sup>63</sup> This limitation prevents judges from obtaining comprehensive information regarding the actual harm suffered by victims and reduces the capacity of criminal proceedings to deliver substantive justice.<sup>64</sup> Scholarly discourse strongly supports the incorporation of the Victim Impact Statement into Indonesian criminal procedure. Legal experts argue that criminal offences produce different physical, psychological, social, and economic consequences for each victim, even when offenders commit the same type of crime. Individual characteristics, including social background, economic conditions, health status, and psychological resilience, influence the severity of victimization and the recovery process. Consequently, sentencing should consider these individual consequences rather than relying exclusively on the legal classification of the offence. A formal Victim Impact Statement would enable victims to explain these consequences directly before the court while assisting judges in determining proportionate sanctions, rehabilitation measures, and victim-oriented remedies.<sup>65</sup>

Academic discussions also recognize the Victim Impact Statement as an instrument that transforms victims from passive witnesses into active participants within criminal proceedings.<sup>66</sup> This mechanism enables victims to explain the physical, emotional, psychological, social, and financial consequences of criminal conduct through structured statements presented during the sentencing process. Such participation restores victims' dignity, strengthens procedural fairness, and broadens judicial understanding of the real impact of criminal offences. Furthermore, the Victim Impact Statement supports restorative justice by encouraging offenders to acknowledge the consequences of their actions and assume greater personal responsibility toward victims.<sup>67</sup>

The proposal has also received institutional support from the Witness and Victim Protection Agency, which advocates explicit regulation of the Victim Impact Statement within the revised Criminal Procedure Code. According to this proposal, victims should possess a statutory right to submit written or oral statements describing the consequences of criminal offences before sentencing. The Agency

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<sup>63</sup> Brendan Lantz, Sylwia J Piatkowska, and Ashton Hoover, "Group Threat and Power-Differential Theories as Differential Predictors of Religion-Motivated Hate Crimes and the Construction of Local Hate Crime Statistics," *Social Science Research* 139 (2026): 103404, <https://doi.org/10.1016/j.ssresearch.2026.103404>.

<sup>64</sup> Ariagor Manuel Almanza Avendaño, Anel Hortensia Gómez San Luis, and Sergio Cáceres Becerra, "Emerging Emotions in the Face of the Necropower of Organized Crime: Between Domination and Agency," *Emotion, Space and Society* 54 (2025): 101066, <https://doi.org/10.1016/j.emospa.2025.101066>.

<sup>65</sup> Sarah Mairéad Kelleher, Caoilte Ó Ciardha, and Gaye Ildeniz, "When Myths Shape Verdicts: A Theory and Intervention for Jury Biases against Victim-Survivors in Rape Trials," *Journal of Criminal Justice* 104 (2026): 102619, <https://doi.org/10.1016/j.jcrimjus.2026.102619>.

<sup>66</sup> Liaqat Ali et al., "Child Sexual Abuse in Punjab, Pakistan: A Mixed-Methods Study of Victim-Offender Relationships and Implications for Child Protection Services," *Children and Youth Services Review* 188 (2026): 109099, <https://doi.org/10.1016/j.childyouth.2026.109099>.

<sup>67</sup> Rachael M Rief and Alessa S Juárez, "Effects of Female Representation in Law Enforcement on Victim-Centered Practices and Victim Cooperation," *Journal of Criminal Justice* 101 (2025): 102545, <https://doi.org/10.1016/j.jcrimjus.2025.102545>.

considers this mechanism essential because the current criminal justice system continues to prioritize the procedural rights of suspects and defendants while limiting victim participation to evidentiary testimony. Formal recognition of the Victim Impact Statement would therefore strengthen victim participation and promote a more balanced criminal justice system.<sup>68</sup>

Empirical findings obtained through interviews with public prosecutors reinforce these normative arguments. Prosecutors acknowledge that victim statements constitute an important source of information during criminal prosecution, particularly when supported by legally admissible evidence such as medical reports, forensic examinations, and psychiatric assessments. These supporting documents verify the physical and psychological consequences described by victims and strengthen the evidentiary value of their statements before the court. Prosecutors further emphasize that a structured Victim Impact Statement would provide judges with comprehensive information concerning the continuing consequences of criminal conduct while improving prosecutorial arguments during sentencing. Consequently, integrating the Victim Impact Statement into Indonesian criminal procedure would strengthen judicial reasoning, enhance victim protection, improve sentencing quality, and promote a criminal justice system that better reflects the principles of substantive justice, proportionality, and equitable legal protection.<sup>69</sup>

The Victim Impact Statement serves not only to support more proportionate sentencing but also to facilitate victim recovery as an essential objective of a justice system that embraces restorative principles. Through the Victim Impact Statement, victims may communicate their physical, psychological, emotional, social, and economic needs directly to the court, enabling prosecutors and judges to consider appropriate forms of restitution, rehabilitation, compensation, and other restorative measures.<sup>70</sup> Consequently, the Victim Impact Statement strengthens prosecutorial arguments for remedies that address the continuing consequences of criminal offences while promoting more comprehensive and victim centered justice. Contemporary criminal justice systems increasingly recognize the Victim Impact Statement as an important legal instrument that documents the consequences of criminal conduct, strengthens offender accountability, and reinforces the state's responsibility to protect victims. Prosecutors regard the Victim Impact Statement as a mechanism that enables criminal prosecution to respond more effectively to victims' rights while fostering a criminal justice process that reflects fairness, humanity, and balanced legal protection. Nevertheless, the effectiveness of the Victim Impact Statement depends upon objective verification rather than solely

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<sup>68</sup> Schuliar F et al., "'Impact' – A Mixed-Methods Study on Adapted Karate as a Contribution to Pluridisciplinary Care for Women Victims of Violence," *European Journal of Trauma & Dissociation*, 2026, 100723, <https://doi.org/10.1016/j.ejtd.2026.100723>.

<sup>69</sup> Ryan Ian Houe Chong et al., "Scoping Review of the Second Victim Syndrome among Surgeons: Understanding the Impact, Responses, and Support Systems," *The American Journal of Surgery* 229 (2024): 5–14, <https://doi.org/10.1016/j.amjsurg.2023.09.045>.

<sup>70</sup> Sujung Lee and Courtney E Boen, "Hate Crimes Hurt: State-Level Hate Crime Rates and Racial Health Disparities," *Social Science & Medicine* 405 (2026): 119551, <https://doi.org/10.1016/j.socscimed.2026.119551>.

upon the victim's personal account. Supporting evidence therefore remains essential to ensure the credibility and evidentiary reliability of the information presented to the court.<sup>71</sup>

Empirical findings from interviews with public prosecutors demonstrate this perspective. Prosecutors emphasize that victim statements constitute an important evidentiary component but cannot independently establish criminal responsibility. Instead, prosecutors must corroborate victim statements through legally admissible evidence, including witness testimony, documentary evidence, forensic medical reports, psychiatric assessments, and other relevant forms of proof. This evidentiary approach preserves the principles of legal certainty, due process, and objective judicial assessment while allowing the Victim Impact Statement to contribute meaningfully to sentencing.<sup>72</sup>

Prosecutors also acknowledge that the evidentiary value of victim statements varies according to the characteristics of individual criminal offences. In cases involving serious physical violence, prosecutors rely upon forensic medical examinations to verify the extent of bodily injury and evaluate whether the consequences correspond with the victim's account. Likewise, cases involving psychological trauma require professional psychiatric assessments to establish the existence and severity of emotional harm. These objective findings strengthen the credibility of the Victim Impact Statement and provide judges with reliable information concerning the actual consequences of criminal conduct. In criminal cases involving child victims, prosecutors assign particular importance to victim statements because children frequently provide spontaneous and consistent accounts of their experiences. Child protection principles further recognize that children require enhanced legal safeguards regardless of their capacity to understand or consent to criminal conduct. Accordingly, victim statements submitted by children often possess substantial evidentiary significance when supported by appropriate corroborating evidence.<sup>73</sup>

Judicial perspectives similarly demonstrate the practical value of the Victim Impact Statement. Judges recognize that although Indonesian criminal procedure has not formally incorporated the Victim Impact Statement, the information contained within such statements would substantially improve judicial assessment during sentencing.<sup>74</sup> By presenting comprehensive information concerning the physical, psychological, economic, and social consequences experienced by victims,

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<sup>71</sup> Lara Flynn Hudspith et al., "Criminal Justice System Stakeholders' Perspectives on Rape Myth Acceptance Interventions for Jurors," *Journal of Criminal Justice* 105 (2026): 102675, <https://doi.org/10.1016/j.jcrimjus.2026.102675>.

<sup>72</sup> M Urbanski et al., "Transplant Professionals' Views on Transplant for Patients Involved in the Criminal Justice System," *American Journal of Transplantation* 26, no. 7, Supplement 1 (2026): S593, <https://doi.org/10.1016/j.ajt.2026.05.1217>.

<sup>73</sup> Allison D Crawford et al., "A Reproductive Justice Investigation of Utilizing Digital Interventions among Underserved Populations with Criminal Legal System Supervision: Policy Brief," *Nursing Outlook* 73, no. 2 (2025): 102349, <https://doi.org/10.1016/j.outlook.2025.102349>.

<sup>74</sup> Tim Day, "An Exploration of the Anatomy of Doorstep Crime Rogue Trading," *Journal of Economic Criminology* 8 (2025): 100149, <https://doi.org/10.1016/j.jeconcr.2025.100149>.

the Victim Impact Statement enables judges to evaluate whether proposed sanctions adequately reflect the seriousness of the offence and the harm suffered by victims. In addition, the information may assist judges in understanding the broader circumstances surrounding the offence, including factors relevant to the offender's motivation and degree of culpability. Consequently, the Victim Impact Statement supports sentencing decisions that balance offender accountability, victim protection, proportionality, and substantive justice while preserving the objectivity of criminal adjudication.<sup>75</sup>

The Victim Impact Statement serves not only as a basis for determining the principal sentence but also as an important instrument for assessing additional remedies, including restitution and compensation for crime victims.<sup>76</sup> By providing comprehensive information regarding the physical, psychological, emotional, social, and economic consequences of criminal conduct, the Victim Impact Statement enables judges to assess the actual extent of victim loss more accurately. This information supports the determination of proportionate restitution and compensation that reflect the real consequences experienced by victims rather than relying solely upon estimated financial losses. Consequently, the Victim Impact Statement advances restorative justice by facilitating meaningful victim recovery while encouraging offenders to assume full responsibility for the harm they have caused.<sup>77</sup>

Judicial perspectives further demonstrate that the Victim Impact Statement has significant potential to strengthen sentencing practices within the Indonesian criminal justice system. Judges recognize that although Indonesian law has not yet formally incorporated the Victim Impact Statement as an independent procedural mechanism, information concerning victim experiences remains highly relevant when evaluating aggravating and mitigating circumstances.<sup>78</sup> A structured statement describing the physical, psychological, social, and economic consequences of criminal offences provides judges with a more comprehensive understanding of the seriousness of the offence and assists them in determining sanctions that more accurately reflect substantive justice. In addition, the Victim Impact Statement may assist courts in evaluating restitution, rehabilitation, and other restorative measures designed to restore victims' rights.<sup>79</sup>

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<sup>75</sup> April Martinez et al., "Mortality among People Who Had Contact with the Criminal Justice System during Adolescence: A Systematic Review and Meta-Analysis," *Social Science & Medicine* 403 (2026): 119338, <https://doi.org/10.1016/j.socscimed.2026.119338>.

<sup>76</sup> Gustavo Moreira and Vania Ceccato, "Unequal Crime Reporting: Trust in the Police and Racial Disparities in Reporting Theft and Robbery in Brazil," *Policing: An International Journal* 49, no. 3 (2026): 1–18, <https://doi.org/10.1108/PIJPSM-02-2026-0056>.

<sup>77</sup> Christina Mancini and Christi Metcalfe, "Public Assessments of the Criminal Justice System in Addressing Mental Health," *Journal of Criminal Justice* 89 (2023): 102120, <https://doi.org/10.1016/j.jcrimjus.2023.102120>.

<sup>78</sup> Joohyun Park, "The Cost of Being a Legal Patient: Judicial Use of Rape Defendants' and Victims' Psychiatric Records in South Korea," *Social Science & Medicine* 376 (2025): 118108, <https://doi.org/10.1016/j.socscimed.2025.118108>.

<sup>79</sup> Lisa Stolzenberg et al., "A Comparison of First-Time Offenders, Repeat Offenders, and Frequent Utilizers of the Criminal Justice System," *Journal of Criminal Justice* 94 (2024): 102270, <https://doi.org/10.1016/j.jcrimjus.2024.102270>.

Nevertheless, judges also emphasize that the Victim Impact Statement cannot operate without appropriate procedural safeguards. Because Indonesian legislation has not expressly regulated its legal status, concerns remain regarding the authenticity and reliability of victim statements.<sup>80</sup> External influence by family members, legal representatives, or other interested parties may affect the content or presentation of victim statements and reduce their evidentiary credibility. Accordingly, judges must evaluate every Victim Impact Statement critically by comparing its contents with witness testimony, documentary evidence, expert opinions, forensic reports, and other legally admissible evidence presented during trial. Such verification ensures that judicial decisions remain objective while protecting both victims' rights and defendants' procedural guarantees.<sup>81</sup>

Empirical findings obtained from judicial interviews consistently support this cautious approach. Judges acknowledge that the Victim Impact Statement could become an important consideration during sentencing because it explains the continuing consequences of criminal conduct that conventional evidence frequently fails to capture.<sup>82</sup> However, they also emphasize that the statement cannot independently establish criminal liability or replace legally recognized evidence. Instead, forensic medical examinations, psychiatric assessments, documentary evidence, witness testimony, and expert opinions must corroborate the information contained in the Victim Impact Statement. This evidentiary framework preserves legal certainty while enabling courts to incorporate victim experiences into judicial reasoning.<sup>83</sup>

Judges further explain that victim statements may influence sentencing by identifying circumstances that either aggravate or mitigate criminal responsibility. Serious and irreversible physical injuries, permanent psychological trauma, substantial economic losses, or the absence of forgiveness and reconciliation may justify more severe punishment because these factors demonstrate the continuing harm suffered by victims. Conversely, voluntary reconciliation, adequate restitution, genuine remorse, and forgiveness expressed by victims may support mitigation because they reflect successful restoration of the relationship between victims and offenders. In this context, the Victim Impact Statement functions as an

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<sup>80</sup> Angela Karakachian et al., "'Did I Do the Right Thing?' Nurses' Experiences of Caring for Victims of Child Maltreatment: A Qualitative Study," *Journal of Pediatric Nursing* 76 (2024): 45–51, <https://doi.org/10.1016/j.pedn.2024.02.002>.

<sup>81</sup> Laura Broome et al., "Learning from Disrupted Connections: The Impact of COVID-19 on Relational and Professional Support in the Female Criminal Justice System," *Journal of Forensic Practice* 28, no. 1 (2026): 82–96, <https://doi.org/10.1108/JFP-04-2025-0041>.

<sup>82</sup> Krzysztof Mączka et al., "Is This Drama Called Populism? A Comparison of Protagonists, Allies, Antagonists, and Victims in the Narratives of Polish and Hungarian Energy Experts," *Energy Research & Social Science* 134 (2026): 104623, <https://doi.org/10.1016/j.erss.2026.104623>.

<sup>83</sup> Jax Kynn et al., "Structural Vulnerabilities and Over-Criminalization of LGBTQ + Youth in the California Justice System," *Children and Youth Services Review* 160 (2024): 107586, <https://doi.org/10.1016/j.childyouth.2024.107586>.

important source of information concerning post offence developments rather than merely documenting the criminal event itself.<sup>84</sup>

The absence of comprehensive statutory regulation nevertheless continues to limit the practical implementation of the Victim Impact Statement in Indonesia. Although Law Number 20 of 2025 on the Criminal Procedure Code recognizes the right of victims to submit statements describing the consequences of criminal offences, the legislation does not provide detailed procedural rules governing the preparation, submission, evidentiary status, or judicial evaluation of such statements. By contrast, the same legislation establishes comprehensive procedural mechanisms regulating restitution and compensation.<sup>85</sup> This disparity demonstrates that the Victim Impact Statement has received normative recognition but has not yet obtained the procedural certainty necessary for effective implementation. Consequently, Indonesia requires detailed implementing regulations that define the legal status, procedural requirements, evidentiary standards, and judicial use of the Victim Impact Statement to ensure consistent application, strengthen victim participation, enhance judicial reasoning, and promote a criminal justice system founded upon restorative justice, legal certainty, and equitable protection for both victims and offenders.<sup>86</sup>

### *The Urgency of Victim Impact Statements in the Criminal Justice System in Indonesia*

The criminal justice process constitutes the primary legal mechanism for resolving criminal cases and maintaining the rule of law. Despite this essential function, crime victims continue to occupy a relatively limited position within the Indonesian criminal justice system.<sup>87</sup> Criminal proceedings primarily emphasize the investigation, prosecution, and punishment of offenders, while the interests and rights of victims often receive secondary consideration. Consequently, many victims experience difficulties in obtaining meaningful legal protection, participating effectively in criminal proceedings, and securing adequate remedies for the harm they have suffered.<sup>88</sup> This imbalance reflects a broader tendency within criminal justice systems to prioritize the procedural rights of suspects and

<sup>84</sup> Natalia Widiastih Raharjanti et al., "Mental Disorder in the Courtroom: Challenges for Legal Practice in Low-Resource Criminal Justice System: A Qualitative Analysis from Indonesia," *International Journal of Law and Psychiatry* 108 (2026): 102254, <https://doi.org/10.1016/j.ijlp.2026.102254>.

<sup>85</sup> Leanne van Rooy, Tanya Heyns, and Celia J Filmalter, "Stakeholder Recognition and Response to Human Trafficking Victims in Emergency Departments: A Descriptive Qualitative Study in South Africa," *African Journal of Emergency Medicine* 16, no. 3 (2026): 100983, <https://doi.org/10.1016/j.afjem.2026.100983>.

<sup>86</sup> N Softley, P Turner, and C Lennox, "Care-Experienced Children and the Criminal Justice System. A Systematic Review of Their Perceptions and the Professionals Who Work with Them. (Children and Youth Services Review)," *Children and Youth Services Review* 185 (2026): 108903, <https://doi.org/10.1016/j.childyouth.2026.108903>.

<sup>87</sup> Carlos A Salas, Lorena Nunez Carrasco, and Francisca Marquez, "Eyes of the Storm: Biographical Disruption and Political Context of Ocular Trauma Victims during the 2019 Chilean Uprising," *Social Science & Medicine* 386 (2025): 118679, <https://doi.org/10.1016/j.socscimed.2025.118679>.

<sup>88</sup> Marc Friberg, Carl-Oscar Jonson, and Erik Prytz, "Prioritization of Victims with Traumatic Bleeding among Medical Laypeople – An Experimental Study," *Human Factors in Healthcare* 8 (2025): 100116, <https://doi.org/10.1016/j.hfh.2025.100116>.

defendants while providing comparatively limited attention to victims. Although safeguarding the rights of accused persons remains a fundamental principle of due process, the criminal justice system must also recognize victims as holders of fundamental human rights. Victims possess the right to legal protection, equal treatment before the law, access to justice, and effective remedies for violations of their legal interests.<sup>89</sup> These principles correspond with the constitutional guarantee that every individual has the right to legal recognition, legal certainty, legal protection, and equal treatment before the law. Accordingly, the protection of crime victims represents an integral component of the rule of law and substantive justice rather than merely a complementary objective of criminal proceedings.<sup>90</sup>

International standards likewise recognize the central position of victims within the administration of criminal justice. The international framework concerning victims establishes four fundamental principles of victim protection, namely access to justice and fair treatment, protection from intimidation and retaliation, material and psychological assistance, and the availability of compensation and restitution.<sup>91</sup> These principles require criminal justice institutions to respect victims' dignity, facilitate their participation in legal proceedings, ensure their personal security and privacy, and provide effective mechanisms for obtaining appropriate remedies. Victim protection therefore extends beyond criminal punishment by emphasizing restoration, recovery, and respect for human dignity throughout the justice process. The former Indonesian Criminal Procedure Code provided only limited procedural rights for crime victims. Victims could challenge decisions terminating investigations or prosecutions under specific circumstances, report criminal offences, provide witness testimony, and pursue compensation through limited procedural mechanisms. However, these provisions did not establish victims as independent participants within criminal proceedings and failed to provide comprehensive legal protection throughout the judicial process.<sup>92</sup>

Law Number 20 of 2025 on the Criminal Procedure Code significantly strengthens the legal position of crime victims by recognizing a comprehensive catalogue of procedural rights. Victims now possess the right to legal representation, freedom from intimidation, interpretation services, protection of identity, personal security, access to information regarding criminal proceedings and judicial decisions, participation in restorative justice, medical and

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<sup>89</sup> Louise Victoria Johansen, "Legislation and Institutional Practices Concerning Compensation for Victims of Rape in Denmark," *International Journal of Law, Crime and Justice* 81 (2025): 100742, <https://doi.org/10.1016/j.ijlcj.2025.100742>.

<sup>90</sup> Marni Brownell et al., "'Crossover Kids' in Manitoba: The Intersection of the Child Protection System, Youth Criminal Justice System and First Nations Identity," *Children and Youth Services Review* 178 (2025): 108529, <https://doi.org/10.1016/j.childyouth.2025.108529>.

<sup>91</sup> Raja Al Fath Widya Iswara, "Association of Age, Sexual Intercourse History, and Vaginal Discharge with Bacterial Vaginosis among Child Victims of Sexual Violence: A Case-Control Medicolegal Study from Southeast Sulawesi, Indonesia," *Legal Medicine* 82 (2026): 102826, <https://doi.org/10.1016/j.legalmed.2026.102826>.

<sup>92</sup> Malikova Sholpan Baltabekovna et al., "Adolescent Sports, Violent Delinquency, and Being Processed through the Criminal Justice System: A Longitudinal Analysis of Males," *Journal of Criminal Justice* 97 (2025): 102381, <https://doi.org/10.1016/j.jcrimjus.2025.102381>.

psychological assistance, temporary accommodation, transportation assistance, restitution, compensation, legal counselling, and procedural accompaniment throughout criminal proceedings. Most importantly, Article 144 expressly recognizes the victim's right to submit a written or oral statement describing the consequences of the criminal offence experienced.<sup>93</sup> This provision represents the first formal recognition of the Victim Impact Statement within Indonesian criminal procedure and reflects a significant shift toward a more victim centered criminal justice system. Nevertheless, the legislation does not establish detailed procedural rules governing the preparation, submission, evidentiary value, or judicial consideration of such statements. Consequently, although the Victim Impact Statement has received normative recognition, Indonesia must adopt implementing regulations that provide procedural certainty and ensure its effective application in achieving equitable judicial protection for crime victims.<sup>94</sup>

Law Number 31 of 2014 concerning the Amendment to Law Number 13 of 2006 on the Protection of Witnesses and Victims establishes a comprehensive framework for protecting the rights of crime victims throughout the criminal justice process.<sup>95</sup> The legislation guarantees victims the right to personal security, protection of family members and property, participation in determining appropriate protection measures, freedom to provide testimony without intimidation, interpretation services, protection from misleading questions, access to information concerning case developments, notification of judicial decisions, information regarding the release of convicted offenders, confidentiality of identity, new identity protection where necessary, temporary and permanent accommodation, transportation assistance, legal representation, temporary financial support during the protection period, and professional assistance throughout criminal proceedings.<sup>96</sup> These provisions demonstrate the legislature's commitment to safeguarding victims from secondary victimization while ensuring meaningful access to justice. Although the Witness and Victim Protection Law explicitly recognizes numerous procedural rights, it does not provide victims with the right to communicate directly to the court the physical, psychological, social, moral, and economic consequences arising from the criminal offence.<sup>97</sup> The legislation guarantees victims access to information concerning criminal proceedings and judicial outcomes, yet it does not establish a

<sup>93</sup> Justin M Ludwig and Karina Schumann, "How and Why the Omission Bias Affects Victims' and Third Parties' Responses to Interpersonal Transgressions," *Journal of Experimental Social Psychology* 127 (2026): 104971, <https://doi.org/10.1016/j.jesp.2026.104971>.

<sup>94</sup> Shrey Jhalani et al., "The Development of Forensic Science in the Criminal Justice System of England and Wales (2000–2024): A Systematic Review," *Forensic Science International: Synergy* 11 (2025): 100641, <https://doi.org/10.1016/j.fsisyn.2025.100641>.

<sup>95</sup> Jayeshkumar Kanani and Mohammed Iliyas Sheikh, "Breaking Patterns: Multiple Spleens and the Absent Right Kidney—A Rare and Unique Case Report in a 33-Year-Old Burn Victim," *Rare* 3 (2025): 100068, <https://doi.org/10.1016/j.rare.2025.100068>.

<sup>96</sup> Lauren N Moton, "'Victim Is Such a Touchy Word': Rethinking Victimhood among Human Trafficking Intervention Court Defendants in the US," *International Journal of Law, Crime and Justice* 82 (2025): 100763, <https://doi.org/10.1016/j.ijlcj.2025.100763>.

<sup>97</sup> Nevena Vuckovic Sahovic and Precious Eriamiatoe, "Effectiveness of the Convention on the Rights of the Child in Realization of the Right to a Remedy for Child Victims of Violence in Africa," *Child Abuse & Neglect* 110 (2020): 104307, <https://doi.org/10.1016/j.chiabu.2019.104307>.

procedural mechanism through which victims may formally explain the continuing impact of criminal conduct before sentencing. Consequently, the legal framework strengthens victim protection but does not fully recognize victims as active participants whose experiences should contribute to judicial decision making.<sup>98</sup>

Law Number 20 of 2025 on the Criminal Procedure Code addresses this limitation by recognizing the victim's right to submit a written or oral statement describing the consequences of the criminal offence. The explanatory provisions define this statement as a declaration presented by the victim, the victim's legal representative, or the victim's support person to the public prosecutor during court proceedings.<sup>99</sup> The statement may describe physical injuries, psychological suffering, economic losses, social consequences, moral harm, and the victim's expectations regarding recovery or the form of justice sought. This formulation substantially reflects the concept of the Victim Impact Statement because it enables victims to communicate directly the consequences of criminal conduct beyond factual testimony concerning the commission of the offence. The recognition of this right demonstrates a significant shift from passive victim participation toward a more victim centered criminal justice process.<sup>100</sup> The Criminal Procedure Code also guarantees victims the right to receive professional assistance throughout every stage of criminal proceedings, thereby ensuring that they can communicate the consequences of criminal offences effectively and without intimidation. Professional assistance may be provided by officers responsible for witness and victim protection, child and women protection service units, medical professionals, psychologists, social workers, psychiatrists, community-based service providers, or other qualified support personnel. The involvement of these professionals strengthens the reliability of victim statements while safeguarding victims from further psychological harm during judicial proceedings.<sup>101</sup>

The reform of Indonesian criminal procedure should incorporate the Victim Impact Statement as an integral component of criminal proceedings to strengthen judicial protection for crime victims and achieve substantive justice.<sup>102</sup> Under the current procedural framework, criminal proceedings begin with the summons of the defendant and witnesses, followed by the verification of the defendant's

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<sup>98</sup> Jerrod Brown et al., "Fetal Alcohol Spectrum Disorder (FASD) and the Criminal Justice System: A Guide for Legal Professionals," *International Journal of Law and Psychiatry* 97 (2024): 102029, <https://doi.org/10.1016/j.ijlp.2024.102029>.

<sup>99</sup> Sahrai Saeed, Inge Morild, and Peer Kåre Lilleng, "Burden of Cardiovascular Disease in Victims of Fatal Intoxication: An Autopsy Study," *Cardiovascular Pathology* 84 (2026): 107836, <https://doi.org/10.1016/j.carpath.2026.107836>.

<sup>100</sup> Asia A Eaton et al., "Perceptions of Sexualized Deepfake Abuse across Three Nations: An Exploration of How Victim Gender and Race Shape Attitudes towards Deepfake Abuse in the United States, the United Kingdom, and Australia," *Computers in Human Behavior* 177 (2026): 108899, <https://doi.org/10.1016/j.chb.2025.108899>.

<sup>101</sup> Mapa Prabhat Piyasena et al., "Association of Vision Impairment and Hearing Impairment with Encounters in the Criminal Justice System among Children and Young People: A Systematic Review and Meta-Analysis," *EClinicalMedicine* 89 (2025): 103590, <https://doi.org/10.1016/j.eclinm.2025.103590>.

<sup>102</sup> Raja Al Fath Widya Iswara et al., "Association of Age, Sexual Intercourse History, and Physical Violence with Pregnancy among Sexual Violence Victims: A Case-Control Study in Southeast Sulawesi, Indonesia," *Legal Medicine* 84 (2026): 102902, <https://doi.org/10.1016/j.legalmed.2026.102902>.

identity and the reading of the indictment by the public prosecutor.<sup>103</sup> The defendant may challenge the indictment through preliminary objections before the court proceeds to the evidentiary stage. During the trial, the court examines witnesses, experts, documentary evidence, physical evidence, and the defendant before the public prosecutor submits sentencing recommendations and the parties present their final arguments. Judges subsequently render decisions based upon legally admissible evidence and judicial conviction. Throughout this process, victims generally participate only as witnesses whose testimony serves evidentiary purposes rather than as independent participants whose experiences contribute directly to sentencing.<sup>104</sup>

The introduction of the Victim Impact Statement requires procedural reform rather than fundamental restructuring of criminal proceedings. Victims should retain their role as witnesses during the evidentiary stage because their testimony establishes the factual elements of the criminal offence.<sup>105</sup> After the completion of evidentiary examination and before the public prosecutor presents sentencing recommendations, the court should provide victims or their legal representatives with an opportunity to submit a written or oral Victim Impact Statement. At this stage, victims would describe the physical, psychological, emotional, social, and economic consequences resulting from the criminal offence together with their expectations concerning recovery, restitution, rehabilitation, or other forms of justice. This procedural sequence preserves the distinction between factual evidence establishing criminal liability and information relevant to sentencing and victim restoration.<sup>106</sup>

Integrating the Victim Impact Statement into criminal procedure would transform victims from passive evidentiary participants into active participants in the administration of justice. The current Indonesian criminal justice system primarily protects the procedural rights of suspects and defendants through the principles of due process while providing limited procedural opportunities for victims to express the continuing consequences of criminal victimization. Although this approach safeguards fair trial rights, it has attracted criticism for adopting an offender-oriented perspective that gives insufficient attention to victims' interests. The Victim Impact Statement addresses this imbalance by enabling judges to

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<sup>103</sup> Krzysztof Żak et al., "A Strategy for Distant Kinship Analysis Using Historical Human Remains: First Identifications of Stalinist Terror Victims in Adjara, Georgia," *Forensic Science International: Genetics* 84 (2026): 103506, <https://doi.org/10.1016/j.fsigen.2026.103506>.

<sup>104</sup> Gabriel Silveira de Queirós Campos et al., "Uncovering Judges' Gender Effects in Brazilian Sentencing: A Counter-Hegemonic Role of Women in the Criminal Justice System?," *International Journal of Law, Crime and Justice* 83 (2025): 100789, <https://doi.org/10.1016/j.ijlcrj.2025.100789>.

<sup>105</sup> Eunhye Shin and Yire Kim, "Itaewon Crowd Crush from the Perspective of the Disaster Victims: Topic Modeling Based on News Articles," *Safety Science* 193 (2026): 107009, <https://doi.org/10.1016/j.ssci.2025.107009>.

<sup>106</sup> Christophe Gauthier-Davies, Martin Goyette, and Tonino Esposito, "Youth Aging out of Care and Contact with the Criminal Justice System: The Role of Educational Transitions in Early Adulthood," *Child Protection and Practice* 7 (2025): 100230, <https://doi.org/10.1016/j.chipro.2025.100230>.

consider not only the legal elements of the offence but also the actual harm experienced by victims before determining appropriate sanctions.<sup>107</sup>

The Victim Impact Statement should not function as an independent means of proving criminal responsibility. Instead, courts should evaluate its contents after establishing the defendant's guilt through legally admissible evidence.<sup>108</sup> Judges should verify the information contained in the statement by considering forensic medical reports, psychiatric assessments, expert opinions, documentary evidence, and other relevant materials whenever necessary. Such safeguards preserve legal certainty, protect defendants' procedural rights, and prevent misuse of victim statements while ensuring that judicial decisions reflect objective assessment. This procedural reform would also benefit cases involving deceased victims or victims who cannot fully communicate the consequences of criminal conduct. Family members or legally authorized representatives could explain the continuing physical, psychological, social, and economic consequences experienced by the victim's family, thereby ensuring that courts receive comprehensive information concerning the broader impact of criminal offences. Such participation strengthens restorative justice by recognizing that criminal conduct frequently produces consequences extending beyond the immediate victim.<sup>109</sup> Indonesian criminal procedure should formally regulate the Victim Impact Statement by establishing clear procedural requirements governing its submission, evidentiary status, judicial evaluation, and relationship with sentencing, restitution, and rehabilitation. Comprehensive regulation would harmonize substantive criminal law with procedural law, strengthen victim participation, improve judicial reasoning, and promote a criminal justice system that provides balanced protection for victims and offenders while advancing legal certainty, proportionality, restorative justice, and equitable judicial outcomes.<sup>110</sup>

The limited participation of victims and their families in Indonesian criminal proceedings demonstrates the need for a procedural mechanism that enables meaningful victim involvement throughout the administration of justice. Under the existing procedural framework, victims generally participate only as witnesses whose testimony serves evidentiary purposes. Family members of deceased victims frequently receive no formal opportunity to communicate the continuing physical, psychological, social, and economic consequences arising from the

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<sup>107</sup> Smart E Otu et al., "Revisiting Packer's Models: Examining Nigeria's Criminal Justice System in the COVID-19 and Post-COVID-19 Era," *International Journal of Law, Crime and Justice* 77 (2024): 100663, <https://doi.org/10.1016/j.ijlcj.2024.100663>.

<sup>108</sup> A Martinez-Moreno et al., "Sleep Disturbances, Mental and Cognitive Health in Journalists, Human Rights Defenders and Relatives of Disappeared Persons Victims of Violence," *Sleep Medicine* 100 (2022): S219, <https://doi.org/10.1016/j.sleep.2022.05.590>.

<sup>109</sup> Arian van Asten, "Chapter 11 - Innovating Forensic Analytical Chemistry," in *Chemical Analysis for Forensic Evidence* (Elsevier, 2023), 447–94, <https://doi.org/10.1016/B978-0-12-820715-4.00019-5>.

<sup>110</sup> A Leyland, C J R Webb, and N Hughes, "Criminal Justice System Outcomes of Children with Child Welfare Service Involvement and Special Educational Needs: Analysis of Routinely Collected Data," *Children and Youth Services Review* 184 (2026): 108850, <https://doi.org/10.1016/j.childyouth.2026.108850>.

offence unless they satisfy the legal requirements applicable to witnesses.<sup>111</sup> Consequently, victims and their families remain largely excluded from the judicial process despite bearing the most significant consequences of criminal conduct. The Victim Impact Statement addresses this procedural deficiency by providing victims and, where appropriate, their families with a formal opportunity to participate actively during sentencing and to communicate the continuing impact of criminal victimization. Meaningful participation extends beyond the delivery of a fair judicial decision. Crime victims often require social recognition, emotional support, psychological recovery, financial restoration, and acknowledgement of the harm they have suffered. Existing criminal procedures primarily pursue the objectives of establishing criminal liability and maintaining public order, whereas victims seek restoration of dignity, recognition of suffering, and meaningful participation in determining justice. This divergence creates a gap between the institutional objectives of criminal proceedings and the actual needs of victims. The Victim Impact Statement narrows this gap by enabling victims to describe their experiences in their own words, explain the continuing consequences of criminal conduct, and communicate their expectations regarding recovery and justice.<sup>112</sup>

The Victim Impact Statement also reduces the risk of secondary victimization during criminal proceedings. Conventional witness examination frequently limits victims to brief responses directed toward proving the elements of the offence.<sup>113</sup> Such questioning rarely allows victims to present a coherent account of the broader consequences of criminal conduct. In addition, repeated questioning concerning traumatic experiences may intensify psychological suffering without providing an appropriate opportunity for victims to explain how the offence has affected their lives. A structured Victim Impact Statement therefore offers a more appropriate procedural mechanism through which victims may communicate their experiences while preserving their dignity and psychological wellbeing. Comparative legal practice demonstrates the practical value of this mechanism. Several jurisdictions formally recognize the Victim Impact Statement by permitting victims to submit written or oral statements describing the consequences of criminal offences before sentencing. These statements provide judges with comprehensive information concerning the physical, psychological, emotional, social, and economic impact of criminal conduct, thereby supporting sentencing decisions that more accurately reflect the seriousness of the offence and the needs of victims.<sup>114</sup>

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<sup>111</sup> Thea Baker et al., "'It's Not Just a Workout Class. It's a Safe Space.' Victim-Survivor Perspectives on the Design and Delivery of a Trauma and Violence-Informed Cardio Boxing Exercise Intervention," *Psychology of Sport and Exercise* 85 (2026): 103151, <https://doi.org/10.1016/j.psychsport.2026.103151>.

<sup>112</sup> Ella Dumaresq and Katrina Skewes McFerran, "Dance Therapy and the Criminal Justice System: Considering Traditional and Critical Perspectives in Prisons, Forensic Mental Health and Addiction Care," *The Arts in Psychotherapy* 92 (2025): 102250, <https://doi.org/10.1016/j.aip.2025.102250>.

<sup>113</sup> İbrahim Albayrak and Yağmur Ulusoy Doğmuş, "Dark Triad Traits and Victim Blaming in Partner Stalking: The Mediating Roles of Partner Stalking Myths and Perceived Severity," *Personality and Individual Differences* 259 (2026): 113869, <https://doi.org/10.1016/j.paid.2026.113869>.

<sup>114</sup> Christopher J Ferguson and Sven Smith, "Race, Class, and Criminal Adjudication: Is the US Criminal Justice System as Biased as Is Often Assumed? A Meta-Analytic Review," *Aggression and Violent Behavior* 75 (2024): 101905, <https://doi.org/10.1016/j.avb.2023.101905>.

Although Indonesian legislation has not yet comprehensively regulated the Victim Impact Statement, the existing legal framework provides sufficient normative space for its development. Judicial authority requires judges to identify and apply the values of justice that exist within society when resolving legal disputes. Criminal procedure also requires judges to evaluate all relevant facts, evidence, aggravating circumstances, and mitigating circumstances before imposing criminal sanctions. Accordingly, judges possess sufficient discretion to consider victim related information provided that such consideration remains consistent with procedural law and evidentiary principles. The Victim Impact Statement should therefore function as a complementary sentencing instrument rather than as independent evidence establishing criminal liability. Courts must continue to determine guilt exclusively through legally admissible evidence and judicial conviction. After establishing criminal responsibility, judges may consider the Victim Impact Statement to evaluate the continuing physical, psychological, social, and economic consequences experienced by victims when determining the appropriate sentence, restitution, rehabilitation, and other restorative measures. The victim impact statement does not diminish judicial independence or alter the burden of proof. Instead, it enriches judicial reasoning by introducing the victim's perspective into sentencing while preserving procedural fairness and due process. Integrating this mechanism into Indonesian criminal procedure would strengthen victim participation, improve the quality of judicial decision making, and promote a criminal justice system that better reflects substantive justice, restorative justice, and equitable legal protection for all parties.<sup>115</sup>

The urgency of incorporating the Victim Impact Statement into the Indonesian criminal justice system should be assessed through the fundamental principles governing legislative reform.<sup>116</sup> Indonesian legislative drafting requires every new legal provision to satisfy philosophical, juridical, political, and sociological foundations to ensure that statutory reform responds to constitutional values, legal needs, public policy, and social realities. Within this framework, the Victim Impact Statement fulfills each of these requirements and therefore constitutes an essential component of future criminal procedure reform. From a philosophical perspective, the Victim Impact Statement reflects the fundamental values embodied in Pancasila. The principles of humanity, equality, deliberation, and social justice require the legal system to provide equal respect and protection for victims as well as offenders. Victims experience different degrees of physical, psychological, social, and economic harm even when identical criminal offences occur. Consequently, criminal justice should recognize these differences by allowing every victim to explain the specific consequences of criminal conduct before the court. Such

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<sup>115</sup> Gabrielle Lowenthal and Sarah Font, "Adverse Childhood Experiences in the Context of Maternal Criminal Justice System Involvement," *Child Protection and Practice* 9 (2026): 100303, <https://doi.org/10.1016/j.chipro.2026.100303>.

<sup>116</sup> Majbritt Lyck-Bowen, "International Law," in *Encyclopedia of Violence, Peace, & Conflict (Third Edition)*, ed. Lester R Kurtz, Third Edition (Oxford: Academic Press, 2022), 481–95, <https://doi.org/10.1016/B978-0-12-820195-4.00156-4>.

participation enables judges to understand the actual impact of crime and promotes judicial decisions that better reflect substantive justice.<sup>117</sup>

From a juridical perspective, Indonesian law already provides a strong constitutional basis for recognizing the Victim Impact Statement. Constitutional guarantees concerning equality before the law, human rights legislation, the Criminal Procedure Code, and the Witness and Victim Protection Law collectively recognize victims as rights holders entitled to legal protection, equal treatment, and meaningful participation within criminal proceedings.<sup>118</sup> Nevertheless, these legal instruments do not establish a formal procedural mechanism allowing victims to communicate directly to the court the physical, psychological, social, and economic consequences arising from criminal offences. The Victim Impact Statement therefore fills an important normative gap by strengthening procedural protection without altering the existing evidentiary framework. The political foundation for the Victim Impact Statement also demonstrates its necessity. Indonesia has progressively strengthened victim protection through the enactment of witness and victim protection legislation, the establishment of the Witness and Victim Protection Agency, and continuous legislative reform aimed at improving victim participation and legal protection.<sup>119</sup> National legal development policies likewise emphasize the importance of guaranteeing justice, legal certainty, and effective protection for every citizen. Integrating the Victim Impact Statement into criminal procedure represents a logical continuation of these legislative and institutional reforms by expanding victim participation within judicial proceedings.<sup>120</sup>

The sociological foundation further confirms the need for procedural reform. Victims frequently seek recognition, psychological recovery, social restoration, and meaningful participation in criminal proceedings rather than punishment alone. The Victim Impact Statement enables victims to communicate the continuing consequences of criminal conduct, supports psychological recovery, strengthens public confidence in the criminal justice system, encourages future cooperation with law enforcement authorities, and promotes greater awareness among judges, prosecutors, offenders, and society regarding the actual consequences of crime.<sup>121</sup> These benefits extend beyond individual cases by improving the legitimacy and responsiveness of the criminal justice system as a whole. The Victim Impact

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<sup>117</sup> G Croci and J Gomez, "Breaking the Cycle: The Role of the Criminal Justice System in Understanding Homicide Rates," *Journal of Criminal Justice* 99 (2025): 102450, <https://doi.org/10.1016/j.jcrimjus.2025.102450>.

<sup>118</sup> Jie Wang et al., "The Dynamic Emotional Experience of Online Fraud Victims during the Process of Being Defrauded: A Text-Based Analysis," *Journal of Criminal Justice* 94 (2024): 102231, <https://doi.org/10.1016/j.jcrimjus.2024.102231>.

<sup>119</sup> Iim Halimatusa'diyah and Windy Triana, "Sexism and Women's Access to Justice: Feminist Judging in Indonesian Islamic Judiciary," *Women's Studies International Forum* 103 (2024): 102883, <https://doi.org/10.1016/j.wsif.2024.102883>.

<sup>120</sup> Martitah Martitah et al., "Insufficient Criminal Justice System Response to the Severity of Domestic Violence during the Pandemic in Indonesia," *Heliyon* 10, no. 14 (2024): e33719, <https://doi.org/10.1016/j.heliyon.2024.e33719>.

<sup>121</sup> Yudho Taruno Muryanto, Dona Budi Kharisma, and Anjar Sri Ciptorukmi Nugraheni, "Prospects and Challenges of Islamic Fintech in Indonesia: A Legal Viewpoint," *International Journal of Law and Management* 64, no. 2 (2021): 239–52, <https://doi.org/10.1108/IJLMA-07-2021-0162>.

Statement should therefore function as a complementary procedural mechanism that supports judicial decision making without replacing established rules of evidence. Courts should continue to determine criminal responsibility exclusively through legally admissible evidence and judicial conviction. Once guilt has been established, judges may consider the Victim Impact Statement when evaluating the physical, psychological, social, and economic consequences experienced by victims together with other relevant sentencing factors. This approach preserves judicial independence while improving the proportionality and quality of sentencing. It also harmonizes procedural and substantive criminal law by strengthening victim participation and supporting restorative justice. The National Criminal Code already requires judges to consider the impact of criminal offences on victims during sentencing, making the Victim Impact Statement an appropriate procedural instrument for implementing this legislative objective.<sup>122</sup>

The implementation of the Victim Impact Statement within the Indonesian criminal justice system constitutes an important legal reform that strengthens victim participation and improves the quality of judicial decision making. Comparative legal practice demonstrates that jurisdictions recognizing the Victim Impact Statement provide victims with a formal opportunity to participate directly in criminal proceedings as legal subjects whose experiences, interests, and losses require judicial consideration. Rather than limiting victims to the role of witnesses, these legal systems acknowledge their right to explain the consequences of criminal conduct before the court. In several jurisdictions, including the United States and various European countries, victims or their legal representatives may submit written or oral statements after the court has established the defendant's criminal responsibility. These statements describe the physical, psychological, emotional, social, and economic consequences of the offence and provide judges with a comprehensive understanding of the actual harm experienced by victims.<sup>123</sup>

The Victim Impact Statement performs several essential functions during the sentencing process. First, it broadens judicial understanding by presenting information concerning the consequences of criminal conduct that conventional evidence frequently fails to capture.<sup>124</sup> Victims may explain continuing physical injuries, psychological trauma, emotional suffering, financial losses, social disruption, and other long-term consequences arising from the offence. This information enables judges to evaluate the seriousness of criminal conduct more comprehensively and to determine sanctions that more accurately reflect both the

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<sup>122</sup> Miguel Inzunza, "The Significance of Victim Ideality in Interactions between Crime Victims and Police Officers," *International Journal of Law, Crime and Justice* 68 (2022): 100522, <https://doi.org/10.1016/j.ijlcj.2021.100522>.

<sup>123</sup> Andy Short, Linda Mohammed, and W Marc Jackman, "Perceived Barriers to Crime Reporting in Trinidad and Tobago: A Qualitative Focus Group Study within the Northern Police Division," *International Journal of Law, Crime and Justice* 86 (2026): 100880, <https://doi.org/10.1016/j.ijlcj.2026.100880>.

<sup>124</sup> Mohamed Izham Mohamed Ibrahim, "Counterfeit Medicines: A Quick Review of Crime Against Humanity," in *Reference Module in Biomedical Sciences* (Elsevier, 2026), <https://doi.org/10.1016/B978-0-443-26472-6.00034-6>.

gravity of the offence and its impact on victims.<sup>125</sup> Second, the Victim Impact Statement reinforces the principle of proportionality by allowing courts to consider the relationship between the offender's conduct and the actual harm sustained by the victim. Third, it provides additional information concerning aggravating and mitigating circumstances, thereby assisting judges in imposing sentences that correspond to the specific characteristics of each individual case.<sup>126</sup>

The Victim Impact Statement also promotes restorative justice by strengthening victim recovery and encouraging offender accountability. Allowing victims to communicate the consequences of criminal conduct recognizes their dignity, validates their experiences, and enhances public confidence in the criminal justice system.<sup>127</sup> At the same time, the process encourages offenders to acknowledge the consequences of their actions, accept personal responsibility, and demonstrate genuine remorse. Consequently, the Victim Impact Statement contributes not only to proportionate sentencing but also to the broader objectives of rehabilitation and restoration.<sup>128</sup> Its application extends across various categories of criminal offences, including violent crime, property crime, financial crime, and other offences that produce significant physical, psychological, social, or economic harm. To preserve procedural fairness, jurisdictions that recognize the Victim Impact Statement regulate its submission through formal procedural rules, limit its content to the consequences of the criminal offence, and provide appropriate legal safeguards that protect victims from intimidation, retaliation, or secondary victimization throughout criminal proceedings.<sup>129</sup>

The Victim Impact Statement strengthens judicial reasoning by providing reliable and comprehensive information concerning the degree of victim suffering. Information relating to physical injury, psychological trauma, financial loss, medical treatment, rehabilitation, and continuing social consequences enables judges to individualize criminal sanctions according to the actual effects of the offence rather than relying solely upon the characteristics of the offender.<sup>130</sup> Consequently, judicial decisions more effectively reflect the principles of legal certainty, proportionality, substantive justice, and social utility. The Victim Impact Statement also establishes a more objective basis for determining restitution and compensation because it documents the measurable losses and continuing needs

<sup>125</sup> Shreyasi Desai et al., "The Impact of Hyperbole on Perception of Victim Testimony," *Journal of Pragmatics* 174 (2021): 143–56, <https://doi.org/10.1016/j.pragma.2021.01.013>.

<sup>126</sup> Rosie Kitson-Boyce and Palwinder Athwal-Kooner, "'It Is Successful, and If It Is Successful, It Reduces Crime, and It Can Make the Victims Happier': Volunteers' Perceptions of Working in Restorative Justice," *Journal of Forensic Practice* 26, no. 2 (2024): 89–99, <https://doi.org/10.1108/JFP-05-2023-0027>.

<sup>127</sup> Mohamed Ibrahim, "Counterfeit Medicines: A Quick Review of Crime Against Humanity."

<sup>128</sup> Mercedes Salado Puerto and Hugh Tuller, "Large-Scale Forensic Investigations into the Missing: Challenges and Considerations," *Forensic Science International* 279 (2017): 219–28, <https://doi.org/10.1016/j.forsciint.2017.08.025>.

<sup>129</sup> Myeongju Kim et al., "Severity of Post-Traumatic Stress Disorder and Childhood Abuse in Adult Crime Victims as Mediated by Low Resilience and Dysfunctional Coping Strategies," *Child Abuse & Neglect* 118 (2021): 105154, <https://doi.org/10.1016/j.chiabu.2021.105154>.

<sup>130</sup> Jori Pascal Kalkman, "Disaster Justice: A Literature Review," *Progress in Disaster Science* 29 (2026): 100533, <https://doi.org/10.1016/j.pdisas.2026.100533>.

experienced by victims.<sup>131</sup> This information enables courts to determine remedies that correspond to the actual harm suffered while strengthening legal protection and facilitating victim recovery. Therefore, integrating the Victim Impact Statement into the Indonesian criminal justice system represents a significant step toward a more balanced model of criminal justice that recognizes victims as active participants whose rights, dignity, and interests deserve equal protection throughout every stage of criminal proceedings.<sup>132</sup>

### ***Reforming Indonesian Criminal Procedure through the Implementation of the Victim Impact Statement***

Reform of Indonesian criminal procedure through the implementation of the Victim Impact Statement should not only give victims an additional procedural right but also improve the quality of judicial decision making by ensuring that the sentencing process provides both legal certainty and substantive justice. Indonesian criminal procedure today is based on Law Number 20 of 2025 concerning the Criminal Procedure Code as the principal legal umbrella in the implementation of criminal proceedings and the authority of law enforcement organizations. The Criminal Procedure Code envisages procedural safeguards for the protection of the rights of suspects and defendants and, at the same time, guarantees that the criminal proceedings will end in fair and legally certain outcomes. The judicial decisions are thus the result of the criminal procedure, determining whether criminal obligation has been incurred on the basis of legally admissible evidence and judicial conviction.<sup>133</sup>

A criminal judgment has purposes other than merely imposing punishment. Judicial decisions keep order in society, give legal certainty, encourage deterrent and increasingly allow restorative justice by supporting rehabilitation and accountability. Sentencing, therefore, should be a balancing act between legal certainty and justice and social utility, so that the judicial decision can meet procedural and substantive goals. Victims' experiences need to be taken into account by judges when deciding sentence policy, not merely the conduct of offenders.<sup>134</sup> The Victim Impact Statement is an appropriate procedural device for this purpose because it allows victims to convey to the court, after the court has found the defendant guilty of a crime, the physical, psychological, emotional, social and economic consequences of criminal conduct. The statement does not serve as evidence of guilt but as additional information that helps judges with punishment.

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<sup>131</sup> Yinhui Deng et al., "The Second Victim of Adverse Events in Health Care: A Systematic Review of Qualitative Research," *International Journal of Nursing Studies* 173 (2026): 105248, <https://doi.org/10.1016/j.ijnurstu.2025.105248>.

<sup>132</sup> Mihir Chaudhary and Randi N Smith, "Blaming the Victim: Structural Barriers to Crime Victim Compensation," *The American Journal of Surgery* 251 (2026): 116666, <https://doi.org/10.1016/j.amjsurg.2025.116666>.

<sup>133</sup> Fabian Pavez, Erika Saura, and Pedro Marset, "Subcultural Representations of Perpetrators and Victims of Crime and Violence Associated with Mental Disorders," *Revista Colombiana de Psiquiatría* 53, no. 4 (2024): 458–70, <https://doi.org/10.1016/j.rcp.2022.07.007>.

<sup>134</sup> T R van Roomen and B de Jonge, "Balancing Privacy and Public Interest in the Fight against Illicit Financial Flows: Lessons from an European Case Study," *Journal of Economic Criminology* 5 (2024): 100093, <https://doi.org/10.1016/j.jeconc.2024.100093>.

The Victim Impact Statement gives the court the real impact of criminal acts and helps the court decide sanctions that better represent the seriousness of the offence, and expands the court's knowledge of the continuing repercussions of criminal victimization.<sup>135</sup>

The introduction of the Victim Impact Statement elevates the position of the victims in the criminal justice system. The current procedural framework largely treats victims as witnesses whose testimony is primarily for evidentiary purposes. Their role usually ends when the court has decided on the factual ingredients of the offence and there is little chance to convey the continued effects of criminal behaviour.<sup>136</sup> This procedural restriction deprives the judge of all the information about the victim's suffering and frustrates the achievement of substantive justice. The Victim Impact Statement in criminal procedure allows victims to evolve from passive evidentiary participants to active contributors, whose experiences are given meaningful judicial consideration without infringing on the procedural rights of defendants. The implementation of the Victim Impact Statement is still entirely in line with the constitutional foundations of judicial authority in Indonesia. Only judges are responsible for assessing criminal guilt, based on legally admissible evidence and judicial conviction. However, during sentencing judges are to consider aggravating and mitigating factors, the appropriateness of punishment and ensure that judicial decisions represent justice, legal clarity and societal benefit. The Victim Impact Statement serves these goals by presenting accurate information about the real effects on victims, but within the context of judicial independence and rules of evidence.<sup>137</sup>

Therefore, the Victim Impact Statement should be regulated in Indonesian criminal procedure in a formal manner through detailed procedural provisions regarding the submission, admissibility, evidentiary status and judicial consideration of the Victim Impact Statement.<sup>138</sup> This regulation would bring procedural criminal law in line with the current development of victim protection, promote restorative justice, improve the quality of sentencing, and ensure that judicial decisions that protect the rights of defendants also protect the dignity, interests and legitimate expectations of victims of crime. This change would bring the Indonesian criminal justice system closer to a balanced model of justice which

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<sup>135</sup> Dominic Willmott and B Kennath Widanaralalage, "Corrigendum to: 'Male Rape Myths: Examining the Role of Victim Empathy and Socio-Demographics in a Cross-Sectional Sample of UK Adults' [Int. J. Law, Crime and Justice, 76, 100645]," *International Journal of Law, Crime and Justice* 79 (2024): 100704, <https://doi.org/10.1016/j.ijlcj.2024.100704>.

<sup>136</sup> Mohamad Saripudin and Hany Saputri, "Transforming Indonesian Adolescent Mental Health Regulations: Response to the Discourse on Mental Health of Indonesian Adolescents," *Asian Journal of Psychiatry* 118 (2026): 104912, <https://doi.org/10.1016/j.ajp.2026.104912>.

<sup>137</sup> Marco Chilosi et al., "The Pathogenic Role of Epithelial and Endothelial Cells in Early-Phase COVID-19 Pneumonia: Victims and Partners in Crime," *Modern Pathology* 34, no. 8 (2021): 1444-55, <https://doi.org/10.1038/s41379-021-00808-8>.

<sup>138</sup> Ismiyati et al., "Exploring the Factors Contributing to Delays in Parents' Reporting of Child Sexual Abuse and Perceived Impacts on Family Dynamics: A Mixed-Methods Study," *Social Sciences & Humanities Open* 13 (2026): 102887, <https://doi.org/10.1016/j.ssaho.2026.102887>.

equally respects legal clarity, human rights, victim participation and substantive fairness.<sup>139</sup>

The legal protection is the practical form of law in realizing its fundamental goals namely justice, legal certainty and social utility. Legal protection in criminal law is a series of legal measures established by the state through law enforcement agencies to protect individuals from physical, psychological and legal threats caused by criminal behavior.<sup>140</sup> This protection goes beyond the prosecution and punishment of perpetrators, as the effects suffered by victims often endure long after criminal punishments have been imposed. Hence, an adequate criminal justice system should guarantee that the victims receive all the necessary legal protection addressing their short-term and long-term requirements, while respecting their dignity and basic rights. Legal literature usually makes a distinction between two types of legal protection, preventive and repressive. Preventive legal protection is aimed at preventing violations before they happen, by setting out clear legal norms, procedural safeguards and institutional mechanisms which regulate the behaviour of persons and public authorities. This method achieves legal clarity by the definition of rights, duties and limitations, which lessen the risk of future breaches. In contrast, repressive legal protection takes place after a legal violation has occurred, through the application of criminal sanctions, civil remedies, compensation, restitution, and other legal measures intended to restore justice and protect the rights of the affected individuals. The two forms of protection are complementary: they combine preventive regulation and effective legal remedies after the occurrence of criminal conduct.<sup>141</sup>

In the system of protection of victims, the state has a constitutional obligation to protect the dignity and rights of persons injured by criminal offences. Victims often face physical injuries, psychological distress, economic loss and social alienation which the penalty of offenders alone cannot completely address.<sup>142</sup> Therefore, legal protection should include procedures for recovery, rehabilitation, restitution, compensation and meaningful participation in criminal proceedings. Such protection is consistent with the greater purpose of criminal justice which is not only to impose criminal liability but also to restore the rights and well-being of victims. Legal protection is a fundamental part of the rule of law, and this requirement is supported by international human rights norms. The Universal Declaration of Human Rights guarantees equality before the law and equal protection of the law without discrimination and the right of every person to an

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<sup>139</sup> Alena Yuryina Connolly and Hervé Borrión, "Reducing Ransomware Crime: Analysis of Victims' Payment Decisions," *Computers & Security* 119 (2022): 102760, <https://doi.org/10.1016/j.cose.2022.102760>.

<sup>140</sup> Kyounggon Kim et al., "Cryptocurrency-Driven Ransomware Syndicates Operating on the Darknet: A Focused Examination of the Arab World," *Egyptian Informatics Journal* 30 (2025): 100665, <https://doi.org/10.1016/j.eij.2025.100665>.

<sup>141</sup> Zena Rossouw, Eric Beauregard, and Julien Chopin, "The Stranger You Know: Predicting Victim-Offender Relationships in Sexual Homicides by Comparing Offender Behaviors by Crime Location," *Journal of Criminal Psychology* 16, no. 7 (2026): 1–19, <https://doi.org/10.1108/JCP-11-2025-0118>.

<sup>142</sup> Yanuar Farida Wismayanti et al., "The Problematisation of Child Sexual Abuse in Policy and Law: The Indonesian Example," *Child Abuse & Neglect* 118 (2021): 105157, <https://doi.org/10.1016/j.chiabu.2021.105157>.

acceptable level of living, personal security, health and social welfare. These principles declare that the law should respect human dignity and treat all persons equally, whatever their personal circumstances. States should therefore develop legal systems that punish offenders for criminal acts but also protect victims through accessible, effective and equitable judicial mechanisms. These principles have been embedded in the constitutional and statutory framework in Indonesia.<sup>143</sup>

The state is constitutionally obliged to provide legal protection. The Constitution guarantees every person the right to legal recognition, legal protection, legal certainty and equal treatment before the law. The constitutional guarantee is also reinforced by Law Number 39 of 1999 respecting Human Rights, which obliges state institutions and other competent entities to consciously and systematically carry out efforts to defend basic rights and to promote human welfare. Constitutional and statutory commitments provide firm normative foundations for improving victim protection within the criminal justice system. Therefore, the implementation of the Victim Impact Statement is a logical development of the legal protection framework in Indonesia. The Victim Impact Statement improves preventative and repressive legal protection by giving victims the opportunity to explain to the court the physical, psychological, social and economic repercussions of criminal offenses. It increases judicial knowledge of victimization, assists restorative justice, improves the quality of sentence, and assures that criminal processes promote not only the procedural rights of defendants but the dignity, welfare and legitimate interests of crime victims. This reform promoted the constitutional commitment to justice, legal certainty, equality before the law and effective protection of fundamental human rights.<sup>144</sup>

Fundamental human rights may be guaranteed and protected only by a State regulated by the rule of law, which is one of the distinguishing features of the State conceptually. Such a constitutional duty requires not only that the State recognize individual rights, but also that it defend and fulfil them by means of legislative, administrative, judicial and policy actions. This responsibility includes the obligation to ensure effective legal protection for victims of crime including victims of sexual violence by creating legal mechanisms that prevent human rights violations; protect victims throughout criminal proceedings and promote their recovery within the criminal justice system. Thus, the use of the Victim Impact Statement is a major embodiment of the State's constitutional commitment to enhance legal protections for victims and to achieve substantive justice. A Victim Impact Statement is made up of a number of critical elements that in combination describe the impact of criminal action on victims. These characteristics typically include physical, psychological, emotional, social and economic repercussions. Physical effects include bodily injuries, lasting disabilities, sexually transmitted

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<sup>143</sup> Sarah Anegg et al., "A Ten-Year Analysis of Drug-Facilitated Crimes: Prevalence and Characteristics at a Tertiary Hospital Victim Protection Center," *Forensic Science International* 374 (2025): 112552, <https://doi.org/10.1016/j.forsciint.2025.112552>.

<sup>144</sup> Tim Friehe and Vu Mai Linh Do, "Do Crime Victims Lose Trust in Others? Evidence from Germany," *Journal of Behavioral and Experimental Economics* 105 (2023): 102027, <https://doi.org/10.1016/j.socrec.2023.102027>.

infections and unplanned pregnancies that are directly caused by criminal activities.<sup>145</sup>

Psychological and emotional effects include trauma, post-traumatic stress disorder, anxiety, sadness, emotional instability and suicide ideation which can significantly impact the quality of life of the victim. Social repercussions include discrimination, social marginalization, broken interpersonal connections and limited community participation and often impede healing and re-integration. Economic implications include medical bills, costs of forensic examination, psychological treatment, rehabilitation expenses, loss of income, reduction in work chances, and other financial difficulties resulting from the criminal offence. These factors together give judges a full picture of victimisation above and above the facts revealed by common evidence. The Victim Impact Statement can be prepared in several versions to suit the different circumstances of victims. Written statements allow victims to provide detailed and systematic accounts of the impact of criminal activity including physical injury, psychological trauma, social disruption and financial loss. Oral testimony enables victims to tell the court about their experiences, allowing them to convey emotional and intimate elements that textual documentation may not be able to adequately express.<sup>146</sup>

Legal systems should enable psychologists, legal representatives, family members or other appropriate support individuals to accompany victims throughout the entire presentation of oral statements in order to avoid further psychological trauma to victims. Several comparative jurisdictions additionally allow the use of audio or audiovisual recordings as an alternate way of submitting Victim Impact Statements where victims are unable to appear in person before the court due to serious physical or psychological issues. These alternative approaches preserve victim engagement while safeguarding their wellbeing and dignity. The procedural step of delivering the Victim Impact Statement is an important aspect of its effective implementation. The statement shall be made only after the court has finished examining the evidence of criminal responsibility and before the beginning of the punishment hearing. At this stage, the victim or an authorized representative can make a written or oral statement about the physical, psychological, emotional, social and economic impact of the criminal offence and state their expectations as to reparations, restitution, rehabilitation or other form of justice.<sup>147</sup>

The Victim Impact Statement should not be a recitation of the factual chronology of the incident, since those matters have already been dealt with by police investigations, prosecution indictments and evidentiary hearings. Rather, it should

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<sup>145</sup> Nur Azisa et al., "The Urgency of Law and Health in the Formation of the Medical Rehabilitation and Education Center of Crime Victims," *Enfermería Clínica* 30 (2020): 484-87, <https://doi.org/10.1016/j.enfcli.2019.10.126>.

<sup>146</sup> Ricky Greenwald et al., "Intensive Trauma-Focused Therapy with Victims of Crime," *European Journal of Trauma & Dissociation* 5, no. 3 (2021): 100146, <https://doi.org/10.1016/j.ejtd.2020.100146>.

<sup>147</sup> Fabian Pavez, Erika Saura, and Pedro Marset, "Subcultural Representations of Perpetrators and Victims of Crime and Violence Associated with Mental Disorders," *Revista Colombiana de Psiquiatría (English Ed.)* 53, no. 4 (2024): 458-70, <https://doi.org/10.1016/j.rcpeng.2024.12.003>.

be solely concerned with the lasting effects affecting victims. The Victim Impact Statement procedure should remain voluntary in nature so that the autonomy of victims is respected while at the same time providing an effective procedural mechanism for victims who choose to share their experiences. In the interests of procedural fairness, the statement should be made available to the defendants and their lawyers before the sentencing hearing, and they should be given an opportunity to contest any factual statements that need to be clarified. Such procedural safeguards preserve the principles of due process while ensuring that the Victim Impact Statement functions as a reliable instrument to enhance judicial reasoning, foster restorative justice and improve legal protection for crime victims.<sup>148</sup>

The adoption of the Victim Impact Statement as a reform in the Indonesian criminal procedure law is an essential step toward the establishment of a criminal justice system that protects victims while maintaining procedural fairness. The existing criminal procedure framework provides that criminal proceedings are initiated by the summons of the defendant and witnesses, the indictment is read, objections are examined, evidence is presented, witnesses and experts are examined, the defendant is examined, the prosecution makes sentencing recommendations, the defense makes submissions, and the court deliberates before rendering its judgment. Usually, victims are only involved in these proceedings as witnesses who bring evidence. Their statements assist in establishing the material facts of the offence but the legal framework does not provide an independent procedural opportunity for victims to explain the physical, psychological, social and economic consequences arising from the crime. Thus, the focus of court attention is often on the criminal culpability, and the greater impact on victims is ignored.<sup>149</sup>

The Victim Impact Statement should therefore constitute a separate procedural stage in the criminal proceedings which allows victims or their lawful representatives to submit a written or oral statement on the implications of the offence after the evidence phase has been completed and before the prosecutor makes recommendations on sentencing. At this stage the court should play an active role in informing victims of their right to make a Victim Impact Statement and ensure that they receive adequate legal, psychological and procedural aid throughout the process. In the case of victims who are deceased or unable to participate due to physical or psychological incapacity, the statement shall be made on their behalf by immediate family members, legal representatives, guardians or designated victim support personnel. The approach treats victims as active players,

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<sup>148</sup> Joy Ayemoba et al., "Delays in Crime Victim Compensation in Illinois Affect the Most Vulnerable," *The American Journal of Surgery* 251 (2026): 116579, <https://doi.org/10.1016/j.amjsurg.2025.116579>.

<sup>149</sup> Phillip M Dowzicky et al., "Crime Victim Compensation: We Can Do Better for Our Children," *Journal of Pediatric Surgery* 60, no. 5 (2025): 162173, <https://doi.org/10.1016/j.jpedsurg.2025.162173>.

whose interests should be taken into account by the courts, without changing the current standards of criminal responsibility and the proof of evidence.<sup>150</sup>

The Victim Impact Statement should contain only the factual information regarding the consequences to victims and should not contain items relating to the guilt or innocence of the offender.<sup>151</sup> The statement should describe physical injury, psychological trauma, emotional suffering, social disruption, financial loss, the need for rehabilitation, medical expenses, loss of opportunities for employment and other continuing consequences directly attributable to the criminal offence.<sup>152</sup> The statement should be supplemented by documentary evidence, if any, such as medical reports, psychological evaluations, financial documents, and rehabilitation records to enhance its credibility and aid the court in its assessment.<sup>153</sup> Restricting the Victim Impact Statement to victim effects preserves procedural fairness and maintains the purpose and compatible with due process norms of judicial review. The Victim Impact Statement should be a central part of the prosecution's case file and judicial consideration.<sup>154</sup> The statement should be included with sentence proposals by prosecutors, so courts can consider both the legal elements of the offence and the genuine harm caused by victims when deciding on suitable punishment. "Judges should expressly recognise and consider the Victim Impact Statement in the reasoning part of their judgments, explaining the extent to which the documented consequences affect sentencing, restitution, compensation, rehabilitation or other victim-oriented remedies. Such judicial transparency promotes the rule of law and accountability, and shows that victim participation can significantly contribute to judicial decision-making without undermining judicial independence."<sup>155</sup>

The introduction of the Victim Impact Statement should also include procedural safeguards to protect both victims and defendants. Participation should be voluntary, supporting victim autonomy preventing secondary victimization. The statement should be provided to the defendants' legal counsel before the time of sentencing in order to preserve the principle of equality of arms and to provide

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<sup>150</sup> Mikaela Magnusson and Malin Joleby, "From Child Witness to Crime Victim: Examining Case Characteristics and Legal Outcomes in Cases Prosecuted under the Violation of a Child's Integrity (Barnfridsbrott) Legislation," *Child Abuse & Neglect* 175 (2026): 108013, <https://doi.org/10.1016/j.chiabu.2026.108013>.

<sup>151</sup> Edna Erez and Leigh Roeger, "The Effect of Victim Impact Statements on Sentencing Patterns and Outcomes: The Australian Experience," *Journal of Criminal Justice* 23, no. 4 (1995): 363–75, [https://doi.org/10.1016/0047-2352\(95\)00026-M](https://doi.org/10.1016/0047-2352(95)00026-M).

<sup>152</sup> Robert C Davis and Barbara E Smith, "Victim Impact Statements and Victim Satisfaction: An Unfulfilled Promise?," *Journal of Criminal Justice* 22, no. 1 (1994): 1–12, [https://doi.org/10.1016/0047-2352\(94\)90044-2](https://doi.org/10.1016/0047-2352(94)90044-2).

<sup>153</sup> B Kennath Widanaralalage, Evren Raman, and Anthony D Murphy, "The Effect of Victims and Perpetrators' Sex on Intervening in Non-Physical Intimate Partner Violence Scenarios," *International Journal of Law, Crime and Justice* 81 (2025): 100746, <https://doi.org/10.1016/j.ijlcj.2025.100746>.

<sup>154</sup> Winnie Cheah et al., "The Role of Emotional Responses in Climate Perception and Mitigation Behaviour among Flood Victims: A Systematic Review," *Journal of Environmental Psychology* 108 (2025): 102844, <https://doi.org/10.1016/j.jenvp.2025.102844>.

<sup>155</sup> Mark Button et al., "From Feeling like Rape to a Minor Inconvenience: Victims' Accounts of the Impact of Computer Misuse Crime in the United Kingdom," *Telematics and Informatics* 64 (2021): 101675, <https://doi.org/10.1016/j.tele.2021.101675>.

answers to factual statements when appropriate.<sup>156</sup> Victims should also be further protected by courts prohibiting public access to sensitive personal information, anonymising published judgments where appropriate and keeping confidential archive procedures for Victim Impact Statements. These protections ensure that the participation of victims does not undermine procedural fairness, but instead promotes it. The reform marks a move away from an offender-centric criminal justice model to a balanced approach that acknowledges both offender accountability and victim protection.<sup>157</sup> The Victim Impact Statement adds the victim's perspective to the sentencing considerations and so enhances the judicial comprehension of the consequences of crime rather than changing the existing concepts of criminal responsibility. This procedural innovation fosters substantive justice, serves restorative goals, improves the quality of judicial reasoning, and enhances public confidence that criminal processes afford victims and defendants equal legal recognition and protection.<sup>158</sup>

## Conclusion

This study concludes that the implementation of the Victim Impact Statement within the Indonesian criminal justice system has not yet achieved effective legal application despite its formal recognition under Article 144 letter x of Law Number 20 of 2025 concerning the Criminal Procedure Code. Although the provision grants victims the right to submit written or oral statements concerning the consequences of criminal offences, it does not establish a comprehensive procedural framework regulating the scope, submission procedure, legal status, evidentiary function, or judicial consideration of such statements. Consequently, the Victim Impact Statement lacks binding normative force, resulting in inconsistent implementation and limiting its practical significance within criminal proceedings. Victims therefore continue to occupy a predominantly passive procedural position, while the physical, psychological, social, and economic consequences of crime remain insufficiently integrated into judicial sentencing considerations. This study further demonstrates that integrating the Victim Impact Statement into the Indonesian criminal justice system constitutes an urgent legal necessity. The existing criminal justice framework continues to prioritize offender prosecution and procedural safeguards while providing limited opportunities for victims to participate meaningfully in judicial proceedings. As a result, courts frequently determine criminal sanctions without systematically considering the actual consequences of criminal conduct experienced by victims. This condition creates a disparity between the constitutional guarantees of legal protection,

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<sup>156</sup> Ana Semedo et al., "Consequences of Cyber Dating Abuse on Adolescent Victims: Systematic Review," *Children and Youth Services Review* 168 (2025): 108043, <https://doi.org/10.1016/j.childyouth.2024.108043>.

<sup>157</sup> Andrea Albert-Galbis et al., "Assessing Second Victim Experiences among Healthcare Students: Validation of the SVEST-S and Implications for Clinical Education," *Nurse Education in Practice* 94 (2026): 104892, <https://doi.org/10.1016/j.nepr.2026.104892>.

<sup>158</sup> C A Chamoun et al., "Recovery & Identification of Human Y-STR DNA from Immatures of *Chrysomya Albiceps* (Diptera: Calliphoridae). Simulation of Sexual Crime Investigation Involving Victim Corpse in State of Decay," *Forensic Science International* 310 (2020): 110239, <https://doi.org/10.1016/j.forsciint.2020.110239>.

equality before the law, and substantive justice and their practical implementation within criminal proceedings. Establishing the Victim Impact Statement as a mandatory component of sentencing would strengthen victim protection, improve judicial reasoning, reinforce restorative justice, and promote sentencing proportionality by ensuring that judicial decisions reflect both offender accountability and victim interests.

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