

# THE ROLE OF LPSK IN FULFILLMENT OF THE RIGHTS OF RESTITUTION OF CHILD VICTIMS OF SEXUAL VIOLENCE

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## ABSTRACT

The existence of the Witness and Victim Protection Agency as an institution that provides the protection of Witnesses and Victims, is a breath fresh air for the community, especially for children as victims of sexual violence. The objectives achieved in writing this Thesis are to find out and analyze the restitution rights of child victims of sexual violence crimes in criminal law in Indonesia, and also to understand the role of the Witness and Victim Protection Agency as the authorized State Institution in fulfilling the restitution rights of child victims of sexual violence in Indonesia. The research method used is normative juridical, analysis of legal materials used is qualitative. The right of restitution for child victims of sexual violence crimes has been regulated in Law Number 35 of 2014 on Child Protection, and in Law Number 31 of 2014 on The Amendment of Law Number 13 of 2006 on Witness and Victim Protection. The role of LPSK in fulfilling the right of restitution for child victims of sexual violence crimes in Indonesia begins in the implementation of the application for restitution which is carried out in conjunction with the criminal process, starting from the beginning of investigation to the prosecution in the trial, even possible to be filed after the trial verdict, based on Article 7A of the Law Number 31 of 2014.

## Keywords

LPSK, Sexual Violence, Right to Restitution.

## INTRODUCTION

The existence of Witnesses and Victims is very decisive in the disclosure of criminal acts in the criminal justice process. The definition of a victim in Law Number 31 of 2014 is a person who experiences physical, mental, and/or economic loss caused by a criminal act. Therefore, the Witnesses and Victims are given protection at all stages of the criminal justice process. Efforts to fulfill rights and provide assistance to provide a sense of security and comfort to victims must be carried out in accordance with the provisions of the law.

In particular cases related to the rights of victims can be seen in Article 5 of Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning Protection of Witnesses and Victims. These rights include obtaining protection for the security of both personal and family, providing information without pressure and entangling questions, obtaining information related to the development of cases and court decisions, obtaining legal advice and assistance, keeping their identity secret, if there is a threat or terror with a high category, then Victims can be given a new identity and even relocated. In addition, victims are also entitled to medical assistance, psychological assistance, psychosocial rehabilitation, and compensation or restitution.

As an implementation related to the right of victims' restitution, it is contained in Government Regulation Number 7 of 2018 concerning the Provision of Compensation, Restitution, and Assistance to Witnesses and Victims. Witness and Victim Protection Agency, hereinafter abbreviated as LPSK, is an institution that has the duty and authority to provide protection and other rights to Witnesses and/or Victims.

Victims of criminal acts in child protection cases also have the right to keep their identities confidential. Related to the rights of child victims to get protection in cases of child protection from events containing elements of violence and sexual crimes which can be seen in Article 15 of Law Number 35 of 2014.

In addition, this Law also gives great attention to the suffering of victims as a result of criminal acts in the form of the right to Restitution as stated in Article 71D of Law Number 35 of 2014. What is meant by Restitution in the explanation of Article 71D of Law Number 35 of 2014 explained that restitution is the payment of compensation charged to the perpetrator based on a court decision with permanent legal force for material and/or immaterial losses suffered by the victim or his heirs.

In the provision of restitutive criminal sanctions and compensation to victims in the opinion of Barda Nawawi Arief, two approaches are known, the procedural rights model and the service model. In the conception of procedural rights, the victim actively defends his interests starting from the investigation process, the prosecutor's office to the court, the victim must also be present and have his testimony heard in every judicial process, the victim has the right to demand compensation and even make peace with the perpetrator, the victim has strong juridical rights to pursue their rights which were

taken away by the perpetrators. Meanwhile, the service model sees the victim as a general target to be served, so the role of the victim is only passive.

The provision of restitution to the victim is expected to be able to relieve and/or restore the condition of the victim. Therefore restitution can also be referred to as part of the realization of the principle of restorative justice. So that the principle of restorative justice which aims to restore the situation between the perpetrator and the victim is not only applied to children in conflict with the law, but also if the perpetrator is an adult.

The enactment of Law Number 13 of 2006 concerning the Protection of Witnesses and Victims which has been updated into Law Number 31 of 2014, provides fresh air for witnesses and/or victims of criminal acts in an effort to obtain legal protection in the criminal justice process. In the law, victims of criminal acts, especially cases of child protection, are a form of attention from the state for their rights, because in the Criminal Code and the Criminal Procedure Code are more oriented to the rights of the perpetrators, while the rights of victims are mentioned only a small part. And restitution which is one of the rights of victims can also be categorized as one part of the concept of Restorative Justice.

From the results of several decisions of the Panel of Judges for the right of restitution of victims in cases of Child Protection that occurred in several regions of Indonesia, it shows that it is still difficult to fulfill the rights of victims of criminal acts of child protection. There are differences in the perception and understanding of each law enforcer, as well as the application in judicial practice in Indonesia, even though the submission of the victim's right to restitution has gone through the procedures established by the legislation.

Therefore, based on the description of the background above, the researcher is interested in conducting a research entitled "The Role of Witness and Victim Protection Institutions in Fulfilling the Rights of Restitution for Children Victims of Sexual Violence".

## RESEARCH METHODS

In this study, the author uses normative juridical research, because in the role of witness and victim protection institutions in fulfilling the restitution rights of children victims of sexual violence, besides studying the applicable laws and regulations as well as legal facts that must be developed, researched and observed laws and regulations that apply in a positive way in the fulfillment of children's restitution rights.

Normative legal research method, namely legal research conducted by examining library materials or secondary data. (Soekanto 2003). Normative legal research is also called doctrinal legal research because this research is carried out or aimed only at written regulations or other legal materials. Supporting secondary data is done by looking at the facts that occurred in the protection of witnesses and victims.

The normative juridical approach is carried out based on the main legal material by examining theories, concepts, legal principles and laws and regulations related to this research. This approach is also known as the library approach, namely by studying books, laws and regulations and other documents related to this research. The juridical approach in this research is an approach in terms of legislation and legal norms in accordance with the existing problems, while the case approach emphasizes research that aims to gain knowledge of cases by finding out from court decisions.

## RESULTS AND DISCUSSION

In the case of criminal acts of sexual violence, law enforcement officers focus not only on punishing the perpetrators of sexual crimes, but it is important to remember that there are victims' rights (especially underage/child victims) in the form of compensation (restitution) due to the crime of sexual violence. The community and all interested parties need to also pay attention to the rights of victims of sexual violence. Restitution given to victims of criminal acts of sexual violence takes various forms, ranging from reimbursement of medical to psychological treatment costs, to assistance to victims of sexual violence in court.

## RESULTS

In the LPSK Annual Report 2020, the Sexual Violence Protection Program facilitated by the LPSK, there are various rights obtained by victims of sexual violence including Physical Protection, Fulfillment of Procedural Rights (PHP), Medical Assistance, Psychological Rehabilitation, Facilitation of Restitution Calculations, Psychosocial Rehabilitation, and Temporary Living Cost Assistance. Based on the data in the LPSK's annual report, victims of sexual violence receiving restitution have continued to increase over the past 3 years. Restitution and compensation are very important rights for victims who suffer physically as a result of the suffering they experience. Protection of victims, especially the right of victims to obtain compensation, is an integral part of human rights in the field of welfare and social security.

In 2018, 41 victims of sexual violence received restitution. In 2019, 125 victims of sexual violence received restitution. And in 2020, 162 protected victims of sexual violence received restitution. The rights of victims of sexual violence to obtain restitution are beginning to be understood by the victims of the crime themselves. Although the number of requests for restitution has not been as much as protected by sexual violence in the fulfillment of procedural rights, which continues to increase every year.

From the results of a research conducted by the Indonesian Judicial Research Society (IJRC) in 2020, almost all Indonesians agree that victims of a crime must have the right to recovery, one of which can be in the form of compensation or restitution. But unfortunately, the recovery of victims of criminal acts through the restitution mechanism is still very minimally applied in court decisions on sexual violence cases, between 2018 - 2020, only about 0.1% of victims received the right of restitution.

This is different from the data reported by LPSK, that in 2021, the submission of applications for the protection of witnesses and/or victims of sexual violence cases has increased compared to 2020 to almost 100%. In 2020, the number of applicants for protection related to sexual violence cases from 245 to 486 applicants in 2021, and 149 of them are victims. More interestingly, almost 75% of the applicants are applicants with child age.

Data from the LPSK Annual Report 2021, shows that LPSK provides protection service programs for cases of sexual violence, the most dominant of which are still procedural rights fulfillment programs amounting to 45%, and psychological rehabilitation assistance amounting to 21%. This is because procedural rights support for the Protected is needed to encourage the legal process to continue. Meanwhile, Protected victims of sexual violence who apply for a program to facilitate the calculation of restitution in 2021 through LPSK occupy the third position, which is only around 19%. However, the number of protection services for the facilitation of restitution continues to increase from 2018 to 2021, where in 2020 there are 162 Protected, to 189 Protected in 2021.

## DISCUSSION

### **The Right to Restitution of Children Victims of Sexual Violence in Indonesian Criminal Law**

The fulfillment of children's rights as an effort to protect victims of sexual crimes is regulated in Article 71 D of the Child Protection Law which states that victims (children) have the right to submit to court the right to restitution (compensation) which is the responsibility of perpetrators of sexual crimes against children. Where the regulations related to the rules and the submission mechanism are regulated in 2 implementing regulations of the Witness and Victim Protection Law and the Child Protection Law, namely, PP Number 44 of 2008 concerning the Provision of Compensation, Restitution and Assistance to Witnesses and Victims (hereinafter PP Number 44 of 2008) and PP Number 43 of 2017 concerning the Implementation of Restitution for Children Who Become Victims of Crime.

Restitution is a form of legal protection that is given to victims, in this case children who are victims of criminal acts. This form of compensation is deemed necessary because the fulfillment of restitution for children has so far not only been an issue for national studies but also as material for international studies. This is clear with the issuance of the United Nations declaration in Milan, Italy in September 1985 in the form of a Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power as a result of The seventh United Nations Congress on the Treatments of Offenders with the results of the formulation of the forms of Protection that can be given to victims such as (Yulia 2016):

1. Access to justice and fair treatment (access to court and obtain justice);
2. Restitution (restitution/compensation);
3. Compensation (compensation);
4. Assistance (assistance).

The terminology of compensation in the implementation of restitution will not be separated from the discussion of the function of the existence of compensation in the Criminal Procedure Code which is regulated in Article 98 paragraph (1), it is stated that if an act which is the basis for an indictment in an examination of a criminal case by a district court causes harm to a person. otherwise, the presiding judge of the session, at the request of that person, may decide to combine the lawsuit for compensation to the criminal case. However, the regulation in the Criminal Procedure Code still has several shortcomings regarding the filing procedure which is not simple, this is because the application for compensation (restitution) can only be made through a claim for compensation combined with the main examination of the criminal case.

According to Muladi (2002), in the concept of regulating the protection of victims of criminal acts, especially children who are victims of sexual crimes, the first thing that must be considered is the essence of the loss suffered by the victim. The essence of the loss is not only material or physical suffering but also psychological in nature, both in the form of trauma, loss of trust in society and public order. Symptoms of the syndrome can include anxiety, suspicion, cynicism, depression, loneliness and other avoidance behaviors.

Meanwhile, according to Amran Suadi, as Professor of UIN Sunan Ampel Surabaya in the Science of Protection of Women's and Children's Rights in Islamic Religious Courts, he said that he was very angry with the rise of cases of sexual violence against children. As the Supreme Court Justice, he asked the Law Enforcement Officials that the perpetrators of sexual predators could be subject to the maximum punishment so that they would provide a deterrent effect. Not only that, he also suggested that the judges give the punishment of castration to the perpetrators of child rape because it caused deep trauma.

According to Article 71 D of the Child Protection Law, restitution is defined as "payment of compensation charged to the perpetrator based on a court decision with permanent legal force for material and/or immaterial losses suffered by the victim or his heirs. Especially for children who are in conflict with the law who are entitled to restitution are child victims".

Restitution is defined as "the act of doing good things or giving the same amount for the loss, damage, or injury suffered by the victim". Criminals provide restitution to their victims. The perpetrator is burdened with the obligation to pay a sum of money to the victim, if the victim suffers a loss. Restitution can be in the form of a sum of money or the value of an object taken by the perpetrator, funeral costs, loss of salary, support and payment for medical expenses, counseling, therapy, or finding the victim a new job. Restitution can only be claimed by the victim if the perpetrator has been found guilty of committing a crime.

Restitution is more directed at the responsibility of the perpetrator for the consequences caused by the crime, so that the main target is to overcome all the losses suffered by the victim. The benchmark used in determining the amount of restitution given is not easy to formulate. It depends on the social status of the perpetrator and the victim. In the event that the victim with a lower social status than the perpetrator, will prioritize compensation in the form of material. On the other hand, if the victim's status is higher than the perpetrator, then the restoration of dignity and good name will be prioritized.

According to Article 7 A paragraph 1 of the PSK Law, victims of criminal acts are entitled to restitution in the form of:

1. Return of property;
2. Payment of compensation for loss or suffering;
3. Reimbursement of funeral expenses and condolences.

The concept of compensation known in Indonesia includes restitution and compensation. Compensation is a form of direct protection for victims, but in practice, both restitution and compensation as a form of compensation are not yet known and understood by law enforcement officials and the Indonesian people as a whole. The difference between restitution and compensation can be seen from two things. First, compensation is a demand for compensation made by the victim through an application that is paid for by the community or the state. The compensation does not require punishment of the perpetrators of the crime. Second, the claim for restitution is carried out through a court decision and paid for by the perpetrators of the crime, (Indah 2014).

Based on PP Number 43 of 2017 the stages of applying for the Right of Restitution before submitting an application for restitution to the court, it must first be remembered that the submission must be submitted in writing in Indonesian on paper with stamp duty and submitted before the court's decision, namely at the investigation and prosecution stage. However, in the investigation stage, the investigator can inform the victim about the rights of the child who is the victim of a crime to obtain restitution and the procedure for submitting it. Based on this notification, the victim has a maximum of three days to apply for restitution.

In the provisions of Article 7A paragraph (1) of Law Number 31 of 2014 concerning Protection of Witnesses and Victims, victims of criminal acts are entitled to restitution which can be in the form of compensation for loss of income or property; compensation arising from suffering resulting directly from a criminal act and/or reimbursement for medical and/or psychological treatment costs. The Witness and Victim Protection Agency (LPSK) as an institution mandated by the Witness and Victim Protection Act to provide protection and fulfillment of the rights of witnesses and victims plays a role in assisting victims of criminal acts, informing or informing victims of criminal acts about their rights in obtaining restitution.

Provisions for granting restitution rights for children who are victims of criminal acts in PP No. 43/2017 is urgently needed to help finance the recovery of child victims and provide restorative justice for child victims for the actions of perpetrators of sexual crimes. In addition, the provisions in PP no. 43/2017 confirms the responsibility of the perpetrator to the victim caused by the actions that have been taken. However, when viewed comprehensively regarding PP No. 43/2017, there are several things that are not clear, namely if the perpetrators of sexual crimes refuse to pay restitution (compensation costs). Several other issues in PP No. 43/2017 is how to prove the loss of material value owned by the victim, so that there can be uncertainty about the process of dropping an amount that cannot be predicted due to the loss suffered. In addition, regarding the time limit for granting restitution from the perpetrator to the victim, this affects the recovery process for child victims.

From the record of obstacles to the implementation of restitution, more detailed implementation instructions are needed from PP 44/2008 so that the prosecutor as the executor can take certain steps if the perpetrator does not give restitution such as the verdict given by the judge. The government through the Ministry of Law and Human Rights (Kemenkumham), the Ministry of Finance (Kemenkeu), the Prosecutor's Office, and the LPSK need to also create a mechanism for restitution if the perpetrator cannot pay restitution in whole or in part. The restitution mechanism is important because it is not uncommon for victims to use urgent restitution for their medical and psychological rehabilitation needs. Meanwhile, on the other hand, the perpetrator cannot be freed from restitution, because restitution must also be seen as a crime against the perpetrator, not just the victim's right, then the perpetrator can be bailed out for restitution by the State but is considered to be in debt to the State for the amount of restitution money paid by the State to the victim.

In practice, some Court Decisions can be executed, but some cannot be executed. This happens because the parties consider restitution only as an additional crime, so that the parties consider it can be implemented and can not be implemented. Thus, it is clear that there must be strict rules regarding restitution itself. In the momentum of the revision of the Criminal Code Law, it is necessary to consider so that restitution becomes a crime. Including how the mechanism of calculation, prosecution, to the execution of restitution.

### **The Role of Witness and Victim Protection Institutions in Fulfilling the Rights of Restitution for Children Victims of Sexual Violence in Indonesia**

The fulfillment of the rights of victims of crimes has long been recognized by the Republic of Indonesia, since the Law on the Protection of Witnesses and Victims Number 13 of 2006 was enacted. Through the revision of Law 13 of 2006, namely Law Number 31 of 2014, more and more the rights of victims of crime are recognized by the State.

The most significant difference in the fulfillment of the rights of victims as stated in the revision of Law Number 31 of 2014 is the right to psychosocial and psychological recovery. In addition, the Law on the Protection of Witnesses and Victims, which was promulgated at the end of 2014, also includes procedures for granting the right to compensation for victims of criminal acts of gross human rights violations, terrorism, and the right to restitution.

Judging from the form of protection for children in Indonesia, there are several institutions that are specialized based on the authority regulated by law in terms of providing assistance both legal assistance, psychology and rehabilitation efforts for children who are victims of criminal acts, namely the Child Protection Commission (Central), Child Protection Agency (Regional), and Assistance Institution, namely the Witness and Victim Protection Agency. Likewise, children's rights have been guaranteed in the Child Protection Law which states that children's rights are part of human rights that must be guaranteed, protected and fulfilled by parents, families, communities, states, governments, and local governments. Therefore, the protection referred to is all activities to guarantee and protect children and their rights so that they can live, grow, develop, and participate optimally in accordance with human dignity, and obtain protection from violence and discrimination, as contained in Article 1 paragraph (2) of Law Number 35 of 2014.

The mechanism of legal protection for witnesses and victims by the Witness and Victim Protection Agency (LPSK) based on Law Number 13 of 2006 concerning the Protection of Witnesses and Victims. The presence of Law Number 13 of 2006 concerning the Protection of Witnesses and Victims which has been updated to Law Number 31 of 2014, gives hope that the testimony given is based on a sense of security and comfort. Protection for witnesses and victims is provided based on several principles as stated in Article 3 of Law Number 13 of 2006 namely:

1. Respect for dignity and worth;
2. A sense of security;
3. Justice;
4. Non-discriminatory;
5. Legal certainty.

Based on the provisions in Article 7A paragraph (1) of Law no. 31 of 2014, that victims of criminal acts are entitled to restitution which can be in the form of compensation for loss of income or property; and/or compensation for losses arising from suffering resulting directly from a criminal act; and/or reimbursement for medical and/or psychological treatment costs. LPSK as an institution mandated by the Law on the Protection of Witnesses and Victims to provide protection and fulfillment of the rights of witnesses and victims plays a role in assisting victims of criminal acts, informing or informing victims of criminal acts about their rights in obtaining restitution.

While the application for restitution for victims of criminal acts can be submitted before a court decision that has permanent legal force or after a court decision that has obtained permanent legal force through LPSK based on Article 7A paragraph (3) of Law no. 31 of 2014. If the request for restitution is

submitted before a legal decision that has permanent legal force (*inkracht*), LPSK can apply for restitution to the court to obtain a determination.

One of the cases of sexual violence accompanied by LPSK is a case of violence that befell victims of YGJ and BAR. The perpetrator is a person who guides religious activities at a place of worship in Depok. The violence that befell the two victims gave a psychological impact in the form of a sense of trauma, fear and shame for the victims. The decision of the Depok District Court on January 6, 2021 in the case of child molestation, one of the rulings was that the panel of judges granted the claim for compensation from the perpetrator for the victim (restitution).

The role of LPSK in assisting the case includes providing advocacy, assistance, and psychological rehabilitation for the protected. In addition, LPSK also advocates for law enforcement officials regarding restitution facilities as one of the fulfillment of the rights of victims of sexual violence. With the granting of restitution for the victim, it is a positive thing that the Depok District Court Panel of Judges in deciding this case in addition to punishing the perpetrators of the crime, also pays attention to and considers the losses suffered by the victims.

In addition to providing restitution services for victims, LPSK also provides procedural rights fulfillment services and psychological rehabilitation services for both victims. This service is provided so that the psychological trauma experienced by being a victim can be recovered. Meanwhile, the service for fulfilling procedural rights is provided so that the rights of victims during the judicial process, both when examined by investigators and when questioned in court, can be fulfilled. So it is hoped that these services in addition to supporting victims to be able to reveal the events they have experienced, the psychological trauma of the victims can also be recovered.

In the case of sexual violence that occurred in the Gunung Kidul area - Yogyakarta, it occurred from 2017 - 2019, with the victim with the initials M being a person with a hearing and speech disability, which was carried out by a neighbor until she became pregnant. The victim only remembers the first incident of rape that she experienced at night, when she came home from her neighbor's house who was having a celebration. The perpetrator had sexual intercourse with the victim accompanied by physical violence so that the victim did not dare to fight back. The incident was revealed after the family found out that the victim was pregnant.

The victim and his family submitted a protection program to LPSK, where the Protected received a protection program in the form of fulfillment of procedural rights and facilitation of restitution. LPSK coordinates with the Prosecutor and the Panel of Judges regarding the follow-up to the request for restitution submitted by the victim and the technicality of the trial. In assisting Terlindung as a victim during the legal process, during the trial at the Wonosari District Court with the agenda of victim witness statements, LPSK requested that Terlindung be allowed to provide information by demonstrating the events he experienced with the assistance of translators and props.

Case Number : 148/Pid.B/2020/Pn.Wno. Currently, this has permanent legal force until Cassation, where the perpetrator was sentenced to 10 years in prison and paid a restitution of Rp. 12,230,000,-. However, the perpetrator did not want to pay the restitution, because the Panel of Judges did not subsidize him as a prisoner if the perpetrator did not pay the restitution to the victim. The Gunung Kidul District Prosecutor's Office could not make any coercive efforts against the perpetrators so that the verdict could not be executed.

In addition, there was also a case of sexual violence in the DKI Jakarta area with the victim with the initials HR, who was a victim of sexual abuse committed by his three friends who were 7 years old and 10 years old. The perpetrators molested the victim while they were playing. Because the perpetrators were still children, efforts were taken to make a collective agreement or diversion in this case, which was mediated by the PPA Investigators of the Polda Metro Jaya together with the LPSK and KPAI.

LPSK provides protection in the form of fulfillment of procedural rights, psychological rehabilitation assistance, and facilitation of restitution for victims. Upon the request for restitution submitted by the victim, LPSK coordinates with the families of the perpetrators. As a result, it was agreed by the parties that the perpetrators would provide restitution to the victim with a total of Rp. 10,000,000, - of the restitution submitted by the victim of Rp. 26,085,000, -. Another agreement, restitution to the victim will be given in installments, taking into account the economic conditions of the parents of the perpetrators.

Constraints experienced by law enforcement officers related to the fulfillment of restitution for victims of criminal acts of sexual violence are not yet regulated for coercive measures for perpetrators of sexual violence. Perpetrators who have been sentenced by the panel of judges are asked to pay restitution to the victim, choosing not to pay restitution and preferring a subsidiary sentence which is considered much lighter. This gives the impression in the community that many restitution decisions cannot be executed because the payment of restitution is dependent on the good intentions of the perpetrators. In addition, law enforcement officers have not been too massive in organizing training related to approaches to victims and restitution, especially for victims of criminal acts of sexual violence

in order to achieve mutual understanding and awareness to realize the fulfillment of restitution to the fullest in its fulfillment for victims, especially children victims of criminal acts of sexual violence.

## CONCLUSION

After discussing the rights of restitution for child victims of sexual violence and the role of LPSK in fulfilling these rights, the author finally draws the following conclusions:

1. The right of restitution for children who are victims of sexual violence in Indonesia has been regulated in Law Number 35 of 2014 concerning Child Protection, and Law no. 31 of 2014 concerning Amendments to Law No. 13 of 2006 concerning the Protection of Witnesses and Victims, the regulation on the mechanism for implementing restitution has also been regulated in PP no. 43 of 2017 concerning the Implementation of Restitution for Children Who Become Victims of Crime, as well as Government Regulation No. 7 of 2018 concerning the Provision of Compensation, Restitution, and Assistance to Witnesses and Victims. This regulation on restitution is made to make it easier for child victims to ask for compensation for perpetrators of crimes of sexual violence. It's just that in the regulation it has not been explained too much about the amount of loss that can be requested by the victim, besides that it has not been explained what sanctions will be received by the perpetrator if the perpetrator refuses to pay the restitution, and also the benchmarks for calculating immaterial compensation have not been explained, so that have not fulfilled the guarantee of children's rights.
2. The role of LPSK in fulfilling the right of restitution for child victims of sexual violence in Indonesia is assisting the implementation of restitution requests which are carried out concurrently with the criminal process, starting from the initial investigation to prosecution in court, and can even be submitted after a court decision based on Article 7A of Law no. 31 of 2014, where restitution for victims of criminal acts can be in the form of compensation for loss of wealth or income, compensation for suffering directly related as a result of a crime, as well as reimbursement for medical or psychological treatment costs. Obstacles and challenges experienced by the Witness and Victim Protection Agency (LPSK) in facilitating victims of sexual violence crimes in obtaining restitution include the lack of support from the community and the victim's legal counsel, resulting in social impacts on victims such as being ostracized, limited availability of Human Resources (HR) especially psychologists in assisting victims of sexual violence, as well as the lack of support from law enforcement officials regarding the fulfillment of restitution rights that have not been carried out effectively and optimally.

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41. Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection.
42. Government Regulation Number 7 of 2018 concerning the Provision of Compensation, Restitution, and Assistance to Victim Witnesses.
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