

Victim Protection in the Criminal Justice System from the Perspective of Dignified Justice Theory

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Abstract

This study aims to analyze the orientation of victim protection in the Indonesian criminal justice system from the perspective of Dignified Justice Theory. It employs normative juridical research using statutory and conceptual approaches. Legal materials were collected through library research and analyzed qualitatively by examining relevant legislation, legal doctrines, and scholarly studies. The findings indicate that victim protection in Indonesia remains challenged by the fragmented implementation of victims' rights, insufficient integration of protection across criminal justice stages, and institutional coordination difficulties. The analysis identifies five interconnected dimensions of victim protection: physical and psychological security, procedural rights and legal assistance, restitution and compensation, rehabilitation and recovery, and institutional responsibility. From the perspective of Dignified Justice Theory, these findings demonstrate that formal recognition of victims' rights is insufficient without effective implementation that respects human dignity and addresses the consequences of criminal acts. The theory provides a normative foundation for repositioning victims as rights-bearing subjects rather than merely witnesses or supporting parties in criminal proceedings. Accordingly, victim protection should be integrated into investigation, prosecution, adjudication, and post-adjudication through coordinated institutional measures that support rights fulfillment and victim recovery. This study concludes that a dignified criminal justice system must assess justice not only through the punishment of offenders but also through effective protection, restoration, and respect for victims' dignity.

Keywords: *Victim Protection, Criminal Justice System, Victim Rights, Victim Recovery*

INTRODUCTION

The criminal justice system is not merely an institutional mechanism for determining the guilt of perpetrators and imposing criminal sanctions, but also an instrument for protecting the rights and interests of victims. Victims directly experience the physical, psychological, social, and economic consequences of criminal acts and therefore require legal protection throughout the criminal justice process. Nevertheless, the development of criminal justice in Indonesia has historically tended to place greater emphasis on the perpetrator and the interests of the state, while the position and interests of victims have not always received equivalent attention. This condition demonstrates the importance of developing a criminal justice system that recognizes victims as legal subjects with rights and interests that must be respected and fulfilled (Wulandari et al., 2024). Recent studies similarly indicate that the protection of victims remains an important issue because the realization of justice in criminal proceedings is closely related to the extent to which victims' rights and interests are accommodated within the justice system (Yunara & Kemas, 2024).

The problem of victim protection is not limited to the existence of legal provisions but also concerns the position of victims throughout the criminal justice process. Victims may be involved as witnesses in criminal proceedings, yet their role as parties directly affected by criminal acts requires broader recognition. Protection should include not only physical and psychological security but also access to information, legal assistance, restitution, compensation, and recovery. Wulandari et al. (2024) demonstrate that legal reform concerning victims remains necessary because the realization of justice in criminal proceedings depends on the extent to

which victims' rights and interests are accommodated. Similarly, Yunara and Kemas (2024) emphasize the importance of victimology in strengthening the protection of crime victims within the Indonesian criminal justice system. These findings indicate that victim protection should be positioned as an integral component of criminal justice rather than as an additional mechanism that operates separately from the judicial process.

The need to strengthen victim protection has also become increasingly relevant following developments in Indonesian criminal law. Law Number 1 of 2023 concerning the Criminal Code reflects a broader orientation toward balancing the interests of perpetrators, victims, and society. The development of restorative justice further demonstrates a shift from a purely retributive orientation toward an approach that considers restoration and the interests of victims. Research on victim protection in Indonesia indicates that restorative justice can provide a framework for addressing victims' interests, although its implementation still faces normative and institutional challenges (Wiguna & Sugama, 2025). The development of these mechanisms demonstrates that the criminal justice system requires an orientation that does not merely focus on punishment but also considers the restoration of victims' rights and dignity.

The protection of victims can further be examined through the perspective of Dignified Justice Theory. This theory places justice within the philosophical and cultural foundations of Indonesian law and emphasizes the relationship between law, humanity, and the values embodied in Pancasila. Dignified Justice Theory seeks to understand law not merely as a collection of formal rules but as an instrument that should provide justice while maintaining human dignity. Disantara et al. (2022) explain that Dignified Justice Theory provides a perspective that connects legal norms with ethical and human values. The theory therefore provides a relevant analytical framework for examining whether the criminal justice system has adequately recognized victims as human beings whose dignity and rights require protection.

The relevance of Dignified Justice Theory to victim protection can also be seen from its application to contemporary Indonesian legal problems. Prasetyo & Kameo (2024) demonstrate that Dignified Justice Theory can be employed to analyze the settlement of serious human rights violations within the Indonesian legal system. Their study emphasizes the relationship between justice, Indonesian legal values, and the protection of fundamental human interests. Dignified Justice Theory to the analysis of criminal punishment and demonstrates that criminal law must be examined not only from the perspective of legality but also through the values underlying justice in the Indonesian legal system. These studies indicate that Dignified Justice Theory can serve as a normative framework for examining whether criminal justice arrangements are consistent with the protection of human dignity.

Victim protection also has a direct relationship with the principle of justice because victims may experience continuing harm even after a criminal act has been identified and the perpetrator has been prosecuted. A criminal justice process that focuses exclusively on establishing the guilt of the perpetrator may fail to address the material, psychological, and social consequences experienced by victims. The protection of victims therefore requires a broader understanding of justice that includes recognition, protection, restoration, and respect for human dignity. Naibaho (2023), for example, identifies continuing challenges in the protection of victims of human trafficking in Indonesia and demonstrates that the existence of legal protection does not necessarily guarantee its effective implementation. This finding illustrates the distinction between normative recognition and substantive realization of victim protection.

Previous studies have examined victim protection from several perspectives. Wulandari et al. (2024) examined legal reform concerning victims in the Indonesian criminal justice system through a comparative study with Russia. Yunara and Kemas (2024) analyzed the role of victimology in protecting crime victims within the Indonesian criminal justice system. Naibaho (2023) examined victim protection in human trafficking cases and highlighted problems in the implementation of existing legal provisions. Other studies have examined specific forms of

victim protection, including protection against sexual violence and the development of restorative justice (Krismawati et al., 2023). These studies provide important contributions to understanding the legal position and protection of victims, but they primarily emphasize victimology, legal reform, specific forms of crime, or restorative justice mechanisms.

The research gap lies in the limited examination of victim protection as an orientation of the Indonesian criminal justice system through the specific perspective of Dignified Justice Theory. Several previous studies have examined related issues from different perspectives. Wulandari et al. (2024) analyzed legal reform concerning victim protection in Indonesia through a comparison with Russian law, focusing on the position of victims and the accommodation of their rights within criminal proceedings. Yunara and Kemas (2024) examined the role of victimology in protecting crime victims in the Indonesian criminal justice system and highlighted the incomplete integration of victims' rights into criminal proceedings. Meanwhile, Hamamah (2023) investigated the government's responsibility for providing compensation and restitution from the perspective of Dignified Justice Theory, emphasizing the need to strengthen legal protection for victims. Disantara et al. (2022) examined Dignified Justice Theory in relation to ethics and legal relations, providing a theoretical foundation for understanding the relationship between law, ethical values, and human dignity. Although these studies provide important contributions, they address victim protection, compensation and restitution, or Dignified Justice Theory from distinct analytical perspectives. The relationship between victim protection as an overarching orientation of the criminal justice system and the principles of justice grounded in human dignity therefore requires further examination.

Based on these considerations, the central problem addressed in this research concerns how victim protection should be positioned within the Indonesian criminal justice system when examined through Dignified Justice Theory. The issue is not limited to whether victims have been formally recognized in legislation, but also concerns whether the orientation of the criminal justice system reflects substantive justice, the fulfillment of victims' rights, restoration, and respect for human dignity. Examining this issue is important to develop a more comprehensive understanding of the position of victims within the Indonesian criminal justice system and the philosophical foundation for strengthening their protection.

This research aims to analyze victim protection in the Indonesian criminal justice system from the perspective of Dignified Justice Theory. The analysis focuses on the position of victims within the criminal justice system and the relevance of Dignified Justice Theory in constructing an orientation of victim protection based on justice, human dignity, the fulfillment of rights, and recovery. Unlike previous studies that primarily focus on legal reform, victimology, compensation and restitution, or the theoretical foundations of Dignified Justice, this research brings these concerns together to examine victim protection as an integral orientation of the criminal justice system. It is expected to contribute conceptually to Indonesian criminal law scholarship by strengthening the understanding that victim protection is an essential element of a criminal justice system oriented toward substantive and dignified justice.

RESEARCH METHODS

This research employs normative juridical research, which examines legal norms, principles, concepts, and doctrines relevant to victim protection within the criminal justice system. Normative legal research is appropriate for examining the relationship between legal norms and the principles underlying the protection of victims in the Indonesian criminal justice system (Disantara et al., 2022). The research focuses on the normative position of victims, the forms of legal protection available to victims, and the orientation of victim protection when examined from the perspective of Dignified Justice Theory.

The research uses a statutory approach and a conceptual approach. The statutory approach is employed to examine Indonesian legislation governing victim protection and the criminal justice system, particularly provisions concerning the rights and protection of victims. The conceptual approach is used to examine the concepts of victim protection, criminal justice, justice, human dignity, and Dignified Justice Theory. The use of these approaches enables the research to examine both the normative framework governing victims and the philosophical principles underlying their protection (Wulandari et al., 2024).

The legal materials consist of primary, secondary, and tertiary legal materials. Primary legal materials include relevant legislation concerning the criminal justice system, witness and victim protection, criminal law, and other regulations governing victims' rights. Secondary legal materials consist of national journal articles, scholarly works, legal doctrines, and previous studies concerning victim protection and Dignified Justice Theory. Tertiary legal materials include legal dictionaries and other reference materials used to clarify legal terminology. The selection of legal materials is based on their relevance to the research problem and their ability to support the normative analysis.

Legal materials were collected through library research by identifying, selecting, and reviewing legislation and relevant scholarly literature. The literature search focused primarily on publications from the last five years to ensure that the analysis reflects recent developments in victim protection and criminal justice. Previous studies concerning victimology and victim protection were examined to identify the development of victims' rights and the challenges in their implementation (Yunara & Kemas, 2024). Studies concerning Dignified Justice Theory were also examined to establish the theoretical framework used to analyze the orientation of victim protection (Prasetyo & Kameo, 2024).

The collected legal materials were analyzed qualitatively using juridical-normative analysis. The analysis was conducted by interpreting relevant legal provisions, comparing legal norms with legal doctrines and scholarly arguments, and connecting the findings with the principles of Dignified Justice Theory. The analysis was directed toward identifying whether the existing orientation of victim protection reflects the principles of justice, human dignity, rights fulfillment, and victim recovery. This analytical process enables the research to formulate a conceptual understanding of victim protection as an integral element of the criminal justice system.

The validity of the analysis was maintained through the examination and comparison of legal materials from different sources. Relevant statutory provisions were compared with scholarly interpretations and findings from recent studies to identify consistency, gaps, and normative problems concerning victim protection. The resulting analysis was then interpreted through Dignified Justice Theory to formulate a comprehensive understanding of the position and orientation of victim protection within the Indonesian criminal justice system.

RESULTS AND DISCUSSION

Victim Protection in the Indonesian Criminal Justice System

Victim protection constitutes an important element in the development of the Indonesian criminal justice system because criminal proceedings should not only determine the responsibility of offenders but also accommodate the rights and interests of victims. Wulandari et al. (2024) explain that the realization of justice in criminal proceedings cannot be separated from the position of victims because victims are directly affected by criminal acts and require their rights and interests to be accommodated throughout the criminal justice process. This condition demonstrates that the position of victims cannot be limited to their function as witnesses for proving the offender's guilt.

Yunara and Kemas (2024) similarly identify a persistent imbalance between the treatment of offenders and victims in the Indonesian criminal justice system. Victims may experience physical, psychological, and material losses, while criminal proceedings have historically placed greater emphasis on the legal position and rights of offenders. Victimology therefore provides an important basis for repositioning victims as parties whose rights must be protected throughout the criminal justice process.

Victim protection encompasses several dimensions, including physical and psychological safety, procedural rights, legal assistance, restitution and compensation, and recovery from the consequences of criminal acts. These dimensions demonstrate that protection should not be understood merely as preventing threats against victims. Protection must also provide victims with meaningful access to justice and mechanisms capable of addressing the losses they have experienced. Yunara and Kemas (2024) emphasize that the protection of crime victims requires legal guarantees that recognize victims as rights-bearing subjects within the criminal justice system.

The fulfillment of restitution and compensation is particularly important because criminal punishment alone does not necessarily restore the losses suffered by victims. Hamamah (2023) finds that the existing arrangements concerning compensation and restitution have not been sufficiently integrated and that their implementation requires stronger legal policies oriented toward victims. From this perspective, the state's responsibility cannot be separated from the obligation to ensure that victims receive meaningful recovery when restitution cannot be adequately fulfilled by offenders.

The institutional dimension is equally significant. Victim protection involves several institutions that must operate in coordination, including law enforcement agencies and the Witness and Victim Protection Agency. Chalil et al. (2025) identify institutional and bureaucratic obstacles, including limited financial resources, inadequate human resources, and fragmented institutional arrangements, as factors that may restrict the effectiveness of witness and victim protection. These findings indicate that victim protection cannot depend solely on the existence of statutory rights but also requires institutional capacity to implement those rights.

The development of restorative justice further demonstrates the need to strengthen the position of victims. Dewi et al. (2025) find that although Indonesia has developed a normative framework for restorative justice, victim protection has not yet been comprehensively integrated into its implementation. Consequently, restorative mechanisms should not be interpreted merely as alternatives to conventional criminal proceedings but should also ensure that victims receive recognition, participation, protection, and recovery.

Based on these findings, victim protection in the Indonesian criminal justice system can be understood through five interconnected dimensions: protection of physical and psychological security, fulfillment of procedural rights, restitution and compensation, recovery, and institutional responsibility. The existence of these dimensions indicates that victim protection requires an integrated approach rather than isolated protection at a particular stage of criminal proceedings.

Table 1. Dimensions of Victim Protection in the Criminal Justice System

Dimension	Main Form of Protection	Purpose	Key Indonesian Legal Grounds & Mechanisms
Physical and psychological protection	Protection from threats, intimidation, and further harm	Safeguarding the victim's security and dignity	<u>LPSK (Witness and Victim Protection Agency)</u> : Formed under Law No. 13/2006 (amended by Law No. 31/2014), providing safe houses, physical security escorts, identity confidentiality, and

Dimension	Main Form of Protection	Purpose	Key Indonesian Legal Grounds & Mechanisms
			protection from retaliatory lawsuits.
Procedural rights	Access to information, legal assistance, and participation	Recognizing victims as legal subjects	KUHAP (Criminal Procedure Code) & UU TPKS / UU PKDRT: Entitles victims to give statements safely, receive case updates (SP2HP), access free legal aid, and utilize specialized support networks or advisors during trials.
Restitution and compensation	Recovery of material and non-material losses	Providing substantive justice	Article 7A of Law No. 31/2014 & Article 99 KUHAP: Restitution is paid directly by the perpetrator for lost income, property damage, and medical or psychological expenses. Compensation may be state-funded if the offender cannot pay (primarily for specific severe crimes like terrorism).
Rehabilitation and recovery	Physical, psychological, and social recovery	Restoring the victim's condition and dignity	Integrated Service Centers (P2TP2A / UPTD PPA): Mandated across local governments to supply immediate medical care, trauma-informed psychological counseling, and social reintegration assistance.
Institutional protection	Coordination among relevant criminal justice institutions	Ensuring effective implementation of victim rights	Inter-Agency Synergy: Formalized coordination networks between law enforcement (Police, Prosecutors, Judges), specialized institutions like LPSK, and social services to prevent secondary victimization.

Victim Protection from the Perspective of Dignified Justice Theory

The protection of victims requires a theoretical foundation capable of explaining why victims must be positioned as central subjects of justice. Dignified Justice Theory provides such a perspective by connecting legal norms with the human and ethical dimensions of justice. Disantara et al. (2022) explain that Dignified Justice Theory seeks to orient legal relations toward both divine and human dimensions, emphasizing the importance of harmonizing legal norms with ethical values. This orientation places human beings and their dignity at the center of the operation of law.

The human-centered orientation of Dignified Justice Theory has direct implications for victim protection. If law is intended to humanize human beings, the operation of the criminal justice system should not treat victims merely as instruments for establishing the guilt of offenders. Victims must be recognized as individuals whose dignity, rights, security, and interests require legal protection. Hidayat & Tolib (2023), examining victim protection in human trafficking cases from the perspective of Dignified Justice, identify continuing challenges

involving the protection of victims' rights, law enforcement awareness, institutional resources, and victim rehabilitation.

Dignified Justice Theory also provides a basis for understanding justice beyond the imposition of punishment. Prasetyo and Kameo (2024) apply the theory to the settlement of gross human rights violations and explain that legal settlement must be understood within the Indonesian Pancasila legal system. Their analysis demonstrates that Dignified Justice Theory is concerned not merely with formal legal mechanisms but also with the substantive meaning of justice within the Indonesian legal order.

This perspective becomes particularly relevant to restitution and compensation. Hamamah (2023) places compensation and restitution within the framework of Dignified Justice Theory and argues that existing arrangements require greater integration so that the legal system can respond more effectively to victims' losses. Restitution therefore has significance beyond financial recovery because it represents an effort to restore the victim's position following the violation of rights.

The same principle can be applied to the protection of victims who require special forms of recovery. Ananingati et al. (2025), for example, examine the protection of victims of sexual violence through a Dignified Justice approach and identify the need for regulations that respond to the physical, psychological, and spiritual consequences experienced by victims. This indicates that justice based on human dignity requires attention to the specific needs of victims rather than applying a uniform model of protection to all criminal cases.

Accordingly, Dignified Justice Theory provides three important analytical implications for victim protection. First, victims must be recognized as human beings possessing inherent dignity and legal rights. Second, justice must extend beyond the punishment of offenders to the protection and restoration of victims. Third, the state and criminal justice institutions have a responsibility to ensure that legal protection is effectively realized. These implications strengthen the argument that victim protection should constitute an intrinsic component of criminal justice rather than a supplementary mechanism.

The Orientation of Victim Protection in the Criminal Justice System

The analysis of victim protection and Dignified Justice Theory indicates a need to reconsider the orientation of the criminal justice system. A system that primarily emphasizes the investigation, prosecution, adjudication, and punishment of offenders may provide an important function in maintaining legal order, but such a structure does not by itself guarantee that victims' rights and losses are adequately addressed. Wulandari et al. (2024) demonstrate that the position of victims remains an important issue in the development of criminal justice reform in Indonesia.

The orientation toward victim protection should therefore be reflected throughout the criminal justice process. At the investigation stage, victims require security and protection from further harm. During prosecution and trial, victims require access to information, assistance, and opportunities to exercise their legally recognized rights. Following the determination of criminal responsibility, the system should also provide mechanisms for restitution, compensation, rehabilitation, and recovery. Yunara & Kemas (2024) emphasize that victim protection requires legal guarantees capable of accommodating victims' interests within the criminal justice system rather than treating them solely as supporting parties in criminal proceedings.

An integrated orientation also requires institutional coordination. Chalil et al. (2025) show that fragmented institutional structures and bureaucratic limitations can restrict the effectiveness of victim protection. Therefore, the orientation toward victims cannot be realized only through the formulation of statutory rights. It requires coordination among institutions responsible for investigation, prosecution, adjudication, victim protection, rehabilitation, and the implementation of restitution or compensation.

Restorative justice reinforces this orientation by introducing a broader understanding of the consequences of criminal acts. Wiguna & Sugama (2025) find that victim protection in

Indonesia still faces limitations because criminal justice has traditionally been dominated by a retributive orientation, while victims may remain passive and lack comprehensive recovery. Their analysis indicates that restorative justice can provide a framework for strengthening victim participation and recovery, although its implementation must continue to address legal and institutional limitations.

The orientation toward victims should nevertheless not be interpreted as eliminating the rights of offenders or disregarding the state's authority to prosecute crime. Dignified Justice requires a balanced legal relationship in which the enforcement of criminal responsibility remains connected to respect for human dignity. Disantara et al. (2022) explain that Dignified Justice Theory connects legal norms with ethical and human dimensions. Consequently, a victim-oriented criminal justice system should protect victims while continuing to respect the procedural and substantive rights of all parties involved in the criminal process.

Based on the foregoing analysis, victim protection under the perspective of Dignified Justice Theory can be understood as an orientation consisting of three interconnected principles. First, the victim is positioned as a rights-bearing subject whose dignity must be respected throughout the criminal justice process. Second, protection is directed not only toward physical and procedural security but also toward restitution, compensation, rehabilitation, and recovery. Third, responsibility for protection extends across the institutions involved in the criminal justice system. This orientation transforms victim protection from a supplementary mechanism into an integral element of the meaning of justice.

Thus, the application of Dignified Justice Theory provides a normative foundation for developing a criminal justice system that does not measure justice solely through the punishment imposed on offenders. Justice also concerns the recognition of victims, protection of their rights, recovery of their losses, and restoration of their dignity. Hamamah (2023) reinforces this position by connecting compensation and restitution with the responsibility of the legal system to provide victim-oriented justice. The orientation of victim protection consequently lies in integrating victim rights and recovery into every relevant stage of criminal justice while maintaining respect for the dignity and rights of all parties.

CONCLUSION

Victim protection in the Indonesian criminal justice system should be understood as an integral element of justice rather than merely an additional mechanism accompanying criminal proceedings. The analysis demonstrates that victim protection encompasses physical and psychological security, procedural rights, legal assistance, restitution and compensation, rehabilitation, recovery, and institutional protection. From the perspective of Dignified Justice Theory, these forms of protection are grounded in the recognition of victims as human beings whose dignity and rights must be respected throughout the criminal justice process. Justice therefore cannot be measured solely by the imposition of punishment on offenders but must also consider the protection, restoration, and recovery of victims. The orientation of the criminal justice system should consequently integrate victim protection across the stages of investigation, prosecution, adjudication, and post-adjudication, supported by effective coordination among relevant institutions. Such an orientation does not diminish the rights of offenders or the state's authority to enforce criminal law, but seeks to establish a balanced system in which the rights and dignity of all parties are respected. Dignified Justice Theory thus provides a normative foundation for strengthening victim-oriented criminal justice in Indonesia by placing human dignity, recognition of victims' rights, and meaningful recovery as essential elements of the realization of justice.

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