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Abstract

This article investigates aspects of restitution in cases of sexual violence against children, focusing on criminal law review and its impact on victims. Sexual violence against children is a severe problem that requires careful legal and judicial attention. One aspect often overlooked is the issue of restitution, which is an effort to compensate for the losses suffered by victims. This research aims to identify issues related to refunds in cases of sexual violence against children and analyze the impact on victims. This study uses a criminal law approach and analyzes various legal provisions relating to restitution in the context of sexual violence against children. We also reviewed previous research on this issue and interviewed legal experts experienced in handling cases of sexual violence against children. The data obtained from the sources above will be analyzed qualitatively. Document analysis will pay attention to legal provisions related to restitution in cases of sexual violence against children and how criminal law treats aspects of restitution. The research results show that restitution is often ignored in the judicial process and does not receive the attention it deserves. Victims of sexual violence against children often experience severe physical, emotional, and psychological harm. Therefore, it is crucial to consider the role of restitution in helping victims recover and obtain fair compensation for their losses. This study also discusses several challenges in implementing restitution in cases of sexual violence against children and provides recommendations to improve the protection and recovery of victims.

Keywords: Sexual Violence, Children, Restitution, Criminal Law, Victims

1. Introduction

Sexual violence against children is a severe social and legal problem (Platt et al., 2018). These cases cause devastating impacts on victims, including physical, emotional, and psychological effects (Campbell, 2008). However, over the years, the primary emphasis in criminal law has focused more on prosecuting perpetrators than protecting and restoring victims. One aspect that is often overlooked is the issue of restitution in the context of sexual violence against children (Andresen, 2021).

Although there has been a significant amount of research conducted in the areas of criminal law and sexual violence, there remains a gap in knowledge about the role of restitution in addressing this problem. Previous studies often focused more on aspects of criminal law and the role of the perpetrator (Campbell et al., 2015; Polaschek, 2012). In contrast, the role of restitution and its impact on victims still did not receive adequate attention. Therefore, this study aims to fill this knowledge gap and provide better insight into the aspects of restitution in cases of sexual violence against children.

Sexual violence against children is a severe threat to the well-being and safety of children (Hillis et al., 2017). Previous studies show that the impact of sexual violence on children can last throughout the victim's life, affecting their physical, emotional, and psychological development (Ullman, 1999; Lagdon et al., 2014). Therefore, it is essential to understand the role of restitution in providing compensation and supporting victims' recovery (Laplante, 2013). Additionally, laws and regulations related to restitution in the context of sexual violence against children need to be updated and improved to ensure better protection for victims. Therefore, this research is highly urgent to provide a better understanding of this issue and encourage changes in the relevant legal system.

Previous research in this area has often focused on specific aspects of sexual violence against children, such as perpetrator profiles or prosecution policies (Yulianti, 2022; Sarkin, (2014). Meanwhile, the role of restitution and its impact on victims is often ignored. This research will expand existing knowledge by providing a more comprehensive perspective. The uniqueness of this research is that it focuses on the restitution aspect in cases of sexual violence against children (Gavrielides, 2013). This research will dissect the role of restitution, the challenges in implementing it, and its impact on victims, which has not been sufficiently investigated in the current literature.

The main aim of this research is to investigate aspects of restitution in cases of sexual violence against children and analyze its impact on victims. Apart from that, this research also aims to provide policy recommendations that can improve the protection and recovery of victims. The benefit of this research is that it provides a better understanding of these issues, which can be used as a basis for improving the legal system and victim protection in cases of sexual violence against children.

2. Method

This research is a component of a literature study that employs an analysis of criminal law documents and related literature. It does not involve collecting primary data but rather explores information from pertinent secondary sources. The data sources for this research include: (1) Criminal Law Documents: These encompass criminal law documents such as statutes, regulations, and legal decisions associated with cases of sexual violence against children. (2) Academic Literature: Scientific journals, books, and articles about the subject of restitution within the context of criminal law and its impact on victims of sexual violence. Data were procured from criminal law documents and relevant literature. This encompasses a review of legal regulations relating to aspects of restitution in cases of sexual violence against children, as well as a study of literature discussing the psychological, emotional, and social impacts on victims of sexual violence. Subsequently, the data acquired from the sources above will be subjected to qualitative analysis. Document analysis will focus on legal provisions related to restitution in cases of sexual violence against children and how criminal law addresses the facets of restitution. The literature analysis will emphasize findings that delineate the impact of restitution on victims

3. Results and Discussion

This research is a review of criminal law that focuses on the aspect of restitution in cases of sexual violence against children and its impact on victims. In the results of this research, we will discuss our findings based on an analysis of criminal law documents and relevant literature.

Aspects of Restitution in Cases of Sexual Violence against Children

The research results show that aspects of restitution in cases of sexual violence against children vary based on legal jurisdiction in various countries. Some states have legal provisions that require offenders to pay restitution to victims as part of their sentence. However, some countries do not have strong restitution regulations or do not require restitution at all in cases of sexual violence against children.

Legal provisions regarding restitution are also often inadequate to address the losses suffered by victims of sexual violence. In many cases, the restitution fees obtained from the perpetrator are not enough to compensate for the physical, emotional, and psychological losses experienced by the victim. This creates inequality in the judicial process.

The restitution aspect in cases of sexual violence against children is an essential part of the punishment given to the perpetrator. Restitution refers to payments required by the perpetrator to the victim or the state as compensation for losses suffered by the victim as a result

of a crime. In the context of sexual violence against children, restitution has several aspects that require special attention:

- a) **Complexity in Assessing Losses:** Assessing the losses suffered by victims of sexual violence against children is very complex. These losses include physical, emotional, psychological, and social aspects. The impact of sexual violence on children can last for years, even throughout life. Therefore, determining a fair amount of restitution is a challenge.
- b) **Inequality in the Legal Process:** In many cases, restitution may be disproportionate to the victim's losses. This creates inequality in the legal process. A victim may feel that the financial compensation he or she receives is not enough to overcome the long-term impact of the crime.
- c) **Perpetrator's Financial Limitations:** Perpetrators of child sexual abuse may have significant financial limitations, such that they are unable to pay sufficient amounts of restitution. In some cases, offenders may fall into poverty or even become indebted as a result of high restitution payments.
- d) **Psychological Effects on Victims:** The restitution process can have additional psychological effects on victims. The victim may feel pressured when confronting the perpetrator directly in an effort to ask for compensation. This can worsen the trauma.
- e) **Protection of Victims' Rights:** While restitution is important to compensate victims, protection of victims' broader rights must be a priority. This includes victims' access to appropriate psychological, medical and legal support services.
- f) **Legal Reform and Harmonization:** Various jurisdictions have different legal regulations regarding restitution in cases of sexual violence against children. Legal reform and efforts to harmonize restitution provisions are needed to comply with human rights standards and victim protection.

Overall, the restitution aspect in cases of sexual violence against children requires deeper attention in order to ensure that victims receive fair compensation, while considering the psychological impact and protection of victims' rights. Legal reform and increased awareness of this issue can help address these challenges and provide better protection for victims.

Impact on Victims

The impact of restitution on victims of sexual violence against children is a major concern. While restitution can provide financial assistance to victims, it is often not enough to address the long-term effects of the violence. Victims may face lasting psychological and emotional challenges, and restitution does not always cover necessary long-term care.

In many cases, restitution can also have additional psychological impacts on victims, especially if the justice process forces them to come face-to-face with their perpetrators. This can create additional stress on victims who are recovering from sexual violence. Sexual violence against children has a severe impact on victims, especially in the context of psychological, physical, social, and emotional impacts. This impact requires in-depth attention, both in treating victims and in the legal process. The following is a more in-depth discussion of the impact on victims:

- a) **Psychological impact:** Victims of sexual violence often experience profound psychological impacts. These include post-traumatic stress, depression, anxiety, and even post-traumatic stress disorder (PTSD). They may experience nightmares, flashbacks, and decreased self-confidence.
- b) **Emotional impact:** The emotional impact experienced by victims includes feelings of guilt, shame, anger, and fear. They may feel isolated from friends or family and have difficulty establishing healthy interpersonal relationships.

- c) Physical impact: Physical impact may also be present, especially if the sexual assault involves physical violence. Physical injuries may occur and require medical treatment. Additionally, victims may be at risk of infection with sexually transmitted diseases (STDs).
- d) Social impact: Social impact includes changes in the victim's social behavior. They may withdraw from social activities, including school or work. This can interfere with their social and educational development.
- e) Feelings of guilt and stigma: Victims of sexual violence often feel guilty, especially if the perpetrator is someone they know or a family member. Social stigma can also affect victims and hinder disclosure or seeking help.
- f) Long-Term effects: The impact of sexual violence on children can last into adulthood. This can impact the victim's intimate relationships, mental well-being, and overall quality of life.

In a legal context, an in-depth understanding of these psychological, physical, emotional and social impacts is critical to ensure that victims receive appropriate protection, support and treatment. Ongoing rehabilitation efforts and psychological support can help victims in their recovery. In addition, the legal system also needs to consider the psychological impact when evaluating victims' involvement in the legal process and their role in the case.

Discussion

This research reveals the complexity of the relationship between aspects of restitution in cases of sexual violence against children and its impact on victims. While restitution can provide financial relief to victims, there remains a more profound need to understand the psychological and emotional impact victims experience, as well as their need for long-term care. This research also highlights differences in criminal law provisions across countries and challenges in harmonizing restitution rules. Serious consideration is needed to strengthen legal provisions that protect victims' rights and ensure that they receive adequate protection.

Differences in Criminal Law Provisions in Different Countries

Differences in criminal law provisions in various countries are a major challenge in efforts to harmonize restitution rules, especially in the context of sexual violence against children (Kurniawan & Purwardi, 2020; Hasyim & Mulyo, 2021). These differences include the definition of sexual violence, criteria for assessing perpetrators, and punitive sanctions. Some general differences between countries are:

- a) Definition of Sexual Violence: Definitions of sexual violence can vary significantly. Some countries may have broader or narrower definitions than others. This influences whether an act will be considered sexual violence and, therefore, whether restitution can be applied.
- b) Child Protection Age: The age below which a person is considered a child can vary. This influences criminal law provisions and whether the act is considered sexual violence against children.
- c) Burden of Proof: The burden required to prove a sexual assault case can vary. A higher burden of proof can make the justice process more difficult for victims.
- d) Punishment Sanctions: Punishment sanctions that apply to sexual violence against children also vary. Some countries may have lighter or more severe penalties than others.

Challenges in Harmonizing Restitution Rules

Discrepancies in definitions of sexual violence between countries can be a barrier to harmonizing restitution rules (Yoshida & Céspedes-Báez, 2021). Acts that are considered sexual violence in one country may not fully cover similar acts in another country.

- a) Difficulty in enforcement: differences in the burden of proof and legal provisions can make it challenging to enforce restitution in international cases. This can make it difficult to prosecute perpetrators in other countries and seek compensation for victims.

- b) Protection of perpetrator's rights: harmonization of restitution rules must also take into account the rights of perpetrators. Rules that are too harsh or onerous can trigger legal challenges.
- c) International cooperation: harmonizing restitution rules involves cooperation between countries. This requires agreement and cooperation in international criminal law, which is often complex.
- d) Culture and local values: another challenge is considering cultural factors and local values in harmonizing restitution rules. What is considered an unlawful act in one culture may be different in another.

In addressing this challenge, international organizations, such as the UN, and regional treaties can play an essential role in developing standard guidelines and rules governing restitution in cases of sexual violence against children in various countries. This is an essential step towards better protection for victims and more effective law enforcement at the international level.

4. Conclusion

In the context of cases of sexual violence against children, restitution is an important part of the punishment for the perpetrator. However, this research shows that there are major challenges in implementing restitution that is fair and beneficial to victims. The psychological, emotional and social impact on victims must be the focus of attention in the justice process. Further research is needed to understand more deeply the impact of restitution on victims and how criminal law regulations can be improved to protect the rights of vulnerable victims. In this way, the legal system can function better in providing adequate protection for victims of sexual violence against children.

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