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Conceptualizing the Victim Impact Statement (VIS) as a Supporting Instrument for Imposing Restitution in Indonesia
Brigita Audrey Novena Ginting, Diantika Rindam Floranti, S.H., LL.M.
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CONCEPTUALIZING THE VICTIM IMPACT STATEMENT (VIS) AS A SUPPORTING INSTRUMENT FOR IMPOSING RESTITUTION IN INDONESIA

Brigita Audrey Novena Ginting[1], Diantika Rindam Floranti[2]

Abstract

The global criminal justice system has shifted significantly toward victim-oriented justice, and Indonesia has responded through the KUHP 2023 and KUHAP 2025, both of which strengthen victims' rights to restitution and to convey the impact of crimes suffered. However, without a structured mechanism to support its imposition, restitution risks remaining merely symbolic. This study thus aims to analyze how the Victim Impact Statement (VIS) functions as a supporting instrument for restitution in the United States and the Netherlands, and to identify lessons learned for developing a structured VIS framework in Indonesia.

This study employs a normative-juridical method with conceptual, statutory, and comparative approaches. The analysis is based on secondary data, examining national and foreign legislation alongside court decisions, supported by primary data gathered through interviews with relevant legal institutions and academics.

This research concludes that VIS plays a significant supporting role in restitution imposition in both jurisdictions, the United States integrating VIS formally in the sentencing phase and the Netherlands adopting a continuous model via the *schriftelijke slachtofferverklaring* (SSV) and *spreekrecht*, yielding five key operational indicators: procedural positioning, connection to restitution, the active role of judges, format structure, and limitations. Although the KUHP 2023 and KUHAP 2025 have established foundational norms for VIS in Indonesia, the absence of implementing regulations risks inconsistent judicial practice. Therefore, a selective and proportional VIS framework must be institutionalized through implementing regulations supported by standardized sentencing guidelines and enhanced victim capacity and assistance throughout every region in Indonesia.

Keywords: Victim Impact Statement (VIS), Restitution, Sentencing, Victim Participation, Indonesian Criminal Justice System.

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KONSEPTUALISASI VICTIM IMPACT STATEMENT (VIS) SEBAGAI INSTRUMEN PENDUKUNG DALAM PENJATUHAN RESTITUSI DI INDONESIA

Brigita Audrey Novena Ginting[1], Diantika Rindam Floranti[2]

Intisari

Sistem peradilan pidana global telah bergeser menuju keadilan yang berorientasi pada korban, dan Indonesia merespons melalui KUHP 2023 dan KUHAP 2025 yang memperkuat hak korban atas restitusi dan penyampaian dampak kejahatan. Namun tanpa mekanisme terstruktur untuk mendukung penjatuhan restitusi, restitusi berisiko tetap bersifat simbolis semata. Penelitian ini bertujuan menganalisis bagaimana Victim Impact Statement (VIS) berfungsi sebagai instrumen pendukung penjatuhan restitusi di Amerika Serikat dan Belanda, serta mengidentifikasi pelajaran yang dapat diambil untuk mengembangkan kerangka VIS yang terstruktur di Indonesia.

Penelitian ini menggunakan metode yuridis-normatif dengan pendekatan konseptual, perundang-undangan, dan komparatif. Analisis didasarkan pada data sekunder dengan menganalisis peraturan perundang-undangan nasional dan asing, serta putusan pengadilan. Data sekunder tersebut juga didukung oleh data primer berupa wawancara dengan lembaga hukum dan akademisi yang relevan.

Penelitian ini menyimpulkan bahwa VIS memiliki peran yang signifikan dalam mendukung penjatuhan restitusi di kedua yurisdiksi, di mana Amerika Serikat mengintegrasikan VIS secara formal dalam tahap pemidanaan dan Belanda mengadopsi model berkelanjutan melalui schriftelijke slachtofferverklaring (SSV) dan spreekrecht, menghasilkan lima indikator operasional kunci: kedudukan prosedural, keterkaitan dengan restitusi, peran aktif hakim, struktur format, dan batasan. Meskipun KUHP 2023 dan KUHAP 2025 telah meletakkan fondasi normatif bagi VIS di Indonesia, ketiadaan peraturan pelaksana berisiko menimbulkan praktik peradilan yang tidak konsisten. Oleh karena itu, kerangka VIS yang selektif dan proporsional perlu diinstitusionalisasikan melalui peraturan pelaksana yang didukung pedoman pemidanaan terstandarisasi serta penguatan kapasitas dan pendampingan korban di seluruh wilayah Indonesia.

Kata Kunci: Victim Impact Statement (VIS), Restitusi, Pemidanaan, Partisipasi Korban, Sistem Peradilan Pidana Indonesia.

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