

Criminal Sentencing and the Protection of Child Victims in Sexual Violence Cases: An Analysis of Bandung District Court Decision No. 989/Pid.Sus/2021/PN Bdg

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DOI: <https://doi.org/10.65815/xe2d3y69>

Submitted: 21-09-2025

Revised: 12-02-2026; 29-04-2026

Accepted: 08-05-2026

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Abstract

Sexual violence against children requires a criminal justice response that simultaneously addresses offender accountability, victim protection, and the restoration of victims' rights. The Herry Wirawan case is particularly significant because the victims were children and the court imposed a severe criminal sanction together with restitution-related measures. This study examines Bandung District Court Decision No. 989/Pid.Sus/2021/PN Bdg to analyse the relationship between criminal sentencing and the protection of child victims in sexual violence proceedings. The official case record shows that the defendant was convicted of repeatedly committing sexual violence against multiple children and was sentenced to life imprisonment, with restitution imposed in relation to the victims. The study aims to assess whether the court's sentencing approach reflects the principles of child protection, proportionality, victim-centred justice, and rehabilitation. A normative juridical method is employed using statutory, conceptual, and case approaches. The research analyses child-protection legislation, sexual-violence legislation, sentencing principles, and the judicial reasoning contained in the decision. The study argues that effective protection of child victims cannot be measured solely through the severity of imprisonment. Restitution, procedural protection, psychological recovery, and recognition of victims' long-term harm are equally important dimensions of justice. The case demonstrates the need to integrate punitive and restorative elements within the judicial response to sexual violence against children. The study contributes to the development of a victim-centred framework for sentencing in Indonesian child sexual-abuse cases.

[Kekerasan seksual terhadap anak memerlukan respons peradilan pidana yang secara simultan menangani akuntabilitas pelaku, perlindungan korban, dan pemulihan hak-hak korban. Kasus Herry Wirawan sangat signifikan karena para korban adalah anak-anak dan pengadilan menjatuhkan sanksi pidana yang berat bersamaan dengan tindakan terkait restitusi. Studi ini meneliti Putusan Pengadilan Negeri Bandung No. 989/Pid.Sus/2021/PN Bdg

untuk menganalisis hubungan antara hukuman pidana dan perlindungan korban anak dalam proses kekerasan seksual. Catatan kasus resmi menunjukkan bahwa terdakwa dinyatakan bersalah karena berulang kali melakukan kekerasan seksual terhadap banyak anak dan dijatuhi hukuman penjara seumur hidup, dengan restitusi yang dikenakan kepada para korban. Studi ini bertujuan untuk menilai apakah pendekatan hukuman pengadilan mencerminkan prinsip-prinsip perlindungan anak, proporsionalitas, keadilan yang berpusat pada korban, dan rehabilitasi. Metode yuridis normatif digunakan dengan menggunakan pendekatan hukum, konseptual, dan kasus. Penelitian ini menganalisis undang-undang perlindungan anak, undang-undang kekerasan seksual, prinsip-prinsip hukuman, dan penalaran yudisial yang terkandung dalam putusan tersebut. Studi ini berpendapat bahwa perlindungan efektif terhadap korban anak tidak dapat diukur semata-mata melalui beratnya hukuman penjara. Restitusi, perlindungan prosedural, pemulihan psikologis, dan pengakuan atas kerugian jangka panjang korban sama pentingnya sebagai dimensi keadilan. Kasus ini menunjukkan perlunya mengintegrasikan unsur punitif dan restoratif dalam respons peradilan terhadap kekerasan seksual terhadap anak. Studi ini berkontribusi pada pengembangan kerangka kerja yang berpusat pada korban untuk penjatuhan hukuman dalam kasus pelecehan seksual anak di Indonesia.]

Keywords: child protection, sexual violence, restitution, sentencing, victim-centred justice

Introduction

Sexual violence against children constitutes one of the most serious forms of criminality because its consequences extend beyond the immediate violation of bodily integrity and may affect victims' psychological development, education, social relationships, economic prospects, and future autonomy. The vulnerability of children requires criminal justice institutions to adopt a framework that does more than determine the guilt of the offender and impose punishment. A legally adequate response must simultaneously recognize the seriousness of the offence, protect victims from further harm, provide access to recovery, and ensure that victims obtain meaningful remedies. In this context, criminal sentencing becomes an important mechanism through which the state expresses condemnation of sexual violence while also determining whether the criminal process adequately responds to the interests and long-term needs of child victims.

Indonesian law has progressively strengthened the protection of children against sexual violence. Law No. 35 of 2014 amending Law No. 23 of 2002 on Child Protection strengthened criminal sanctions for sexual offences against children and emphasized the state's obligation to protect children's physical and psychological welfare. The statutory framework was subsequently supplemented by

Law No. 17 of 2016, which introduced further measures in response to sexual violence against children. More broadly, Law No. 12 of 2022 on Sexual Violence Crimes (*Tindak Pidana Kekerasan Seksual* or TPKS Law) represents an important development in Indonesian victim-oriented criminal policy by placing greater emphasis on victim protection, recovery, and restitution. These developments demonstrate a gradual movement away from a criminal justice model concerned predominantly with offender punishment toward one that also recognizes victims as rights-bearing participants in the criminal process.

The importance of restitution within this framework is particularly significant. Restitution differs conceptually from punishment because its primary purpose is not to inflict suffering upon the offender but to address losses and harm experienced by the victim. Indonesian legal scholarship has emphasized that restitution is connected to a restorative paradigm because it seeks to restore, as far as possible, the condition of victims following criminal victimization. Ali and Wibowo argue that Indonesian restitution policy should be more strongly oriented toward victims and should not be understood merely as a monetary consequence attached to a criminal conviction (Ali and Wibowo 2018). In cases involving children, the significance of restitution is even greater because losses may include psychological treatment, education, medical care, loss of future opportunities, and other long-term consequences that cannot be adequately addressed through imprisonment alone.

The legal framework specifically recognizes children's entitlement to restitution. Government Regulation No. 43 of 2017 regulates the implementation of restitution for children who become victims of criminal offences and establishes a procedural framework through which child victims may seek compensation from perpetrators. The subsequent Supreme Court Regulation No. 1 of 2022 concerning procedures for applications and awards of restitution and compensation further institutionalized the judicial mechanism for victim compensation. Under this framework, restitution may encompass losses of property or income, material and immaterial losses arising directly from the crime, medical or psychological treatment costs, and other losses connected with the criminal process. The development of these rules is important because the effectiveness of victim protection depends not merely on the abstract recognition of rights but on the availability of enforceable mechanisms through which those rights can actually be realized.

Against this legal background, Bandung District Court Decision No. 989/Pid.Sus/2021/PN Bdg is particularly significant. The case concerned Herry Wirawan, an educator who was convicted of repeatedly committing sexual intercourse against multiple child victims. The District Court rendered its decision on February 15, 2022, finding the defendant legally and convincingly guilty and imposing life imprisonment. The judgment also ordered restitution in relation to the child victims, but controversially placed the financial burden on the Ministry of Women's Empowerment and Child Protection rather than directly upon the

convicted offender. The official Supreme Court case directory records the life-imprisonment sentence and the restitution order. This aspect of the decision subsequently became the subject of substantial legal debate because it raises a fundamental question: whether a criminal justice system can genuinely be described as victim-centred when the economic remedy intended to restore victims is transferred from the offender to the state.

The issue is particularly important because the severity of imprisonment and the fulfillment of victims' rights are conceptually distinct. A severe sentence may express proportional condemnation of the offender's conduct, but it does not automatically restore the victim. Conversely, restitution may address certain material consequences but cannot by itself compensate for trauma, disrupted education, social stigma, or long-term psychological injury. A victim-centred sentencing framework must therefore evaluate punishment and victim restoration as complementary rather than interchangeable dimensions of justice.

Previous studies have examined different aspects of the Herry Wirawan case. Madyana and Faozi specifically analyze restitution and victim recovery in Decision No. 989/Pid.Sus/2021/PN Bdg and emphasize the importance of legal protection for victims and their children. El Zuhdi et al. critically examine the District Court's decision to impose the restitution burden upon the state and identify the controversy surrounding the legal basis for that approach. Triono and Saputra subsequently examine the fulfillment of restitution rights in the Herry Wirawan case and emphasize that child victims suffer both material and psychological losses, making restitution an important component of victim protection (Triono and Saputra 2024). Other research has examined the disparity between the District Court, High Court, and Supreme Court approaches to restitution, demonstrating that different judicial interpretations produced materially different consequences concerning who was responsible for paying restitution.

Although these studies provide important insights, a doctrinal gap remains concerning the relationship between sentencing severity and the broader concept of child-victim protection. Existing studies tend to focus either on the legality of restitution or on the justification for the severe punishment ultimately imposed. Less attention has been devoted to examining whether the District Court's sentencing architecture can be understood as a coherent victim-centred model in which imprisonment, restitution, rehabilitation, and long-term protection operate together. The present study addresses this gap by treating sentencing not merely as a mechanism for punishing the offender but as part of a broader institutional response to the harm suffered by child victims.

The urgency of this study is reinforced by the continuing development of Indonesian victim-centred criminal justice. The Supreme Court itself has identified restitution as an important area requiring institutional dissemination and has undertaken socialization of Supreme Court Regulation No. 1 of 2022 among judges. Recent scholarship has similarly argued for greater recognition of victims' voices in criminal proceedings. Ramadianto, Istiqomah, and Aprilianda, for example,

propose the use of a Victim Impact Statement as a mechanism through which the effects of child sexual abuse can be incorporated more meaningfully into judicial decision-making (Ramadianto, Istiqomah, and Aprilianda 2025). These developments suggest that the question raised by the Herry Wirawan case is not merely historical but remains relevant to the future design of Indonesian sentencing practices.

This study employs a normative juridical method using statutory, conceptual, and case approaches. The statutory approach examines the relevant provisions of the Child Protection Law, the Witness and Victim Protection Law, Government Regulation No. 43 of 2017, and Supreme Court Regulation No. 1 of 2022. The conceptual approach examines proportionality, victim-centred justice, restorative justice, restitution, and child protection. The case approach focuses principally on Bandung District Court Decision No. 989/Pid.Sus/2021/PN Bdg, while considering the subsequent appellate and cassation proceedings to identify the development of the legal interpretation. Primary legal materials consist of legislation and judicial decisions, while secondary materials comprise peer-reviewed journal literature and relevant scholarly research.

The contribution of this research is to propose that victim-centred sentencing in child sexual violence cases should be evaluated through four interconnected dimensions: punitive accountability, restitution, recovery, and procedural protection. The severity of imprisonment addresses the first dimension but cannot independently satisfy the other three. The Herry Wirawan case demonstrates that even an exceptionally severe sentence may remain incomplete from a victim-centred perspective if restitution is difficult to enforce or if the judgment does not sufficiently articulate the relationship between punishment and long-term victim recovery. The analysis therefore seeks to move beyond the conventional question of whether a sentence is sufficiently severe and toward a broader inquiry into whether the sentencing decision meaningfully responds to the full spectrum of harm suffered by child victims.

Criminal Sentencing and the Special Vulnerability of Child Victims

The starting point for evaluating sentencing in sexual violence cases involving children is the special legal status of children as vulnerable rights-holders. Unlike adult victims, children frequently depend upon adults for education, housing, financial support, psychological development, and access to legal institutions. When the perpetrator occupies a position of authority—particularly as a teacher, educator, religious instructor, or caregiver—the offence involves not merely a violation of sexual autonomy but also a profound abuse of trust and institutional power.

The Child Protection Law reflects this heightened concern by establishing stronger criminal consequences for sexual offences against children. Law No. 35 of 2014 specifically strengthened sanctions for sexual abuse and reinforced the state's

responsibility to protect children's physical and psychological welfare. The legal rationale is therefore not limited to protecting children from immediate physical injury. It recognizes that sexual violence can interfere with the child's development and produce consequences extending well beyond the criminal event.

This perspective has important implications for sentencing. Proportionality cannot be assessed solely by comparing the length or severity of imprisonment with the statutory maximum. The court must also consider the nature of the offender's conduct, the number and vulnerability of victims, the duration and repetition of the abuse, the offender's position of authority, the consequences for the victims, and the need for effective protection against future harm.

In the Herry Wirawan case, these factors were particularly significant because the offence involved multiple child victims and repeated sexual conduct committed by an educator. The official District Court record describes the offence as intentionally forcing children to engage in sexual intercourse with the defendant, where the defendant was an educator and the conduct resulted in more than one victim and occurred repeatedly. These circumstances distinguish the case from an isolated sexual offence and provide a strong basis for imposing a severe custodial sanction. The District Court's decision to impose life imprisonment can therefore be understood as reflecting the extraordinary seriousness of the offence. The sentence communicates strong societal condemnation and recognizes the aggravated nature of exploiting an educational relationship for sexual abuse. In this sense, imprisonment performs an important expressive and retributive function.

However, punishment should not be equated with victim protection. A severe custodial sentence primarily regulates the offender's liberty and expresses society's condemnation of the criminal conduct. It does not directly provide psychological treatment, educational support, financial security, or social reintegration for the victims. This distinction is particularly important in child sexual violence because the consequences of victimization may continue long after the offender has been incarcerated.

Consequently, a sentencing framework that focuses exclusively on imprisonment risks reproducing an offender-centred conception of criminal justice. The victim becomes primarily the factual object through which the criminal liability of the defendant is established, rather than a rights-holder whose interests continue to matter after conviction. This problem has been recognized in Indonesian scholarship concerning victim rights. Ali and Wibowo argue that the Indonesian criminal justice system has historically given insufficient attention to victims and that restitution should be developed as an instrument of victim-oriented justice rather than treated merely as an additional monetary consequence of conviction (2018). Their argument is particularly applicable to child victims because the consequences of sexual violence often involve costs and harms that cannot reasonably be expected to disappear following the imposition of imprisonment.

The concept of victim-centred sentencing therefore requires a broader assessment. The question is not simply whether the defendant has received a

punishment proportionate to the offence but whether the sentencing process has also recognized and addressed the legitimate needs of those harmed.

In the Herry Wirawan case, the answer is mixed. The life-imprisonment sentence strongly reflects punitive accountability, while the inclusion of restitution demonstrates judicial recognition that the victims suffered compensable harm. Yet the controversy surrounding the allocation of the restitution burden shows that recognition of a right is not equivalent to effective realization of that right.

Restitution as an Instrument of Child-Victim Protection

Restitution represents one of the clearest mechanisms through which criminal justice can move beyond offender punishment and address the consequences experienced by victims. In doctrinal terms, restitution is intended to require the offender or another legally responsible party to compensate victims for losses caused by criminal conduct. It is therefore fundamentally different from a fine, which is ordinarily imposed as a penal consequence payable to the state.

Indonesian law has progressively developed restitution as a victim-oriented remedy. Government Regulation No. 43 of 2017 specifically establishes the implementation of restitution for children who become victims of criminal offences. The existence of this regulation reflects an important policy choice: children should not be required to bear the economic consequences of criminal victimization without access to an effective legal remedy.

The scope of restitution is broader than simple replacement of lost property. Supreme Court Regulation No. 1 of 2022 recognizes categories including losses of property or income, material and immaterial losses caused by suffering directly resulting from the offence, medical or psychological treatment costs, and other losses associated with the offence or legal proceedings. This broad conception is particularly appropriate for sexual violence against children because the harm frequently includes psychological and developmental consequences that cannot be reduced to immediate financial loss.

In the Herry Wirawan case, the District Court recognized restitution as part of the legal consequences associated with the offence. The official decision records restitution amounts for the child victims based on assessments of their losses, but ordered that the restitution be borne by the Ministry of Women's Empowerment and Child Protection. This aspect of the decision generated considerable controversy. The controversy illustrates an important doctrinal distinction between restitution and compensation. Restitution is generally associated with responsibility for the offender or another party legally responsible for the harm, whereas compensation is ordinarily connected to the state's responsibility to provide redress in circumstances defined by law. Ali and Wibowo emphasize this distinction and characterize restitution as an expression of restorative justice through which offenders are required to address the losses they have caused (2018).

If restitution is automatically transferred to the state whenever the offender receives life imprisonment, the conceptual boundary between restitution and compensation becomes blurred. Such a mechanism may provide financial relief to victims, but it risks weakening the principle that the person who caused the harm should bear responsibility for repairing it. This concern is reflected in the scholarship examining the Herry Wirawan judgment. El Zuhdi et al. criticize the District Court's decision to impose the restitution burden on the state and identify the question of legal responsibility for restitution as a central controversy in the case. Other research likewise identifies the disparity among judicial levels concerning who should bear the restitution obligation. From a victim-centred perspective, however, the analysis should not stop at the question of who pays. It must also ask whether the restitution mechanism is realistically capable of producing meaningful recovery. A nominal legal entitlement that cannot be enforced may provide little practical protection. This is especially important where child victims depend on parents or guardians and where the financial consequences of medical treatment, psychological counselling, education, and childcare continue for many years.

Triono and Saputra's study of the Herry Wirawan case demonstrates the importance of restitution precisely from this perspective. Their analysis emphasizes that child victims experience both material losses and psychological suffering and that restitution can reduce at least part of the economic burden resulting from sexual victimization (Triono and Saputra 2024). Restitution should therefore be regarded as one component of victim recovery rather than a complete substitute for recovery. Money may finance psychological treatment, education, housing, healthcare, or other services, but it cannot itself restore the victim's pre-crime condition. The judicial system must therefore connect restitution with broader institutional mechanisms of rehabilitation.

This interpretation is consistent with the emerging victim-centred approach in Indonesian criminal justice. Ramadianto, Istiqomah, and Aprilianda argue that victims should have a more meaningful voice in sentencing through mechanisms such as Victim Impact Statements, allowing courts to evaluate the concrete consequences of criminal conduct rather than relying exclusively on the formal elements of the offence (2025). Accordingly, the Herry Wirawan case demonstrates both progress and limitation. The recognition of restitution represents progress because it acknowledges that child victims have enforceable interests beyond the offender's punishment. The controversy over the allocation and implementation of restitution reveals a limitation because the legal architecture must still ensure that victim rights are not merely declared but effectively realized.

The Relationship between Life Imprisonment, Proportionality, and Victim-Centred Justice

The District Court's imposition of life imprisonment raises a separate question concerning the relationship between punishment and proportionality. In serious sexual violence cases involving multiple children, public demand for severe punishment is understandable. Nevertheless, academic analysis must distinguish legitimate proportionality from purely punitive escalation.

The principle of proportionality requires the severity of punishment to correspond to the seriousness of the offence. In the Herry Wirawan case, several aggravating circumstances strongly support a severe sentence: the victims were children; the defendant occupied a position of educational authority; the offences were committed repeatedly; and there were multiple victims. The official District Court decision confirms that the court convicted the defendant of repeated sexual intercourse against children in circumstances involving more than one victim. The severity of the sentence may therefore be understood as a judicial response to aggravated criminality rather than simply a reaction to public pressure. The sentence also serves a preventive and expressive function by communicating that exploitation of institutional trust and sexual violence against children are among the most serious forms of criminal conduct.

However, proportionality should not be conceptualized solely through the relationship between offence and imprisonment. Modern sentencing theory increasingly recognizes that punishment may pursue multiple purposes, including retribution, deterrence, rehabilitation, incapacitation, and restoration. These purposes may sometimes conflict, and courts must explain how they are balanced. In cases involving child sexual violence, incapacitation has an obvious importance because removing a dangerous offender from society may protect potential future victims. Deterrence may also have significance where offenders exploit positions of authority within schools, religious institutions, or other organizations. Yet rehabilitation cannot be completely disregarded merely because the offence is extremely serious. Nor should rehabilitation of the offender be treated as equivalent to victim recovery.

Victim-centred justice requires a dual orientation: the offender must be held accountable while the victim must receive meaningful protection and support. The two objectives are not inherently contradictory. A severe sentence can coexist with restorative measures, including restitution, psychological assistance, educational support, and protection from secondary victimization.

The Herry Wirawan case illustrates this point particularly clearly. The District Court's life sentence addresses the offender's accountability, while the restitution component attempts to address victim losses. Yet the legal structure becomes problematic if the two mechanisms are treated as substitutes. Imprisonment cannot compensate victims for financial losses, and restitution cannot replace the need for a proportionate penal sanction.

The subsequent appellate history reinforces this distinction. The Bandung High Court increased the sentence from life imprisonment to death, and the Supreme Court ultimately rejected the defendant's cassation and maintained the death sentence in Decision No. 5642 K/Pid.Sus/2022. The evolution from life imprisonment at first instance to the death penalty on appeal demonstrates how different judicial bodies may assess the punitive dimension of proportionality differently. However, this subsequent development should not obscure the central analytical point: an increase in punishment does not necessarily produce a corresponding increase in victim protection. The transformation of life imprisonment into capital punishment may intensify offender accountability, but it does not itself improve psychological recovery, education, or financial security for the victims.

Indeed, this is one of the most important lessons of the case. Criminal justice may become more punitive without necessarily becoming more victim-centred. The distinction is particularly important because public discourse concerning sexual violence often equates justice with the harshest available sentence. Such a conception risks reducing victims' interests to the symbolic satisfaction derived from punishing the offender. A genuinely victim-centred approach should instead ask whether victims have access to long-term counselling, education, healthcare, financial support, legal assistance, privacy protection, and freedom from retaliation or stigmatization.

The judicial system should therefore articulate sentencing in a manner that makes clear that punishment and victim recovery pursue related but distinct objectives. Proportionality determines how seriously the offender should be punished; victim-centred justice determines how effectively the criminal process responds to the consequences suffered by the victim. The Herry Wirawan case provides a strong illustration of why these dimensions must be separated analytically.

Toward an Integrated Victim-Centred Sentencing Framework for Child Sexual Violence

The preceding analysis suggests that sentencing in child sexual violence cases should be evaluated through four interconnected dimensions: punitive accountability, restitution, recovery, and procedural protection. The first dimension is punitive accountability. The offender must receive a sentence proportionate to the seriousness of the offence. In cases involving repeated sexual violence against multiple children by an individual exercising educational or institutional authority, severe punishment may be justified by the seriousness of the conduct and the need for incapacitation and deterrence. The District Court's life sentence in Decision No. 989/Pid.Sus/2021/PN Bdg can therefore be understood within this dimension.

The second dimension is restitution. Victims should receive an effective remedy for material and immaterial losses legally recognized as compensable.

Government Regulation No. 43 of 2017 provides a specific foundation for restitution involving child victims, while Supreme Court Regulation No. 1 of 2022 provides a more developed procedural mechanism. The legal framework should ensure that restitution remains genuinely connected to responsibility for the harm rather than functioning merely as a symbolic amount included in the judgment.

The third dimension is recovery. Sexual violence against children frequently produces psychological and developmental consequences that cannot be resolved through monetary payment. The restitution framework itself recognizes medical and psychological costs as potentially compensable losses. Courts and other criminal justice institutions should therefore ensure that child victims have practical access to psychological services, education, healthcare, and social support. The fourth dimension is procedural protection. Child victims must be protected from secondary victimization throughout investigation, prosecution, trial, and post-conviction proceedings. Their identities and privacy should be safeguarded, their participation should be adapted to their age and psychological condition, and they should not be required to repeatedly recount traumatic experiences unnecessarily.

Recent scholarship concerning Victim Impact Statements provides an important direction for this dimension. Ramadianto, Istiqomah, and Aprilianda argue that incorporating the victim's perspective into judicial decision-making can strengthen victim-centred justice and enable courts to understand the concrete impact of child sexual abuse more effectively (2025). These four dimensions can be conceptualized as follows:

Dimension	Principal objective	Judicial question
Punitive accountability	Hold offender responsible	Is the punishment proportionate to the seriousness of the offence?
Restitution	Address material and legally compensable harm	Have victims received an effective financial remedy?
Recovery	Address long-term consequences	Are medical, psychological, educational, and social needs recognized?
Procedural protection	Prevent further victimization	Has the justice process protected the child's dignity and safety?

This model provides a broader basis for evaluating Decision No. 989/Pid.Sus/2021/PN Bdg. The District Court performed strongly in the first dimension by imposing life imprisonment. It also recognized the importance of restitution, which represents movement toward the second dimension.

Nevertheless, the controversy over transferring the restitution burden to the state demonstrates a weakness in the relationship between accountability and restitution.

From a doctrinal perspective, the problem is not necessarily that state-funded compensation can never be justified. There may be circumstances in which the offender lacks sufficient assets to satisfy a legally established restitution obligation. A victim-centred system should not leave a child without assistance merely because the perpetrator is insolvent. In such circumstances, state-funded compensation may serve as a safety net. The difficulty arises when state payment becomes a substitute for offender responsibility without a sufficiently clear legal basis. Restitution and compensation serve different normative functions. A state may provide compensation to guarantee that victims receive assistance, but this does not necessarily eliminate the offender's underlying responsibility to repair the harm.

The literature concerning the Herry Wirawan case identifies precisely this problem. The District Court's approach was criticized because it placed the restitution burden on the Ministry, whereas subsequent judicial reasoning shifted the responsibility toward the convicted offender. The subsequent legal development therefore illustrates the importance of doctrinal clarity concerning the relationship between restitution and compensation.

A stronger victim-centred framework would consequently adopt a primary-responsibility-plus-safety-net model. Under this model, the offender remains primarily responsible for restitution to the extent provided by law and determined through judicial proceedings. If the offender's assets are insufficient or enforcement is otherwise ineffective, state mechanisms may provide supplementary compensation or support to ensure that child victims are not deprived of essential recovery services. Such a model better reconciles two principles: individual responsibility for harm and the state's protective responsibility toward vulnerable victims.

The framework should also recognize that child victims may require support over many years. A one-time payment may not correspond to the actual temporal structure of harm. Psychological trauma, educational disruption, and social consequences can develop or become more visible over time. Restitution and recovery mechanisms should therefore be capable of supporting continuing needs rather than treating victimization as an event that ends when judgment becomes final. This perspective is consistent with the broader development of Indonesian criminal justice toward greater recognition of victims. The Supreme Court's continued institutional attention to PERMA No. 1 of 2022 demonstrates that restitution and compensation have become significant components of contemporary judicial administration. The challenge is now to ensure that these mechanisms are applied consistently and interpreted in a way that genuinely improves victims' circumstances. Ultimately, the Herry Wirawan case demonstrates that victim-centred justice cannot be measured by the harshness of the punishment alone. A severe sentence may be necessary, but it represents only one dimension of justice. The quality of the criminal justice response should also be measured by

whether victims receive meaningful restitution, long-term recovery assistance, procedural protection, and recognition of their dignity.

Conclusion

Bandung District Court Decision No. 989/Pid.Sus/2021/PN Bdg illustrates the complex relationship between criminal punishment and the protection of child victims in sexual violence cases. The District Court imposed life imprisonment upon Herry Wirawan after finding him guilty of repeatedly committing sexual intercourse against multiple child victims while occupying a position as an educator. The severity of the sentence can be understood as a proportionate response to the aggravated nature of the conduct, particularly the age and number of victims, the repeated character of the offences, and the abuse of institutional authority. Nevertheless, the case demonstrates that the severity of imprisonment should not be treated as synonymous with comprehensive justice for victims. The restitution component of the judgment is particularly significant because it reveals both the progress and limitations of Indonesian victim-centred criminal justice. The District Court recognized the economic consequences suffered by the victims and incorporated restitution into its judgment, but its decision to place the restitution burden upon the Ministry of Women's Empowerment and Child Protection generated substantial doctrinal controversy. The subsequent appellate and cassation proceedings altered the treatment of punishment and restitution, demonstrating the importance of developing a consistent doctrinal framework concerning who bears responsibility for repairing criminal harm. Indonesian law, particularly Government Regulation No. 43 of 2017 and Supreme Court Regulation No. 1 of 2022, increasingly recognizes restitution as an important component of child-victim protection.

The study therefore concludes that victim-centred sentencing in child sexual violence cases should integrate punitive accountability, restitution, recovery, and procedural protection. Imprisonment addresses offender accountability but cannot itself restore victims' psychological, educational, social, or economic circumstances. Restitution is necessary but should be understood as part of a broader recovery strategy rather than as a complete substitute for psychological and social rehabilitation. The Herry Wirawan case consequently demonstrates the need for sentencing decisions to articulate not only why a particular punishment is proportionate but also how the judgment will contribute to the long-term protection and recovery of child victims. Such an integrated approach would strengthen the legitimacy of Indonesian criminal justice by ensuring that the child victim is treated not merely as evidence in the prosecution of an offender, but as a rights-holder whose dignity, recovery, and future remain central to the meaning of justice.

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Acknowledgment

None

Funding Information

None

Conflicting Interest Statement

The authors state that there is no conflict of interest in the publication of this article.

Publishing Ethical and Originality Statement

All authors declared that this work is original and has never been published in any form and in any media, nor is it under consideration for publication in any journal, and all sources cited in this work refer to the basic standards of scientific citation.

Generative AI Statement

N/A