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A Portrait of the Level of Legal Awareness of Crime Victims Regarding the Right to Restitution (Study in Talun District, Blitar Regency, 2024)

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Abstract.

The right to restitution for victims of crime is a right that must be fulfilled as mandated in Article 136 paragraph (1) of Law No. 1 of 2023 concerning the Criminal Code, which states, "victims have the right to obtain restitution from perpetrators of criminal acts or third parties in accordance with the provisions of statutory regulations." However, problems arise when victims lack the right to restitution for the losses they suffer, as occurred in the Blitar District Court's Decision Number 313/Pid.B/2023/PN Blt. Therefore, it is essential to assess crime victims' legal awareness of their right to restitution. This research was conducted in Blitar Regency, specifically in Talun District, due to the high number of crimes reported there as of 2024. The method used in this research is empirical, collecting data from crime victims and law enforcement through interviews about their awareness of their right to restitution. The research results regarding awareness of the right to restitution for crime victims in Talun District, Blitar Regency, are relatively low. The primary factor contributing to the victims' limited understanding is the lack of education and information they receive about their right to restitution. Based on this conclusion, the author recommends that law enforcement agencies conduct extensive outreach to the public about the right to restitution, especially victims of crime, to ensure their rights are fulfilled and to build a more just legal society.

Keywords: Criminal Acts, Legal Awareness, Right to Restitution.

1 Introduction

The right to restitution is a fundamental right that victims of crime must receive. Every victim of a crime deserves to have their rights fulfilled, particularly in terms of restitution for losses arising from the crime they experienced. This is because victims may suffer material losses due to the crime, as well as immaterial losses caused by the crime they experienced (Saputra & Nugraha, 2022). In line with Article 1, paragraph 11, of Law Number 31 of 2014, concerning Amendments to Law Number 13 of 2006, concerning Protection of Witnesses and Victims, restitution is defined as a form of compensation provided by the perpetrator or a third party to the victim or their family. In other words, restitution is a legal right to compensation for victims of criminal acts. With this right to restitution, victims not only receive physical and mental protection but also require the perpetrator or a third party to provide compensation for their economic well-being (Asafari & Hakim, 2023). The right to restitution is also emphasized by Article 7A paragraph (1) of Law No. 31 of 2014, which states that victims of criminal acts have the right to receive restitution in the form of: a. Compensation for loss of wealth or income; b. Compensation for losses caused by suffering directly related to the crime; and/or c. Reimbursement of medical and/or psychological treatment costs.

Protection for victims is in accordance with the mandate of Article 28I, paragraph 4, of the 1945 Constitution, the grundnorm of legislation in Indonesia, which states, "the protection,



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advancement, enforcement, and fulfillment of human rights is the responsibility of the state, especially the government." In line with that, Article 136, paragraph 1 of Law No. 1 of 2023 concerning the Criminal Code states, "victims have the right to receive restitution from perpetrators of criminal acts or third parties in accordance with the provisions of laws and regulations." It is clear that in every criminal incident, Indonesian law has firmly ensured that victims of criminal acts have the right to restitution to compensate for the losses they have suffered.

However, enforcing the right to restitution as stipulated in Indonesian law will be more effective if the public is also knowledgeable about this right. This aligns with Lawrence M. Friedman's view, which holds that the effectiveness of law enforcement depends on a legal system comprising three components: legal structure, legal substance, and legal culture. Friedman also explains that the legal system functions to maintain and distribute the values held by a particular society. These values, which are then maintained and upheld, are often considered to reflect truth and justice. A legal system can be considered successful if it can bring a more just society. However, this also depends on law enforcement's ability to bring the principles of justice into society. Not only law enforcement but also the community itself are crucial factors in upholding an effective and just legal system (Manurung & Lubis, 2025).

As Friedman stated, not only law enforcement but also the community's role in creating a just, law-based society are crucial to that society's development. Therefore, public awareness of the right to restitution is crucial for the sustainability of society and for creating a more just environment. Legal awareness, according to the *Kamus Besar Bahasa Indonesia* (Great Dictionary of the Indonesian Language), is defined as "a person's awareness of the knowledge that a particular behavior is governed by law (Fahriza, 2023)." It is hoped that legal awareness in this society will encourage people to obey and carry out what the law orders rather than what it prohibits (Pailingan et al., 2024).

Based on the background explained above, the author is interested in analysing the level of legal awareness among community members who are victims of crime in the Talun District of Blitar Regency regarding their right to restitution. This study aims to provide a general overview of the extent of knowledge of crime victims regarding this right to restitution, as well as to provide suggestions for the development of legal science, especially criminal law, and provide an evaluation for law enforcers regarding the level of understanding of the community, especially victims of crime, regarding the right to restitution that they should receive.

2 Method

The research method used in this study is empirical legal research. This method is useful for examining legal culture in society to determine public awareness of the right to restitution. A sociological approach is used in this article, viewing law as a reality encompassing social reality, cultural reality, and *das Sein* (as is). This study uses primary data derived from interviews with respondents. Secondary data is also used in the form of previous research, such as legal documents, scientific articles, websites, and other sources, as additional material (Sihombing & Hadita, 2022).



3 Result and Discussion

3.1 Crime Rate in the Talun District of Blitar Regency

To gain insight into public awareness of the right to restitution, it is important to examine the crime rate in Talun District, Blitar Regency. Therefore, the researcher visited the Blitar Police Department Sector to obtain data on this matter. Based on the data obtained, the crime rate in Talun District during 2024 was as follows:

Table 1. Data on the Crime Rate in Talun District in 2024

No	Type of Cases	Number
1	Theft	33
2	Fraud/Embezzlement	7
3	Assault/Mob Attack	6
4	Destruction	1
5	Others	1
	Total	48

Source: Blitar Police Department Sector

Based on the data obtained, the crime rate in the Talun District, Blitar Regency, is quite high. The most common crimes include theft and fraud. The motives for these crimes are largely economic, leading perpetrators to commit a series of thefts. Other motives, such as emotional ones, also contribute to several acts of assault. The crime rate in Talun District is the third highest in Blitar Regency, after Wlingi and Kanigoro Districts. From the criminal acts that have occurred in Talun District during 2024, it is appropriate for the victims to receive the right to restitution, namely compensation in accordance with what has been written in Article 136 paragraph 1 of Law No. 1 of 2023 concerning the Criminal Code which states, "victims have the right to receive restitution from perpetrators of criminal acts or third parties in accordance with the provisions of laws and regulations".

The economic situation of perpetrators is one of the most prominent motives in criminal cases. Therefore, a more comprehensive law enforcement effort is needed, including prevention and rehabilitation efforts, in addition to imposing punishment on perpetrators. Several programs, such as job creation, social assistance, and community economic empowerment, must be carefully considered to prevent and reduce crime rates. Not only law enforcement, but the government also plays a crucial role in formulating economic policies grounded in justice to provide economic benefits to all levels of society, especially those experiencing difficult economic conditions (Rifai et al., 2024).

From several criminal incidents that have occurred in Talun District during 2024, it is appropriate for the victims to receive the right to restitution, namely compensation as written in Article 136 paragraph 1 of Law No. 1 of 2023 concerning the Criminal Code which states, "victims have the right to receive restitution from perpetrators of criminal acts or third parties in accordance with the provisions of laws and regulations." Normatively, victims should receive restitution for what they have experienced. However, not all victims have the right to restitution, as in the case of the Blitar District Court Decision Number 313/Pid.B/2023/PN Blt. Because of this, it is important to assess, through interviews, the level of public understanding, especially among victims of criminal acts, regarding the right to restitution.



3.2. Results of Interviews with Victims of Crime in Talun District regarding the Right to Restitution

To ensure the full implementation of the right to restitution, public awareness, particularly among crime victims, is crucial. Based on the known crime rates, a sample of ten individuals was interviewed to determine their knowledge of the right to restitution. These ten individuals were victims of crime, whether their cases were resolved through litigation or otherwise.

Of the ten people interviewed, eight respondents admitted they did not understand their right to restitution for the consequences of the crime they had experienced. The primary reason was a lack of awareness and understanding of the topic. The respondents, who were victims of crime, admitted they had never heard of the right to restitution and therefore did not consider it a right they had as victims to claim compensation for what they had experienced. The remaining two respondents stated that they were aware of the right to restitution, which is the right to compensation for victims of crime. However, they also did not understand the details of this right to restitution and preferred to resolve the case outside the courts.

Even though respondents don't understand the legal term for restitution, people often still seek compensation for their experiences. This is especially true in cases of theft, where they suffer material losses. Respondents typically request compensation for the stolen goods. However, another problem arises when the perpetrators of the crime are still being sought by investigators, and this often lasts for quite a long time, forcing victims to wait until the perpetrators are caught.



Figure 1. Document of an Interview with Crime Victims

To gain a more holistic picture, law enforcement, especially investigators, were also interviewed regarding their knowledge of the right to restitution. It was found that investigators' knowledge of the right to restitution was also minimal, as the majority of criminal cases in Talun District were resolved outside the litigation process, and enforcement of this right was typically the domain of legal counsel, judges, and prosecutors. In addition to investigators, legal counsel, and prosecutors, the right to restitution was also clarified. It was found that due to the limited number of cases resolved through litigation, the right to restitution was rarely granted. Furthermore, there was a lack of communication among legal counsel, prosecutors, and victims, leading law enforcement to overlook the right to restitution unless the victim requested it.



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Figure 2. Documentation of interviews with investigators, Aipda Mujiono



Figure 3. Documentation of interviews with investigators Brigadier Putriana

Based on the data obtained, interviews found that most crime victims in Talun District were unaware of their right to restitution due to a lack of education and literacy on the matter. Investigators in Talun District also knew only the basics of the right to restitution due to limited litigation for dispute resolution. Furthermore, legal counsel and prosecutors found that, due to a lack of communication, victims often did not request the right to restitution, thus escaping their attention.

4 Conclusion

The research results show that the level of understanding among crime victims in Talun District, Blitar Regency, regarding the right to restitution remains relatively low. This is despite the fact that the right to restitution is guaranteed by Law No. 1 of 2023 and Law No. 31 of 2014, which embody the mandate of the 1945 Constitution, as a grundnorm, and guarantee the right to restitution as one of the basic rights that must be fulfilled by victims of crime. The research found that the main factor contributing to the low level of understanding among the public and victims of crime is the lack of information and literacy regarding this right to restitution. Most criminal cases are also resolved non-litigation, so this right to restitution is rarely granted.

On the other hand, because litigation settlements are rare, investigators are also only aware of the basics of the right to restitution. Legal counsel and prosecutors also sometimes fail to remind victims of their right to restitution due to poor communication. However, the failure to fulfill this right to restitution constitutes an injustice in society, as victims of criminal acts deserve compensation for their experiences, as in the Blitar District Court Decision Number 313/Pid.B/2023/PN Blt.

Therefore, the author suggests the need for broader socialization about the right to restitution for crime victims, as well as for the general public. Knowledge of this right to



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restitution must also be increased among law enforcement officers, especially the police around Talun District, who were the subjects of interviews in this study. With greater public understanding of the right to restitution, it is hoped that, in the future, the people of Talun District will become more just, especially toward crime victims, so they can receive compensation for what they have endured.

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