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HUMAN RIGHTS-BASED RESTORATIVE JUSTICE FOR CHILD VICTIMS OF SEXUAL VIOLENCE IN TARAKAN CITY

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Abstract: *Sexual violence against children in Tarakan City remains a serious problem. Data from DP3AP2KB Tarakan recorded 21 cases of violence against children in 2024. Meanwhile, the Women and Children Protection Unit of Tarakan Police handled 20 cases of sexual abuse from January to October 2023, with the majority of victims aged 4-12 years. The retributive approach is considered incapable of providing victims with comprehensive recovery. This study aims to analyze the effectiveness of implementing restorative justice for child victims of sexual violence in Tarakan City from the perspective of Human Rights and Law No. 12 of 2022 on Sexual Violence Crimes. The research uses a normative juridical approach with a case study. The results show that restorative justice is effective in speeding case resolution, supporting psychological recovery through P2TP2A services, and reducing social stigma. However, the main challenges are found in normative and institutional aspects. The Sexual Violence Crime Law does not explicitly regulate the active participation of victims in formulating forms of recovery. In practice, DP3AP2KB and P2TP2A determine the type of recovery, while LPSK is not routinely involved in the diversion process to calculate the victim's restitution needs. This condition means recovery is not fully oriented to victims' needs. This study proposes the concept of a "Victim Recovery Plan" as a mandatory component of diversion agreements.*

Keywords: *Restorative Justice; Child Protection; Sexual Violence; Victim Participation; Human Rights; Tarakan City.*

I. INTRODUCTION

Sexual violence against children constitutes one of the most severe forms of gender-based violence and remains a persistent problem in Indonesia. The National Commission on Violence Against Women noted that societal stigma, which views women and children as symbols of purity, often leads to victim-blaming when sexual violence occurs.[1] The consequences extend beyond material and physical harm to

[1] Komisi Nasional Anti Kekerasan Terhadap Perempuan. (2019). *Catatan tahunan tentang kekerasan terhadap perempuan*. Komnas Perempuan

include long-term psychological trauma, such as betrayal, traumatic sexualization, powerlessness, and stigmatization.[2] Ironically, conventional settlements such as monetary compensation, forced marriage, or customary fines have proven ineffective in restoring victims to their original condition.[3]

At the policy level, the state has responded through various legal instruments. Law No. 17 of 2016 on Child Protection, Law No. 12 of 2022 on Sexual Violence Crimes, hereinafter referred to as the Sexual Violence Crime Law, and Supreme Court Decree No. 1691/DJU/SK/PS.00/12/2020 on Guidelines for the Implementation of Restorative Justice serve as the normative basis for case resolution.[4] The restorative justice paradigm, hereinafter abbreviated as RJ, emerged as an alternative to the retributive approach by focusing on restoring relationships between victims, offenders, and the community.[5] In the context of children, RJ is implemented through the diversion mechanism as stipulated in Law No. 11 of 2012 on the Juvenile Criminal Justice System.[6]

However, the effectiveness of RJ in practice remains debatable. Previous studies indicate that RJ is effective in accelerating case resolution and reducing social stigma for victims.[7] Nevertheless, such studies have not comprehensively addressed the fulfillment of victims' rights from a Human Rights perspective. On the other hand, research on the Sexual Violence Crime Law emphasizes the importance of integrating a human rights-based approach into legal policies and victim services,[8] yet it has not empirically examined how this principle is implemented at the local level. Tarakan City, as a border area in North Kalimantan, represents a unique challenge. According to data from DP3AP2KB Tarakan City, 21 cases of violence against children were recorded in 2024.[9] The Women and Children Protection Unit of Tarakan Police handled 32 cases from January to October 2023, with 20 of them being sexual abuse cases and the majority of victims aged 4-12 years.[10] P2TP2A

[2] Fp, H. A., & Widjajanti, E. (2025). Pembaharuan hukum pidana anak melalui penerapan restorative justice di Indonesia. *Locus Journal of Academic Literature Review*, 4(2), 69-79

[3] Fionika, D., & Enjel, R. I. P. (2025). Perempuan korban kekerasan dalam perspektif penegakan hukum dan pemulihan hak asasi manusia. *Jurnal Kajian Hukum dan Pendidikan Kewarganegaraan*, 2(1), 88-96

[4] Undang-Undang Nomor 17 Tahun 2016 tentang Perlindungan Anak. Lembaran Negara Republik Indonesia Tahun 2016 Nomor 237

[5] Mahkamah Agung Republik Indonesia. (2020). *Surat Keputusan Nomor 1691/DJU/SK/PS.00/12/2020 tentang pedoman pelaksanaan keadilan restoratif*. Mahkamah Agung

[6] Undang-Undang Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak. Lembaran Negara Republik Indonesia Tahun 2012 Nomor 153

[7] Fp & Widjajanti, 2025, p. 72

[8] Fionika & Enjel, 2025, p. 90

[9] DP3AP2KB Kota Tarakan. (2024). *Laporan tahunan perlindungan anak 2024*. DP3AP2KB Kota Tarakan

[10] Nasir, P. N. (2023, 26 October). Hati-hati! Pelecehan seksual terhadap anak di bawah umur meningkat di Tarakan. *Cakra News*

Tarakan City also actively provides psychological assistance, such as in the case of sexual abuse at an Islamic boarding school involving 5 student victims.[11] Meanwhile, LPSK Tarakan Representative provides protection and legal assistance to victims, although its involvement in the diversion process has not been systematically documented.[12] A preliminary review of laws and regulations reveals a normative gap. The Sexual Violence Crime Law mandates victim recovery,[13] but it does not explicitly regulate the mechanism for active victim participation in determining the appropriate forms of recovery according to their needs. In practice, forms of recovery such as counseling, compensation, and apology are still predominantly determined by DP3AP2KB and P2TP2A.[14] This condition potentially contradicts the principle of "the best interests of the child" and the child's right to be heard as guaranteed by the Convention on the Rights of the Child and Law No. 39 of 1999 on Human Rights.[15]

Based on the above, this study offers novelty in two aspects. First, it examines the effectiveness of RJ not only in procedural terms but also in terms of the substantive fulfillment of victims' rights in Tarakan City. Second, it identifies and critiques the normative void in the Sexual Violence Crime Law regarding victim participation. Accordingly, this study aims to: 1) Analyze the handling and protection of child victims of sexual violence through the restorative justice approach in Tarakan City; and 2) Evaluate the effectiveness of implementing restorative justice in providing human rights-based legal protection for child victims of sexual violence. The findings are expected to contribute to policy recommendations for strengthening the norm of victim participation in the Sexual Violence Crime Law and enhancing institutional synergy among DP3AP2KB, P2TP2A, LPSK, and the Tarakan Police Women and Children Protection Unit, so that victim recovery becomes more humane, just, and sustainable in line with the target of SDG 2030 Goal 5 on gender equality.[16]

II. RESEARCH METHODS

This study employed a normative juridical approach and an empirical juridical approach. The normative juridical approach was used to examine laws and regulations related to child protection and Law No. 12 of 2022 on Sexual Violence

[11] Sonora.id. (2022, 12 Januari). KemenPPPA tuntut keadilan bagi korban kasus pelecehan seksual di pondok pesantren di Tarakan. https://www.sonora.id

[12] LPSK RI. (2024). *Laporan kinerja perwakilan Tarakan 2023-2024*. LPSK

[13] Undang-Undang Nomor 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual. Lembaran Negara Republik Indonesia Tahun 2022 Nomor 120

[14] DP3AP2KB Kota Tarakan, 2024

[15] Undang-Undang Nomor 39 Tahun 1999 tentang Hak Asasi Manusia. Lembaran Negara Republik Indonesia Tahun 1999 Nomor 165

[16] United Nations. (2015). *Transforming our world: The 2030 agenda for sustainable development*. https://sdgs.un.org/2030agenda

Crimes. The empirical juridical approach was used to assess the effectiveness of restorative justice implementation in practice.[17] The data sources in this study consisted of primary data and secondary data. Primary data were obtained from interviews with DP3AP2KB Tarakan City, P2TP2A Tarakan City, LPSK Tarakan Representative, and the Women and Children Protection Unit of Tarakan Police.[18] Secondary data were obtained from literature studies derived from laws and regulations, books, journals, documents, archives, and mass media related to the research subject matter.[19]

Secondary data in this study were classified into primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials consisted of Law No. 11 of 2012 on the Juvenile Criminal Justice System and Supreme Court Decree No. 1691 of 2020 on Guidelines for the Implementation of Restorative Justice. Secondary legal materials consisted of books and scientific journals.[20] Tertiary legal materials consisted of data from SIMFONI of the Ministry of Women's Empowerment and Child Protection and the Annual Report of DP3AP2KB Tarakan City.[21] Data collection techniques were conducted through document study and interviews.[22] Data analysis was carried out using a qualitative descriptive method by examining the collected data and subsequently drawing conclusions.[23]

III. ANALYSIS AND DISCUSSION

a. The Effectiveness of Restorative Justice Implementation in Tarakan City

Based on interviews and documentation from four institutions in Tarakan City, the implementation of restorative justice (RJ) for child victims of sexual violence demonstrates procedural effectiveness in three main aspects, but has not yet reached substantive effectiveness from a human rights perspective.

First, case resolution speed. The Women and Children Protection Unit (PPA) of Tarakan Police Resort stated that diversion can be completed within 30 days of the report being filed. This is significantly faster than formal litigation which can take months and requires the child to repeatedly retell the traumatic experience in investigation, prosecution, and trial stages. In the perspective of Howard Zehr's restorative justice theory, speed is not merely administrative efficiency, but a form

[17] Soekanto, R., & Mamudji, S. (2021). *Penelitian hukum normatif: Suatu tinjauan singkat*. Rajawali Press

[18] Interview with the Head of the Women and Children Protection Unit, Tarakan Police Station, Tarakan, 10 May 2026

[19] Soemitro, J. (2019). *Metodologi penelitian hukum dan jurimetri*. Ghalia Indonesia

[20] Fp & Widjajanti, 2025, p. 72

[21] Kementerian Pemberdayaan Perempuan dan Perlindungan Anak. (2024). *Data SIMFONI kekerasan terhadap anak*. KemenPPPA.

[22] Moleong, L. (2020). *Metodologi penelitian kualitatif*. PT Remaja Rosdakarya

[23] M. B. Miles & A. M. Huberman. (2014). *Qualitative Data Analysis: A Methods Sourcebook*. (3rd ed.) Sage Publications

of harm reduction: the faster the process ends, the smaller the risk of secondary victimization due to repeated examinations.[24] However, this study finds that speed in Tarakan is still measured from the institution's perspective (case closed), not from the victim's perspective (recovery achieved). A case that is closed in 30 days does not automatically mean the child has recovered. In one case documented by P2TP2A, psychological assistance continued for more than six months after the diversion agreement was signed, indicating a gap between procedural closure and substantive recovery.

Second, psychological recovery. P2TP2A Tarakan City provides counseling services and psychological assessments, as in the case of sexual abuse at an Islamic boarding school involving five students. This service is crucial because sexual violence against children aged 4-12 years - the majority of victims according to PPA data - causes long-term impacts in the form of betrayal, powerlessness, and stigmatization. P2TP2A's intervention through play therapy and family counseling has shown positive progress in restoring the child's sense of safety.

Nevertheless, the effectiveness is constrained by limited human resources. Based on interviews, P2TP2A Tarakan City currently only has 1 psychologist to handle 21 cases of violence against children recorded in 2024. This ratio of 1:21 is clearly inadequate, especially because one case often involves more than one victim and requires long-term assistance, as in the Islamic boarding school case involving five students. As a result, assistance tends to be short-term and reactive, not yet based on a structured trauma-informed care protocol. In practice, counseling often stops after the diversion agreement is signed, even though trauma symptoms such as anxiety, sleep disturbance, and fear of school often appear months later. Without a minimum standard for the number of sessions and a follow-up mechanism, psychological recovery remains dependent on the availability of individual officers, not on a system that guarantees continuity of care.

Third, reducing social stigma. DP3AP2KB Tarakan City emphasized that settlement through family mediation can minimize negative labeling of victims within the community. This is particularly relevant in Tarakan as a border city with strong communal social relations, where stigma often leads to victim-blaming and social exclusion of the victim's family. Diversion which is closed and family-based protects the child's identity. However, this study also finds a paradox: efforts to reduce stigma through confidentiality can, on the other hand, hide the problem and reduce community control over the perpetrator. When a case is resolved behind closed doors, the community does not know that sexual violence has occurred, so there is no collective vigilance, no social sanction, and no prevention effort in the

[24] Zehr, H. (2002). *The Little Book of Restorative Justice*. Good Books

surrounding environment. The perpetrator, especially if he lives in the same neighborhood or school as the victim, can return to daily life without any community monitoring. In this situation, confidentiality protects the victim in the short term, but weakens community protection in the long term.

To resolve this paradox, confidentiality should not mean total invisibility. What must be kept confidential is the identity of the child victim, not the existence of the case and the perpetrator's accountability. In Tarakan, this can be done through institutional monitoring: DP3AP2KB as case manager and the PPA Unit monitor the perpetrator's compliance with the diversion agreement, while the community is educated in general about prevention without revealing the victim's identity. In this way, stigma reduction does not come at the cost of impunity.

These findings are in line with the study by Fp and Widjajanti (2025), which stated that restorative justice is effective in accelerating case resolution and restoring social relations.[25] However, in contrast to that study, this research found that the effectiveness of restorative justice in Tarakan has not been measured based on indicators of the fulfillment of victims' substantive rights. Fionika and Enjel (2025) highlight the importance of integrating Law No. 12 of 2022 on Sexual Violence Crimes with a human rights-based approach, but have not examined how victim participation practices are implemented at the local level. This gap constitutes the novelty of the present study.[26]

b. The Normative Gap: Victim Participation under Law No. 12 of 2022

An analysis of Law No. 12 of 2022 on Sexual Violence Crimes (TPKS Law)[27] indicates that this law has mandated victim recovery through comprehensive services, including medical, psychological, social, and legal assistance under Articles 67 to 70. Article 30 further guarantees the victim's right to restitution for material and immaterial losses. However, the TPKS Law does not explicitly regulate how the victim participates in determining what form of recovery is appropriate for them.

This gap becomes clearer when the TPKS Law is read together with Law No. 11 of 2012 on the Juvenile Criminal Justice System (SPPA Law).[28] The diversion mechanism under the SPPA Law was originally designed for child perpetrators, not for child victims. Its main orientation is to divert the child perpetrator from formal criminal proceedings in order to avoid stigmatization and imprisonment. Consequently, when diversion is applied to cases of sexual violence against children,

[25] Fp & Widjajanti, 2025, p. 72

[26] Fionika & Enjel, 2025, p. 90

[27] Undang-Undang Nomor 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual. Lembaran Negara Republik Indonesia Tahun 2022 Nomor 120

[28] Undang-Undang Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak. Lembaran Negara Republik Indonesia Tahun 2012 Nomor 153

the legal subject at the center of the process remains the perpetrator, while the victim is positioned merely as a party whose consent is requested, not as a subject who determines the content of recovery.

In practice in Tarakan, this structural problem is evident. Forms of recovery such as six-month counseling, compensation, and formal apologies are still determined unilaterally by DP3AP2KB and P2TP2A based on institutional assessment, without a formal forum for the child victim to state what form of recovery they actually need. The victim is consulted informally, but has no formal right to propose, reject, or modify the recovery plan. This practice contradicts two fundamental principles: the principle of the best interests of the child and the child's right to be heard as guaranteed in Article 12 of the Convention on the Rights of the Child[29] and Law No. 39 of 1999 on Human Rights.[30]

The absence of a formal participation mechanism also creates a serious risk of secondary victimization. In a mediation forum where there is a significant power imbalance between the child victim and the adult perpetrator, or between the victim's family and the perpetrator's family, the child may feel pressured to accept an apology or compensation that does not reflect their actual trauma. Without a psychologist as an independent advocate and without a structured procedure that separates the child's statement from direct confrontation with the perpetrator, restorative justice can turn into a process that prioritizes reconciliation between families rather than recovery for the child.

The LPSK Tarakan Representative, which should play a role in calculating the victim's restitution needs under Article 30 of the TPKS Law, has not been routinely involved in the diversion process. In fact, according to Supreme Court Decree No. 1691/DJU/SK/PS.00/12/2020, diversion agreements must reflect the needs of all parties, including material recovery.[31] Without LPSK, the restitution component is often absent or only symbolic, so that economic losses suffered by the victim's family, such as medical costs, counseling costs, and school transfer costs, are not fully compensated. Thus, the normative gap is not merely the absence of a single article on victim participation, but a systemic gap: the TPKS Law guarantees the right to recovery, the SPPA Law provides the procedure of diversion, but no regulation bridges the two by guaranteeing the victim's participation in determining the substance of that recovery.

[29] United Nations. (1989). *Convention on the Rights of the Child*. https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child

[30] Undang-Undang Nomor 39 Tahun 1999 tentang Hak Asasi Manusia. Lembaran Negara Republik Indonesia Tahun 1999 Nomor 165

[31] Surat Keputusan Direktur Jenderal Badan Peradilan Umum Nomor 1691/DJU/SK/PS.00/12/2020 tentang Pedoman Penerapan Restorative Justice

c. Institutional Challenge: Inter-Agency Synergy in Tarakan City

The effectiveness of RJ in Tarakan is also influenced by inter-institutional synergy. Although each institution has carried out its function, there is no formal mechanism that mandates the involvement of LPSK from the initial stage of the diversion process. As a result, the aspect of material recovery for victims is often neglected.

Table 1: ***Roles and findings on the effectiveness of four institutions in tarakan city***

Institution	Primary Role in RJ	Key Finding on Effectiveness
Women and Children Protection Unit, Tarakan Police Resort	Conducting diversion and investigation within 30 days	Case resolution is faster than formal litigation
P2TP2A Tarakan City	Providing counseling and psychological assessment	Supports victim trauma recovery
DP3AP2KB Tarakan City	Family mediation and case data management	Reduces social stigma toward victims
LPSK Tarakan Representative	Calculating restitution needs for victims	Has not been routinely involved in diversion

Source: Primary Data, Interviews and Documentation, 2026.

Table 1 confirms that the problem is not the absence of institutional roles, but the absence of a formal mechanism that connects those roles from the initial stage of diversion, particularly the involvement of LPSK in calculating restitution.

A deeper analysis shows three forms of synergy problems:

First, fragmented case management. DP3AP2KB manages data through SIMFONI, PPA manages criminal case files, P2TP2A manages psychological records, and LPSK manages protection applications. These four data systems are not integrated. As a result, the same child victim is recorded four times with different case numbers, different assessments, and different follow-up plans, without any single institution having a complete picture of the child's recovery progress.

For example, in the case of sexual abuse at an Islamic boarding school involving five students, the PPA Unit closed the case through diversion within 30 days, P2TP2A continued psychological assistance for more than six months, while LPSK was not involved from the beginning to calculate restitution. Because there was no integrated case file, the diversion agreement did not reflect the long-term psychological costs borne by the victims' families, and no institution monitored whether the perpetrator had actually fulfilled the agreement after the case was declared closed.

Second, overlapping and gap in authority. DP3AP2KB and P2TP2A both provide counseling, but the division of tasks is not clear in an SOP. In practice, this overlap causes duplication of services for some victims, while other victims do not receive any service because each institution assumes the other has handled it. Conversely, the gap is most visible in restitution: all institutions agree that restitution is important, but none feels primarily responsible for ensuring it is calculated and paid, because LPSK is not present from the initial stage.

Third, absence of a binding joint agreement. Synergy is currently based on personal communication between officers, not on a Memorandum of Understanding (MoU) or a Joint SOP that binds institutions. This personal-based synergy is very fragile in Tarakan as a border city with high officer rotation. When one officer is transferred, the informal coordination network breaks, and the case handling process must start again from the beginning. Victim recovery then becomes dependent on who knows whom, not on a system that guarantees continuity.

In contrast to the study by Fp and Widjajanti (2025) which highlighted the singular role of the police, this study found that the effectiveness of restorative justice is highly dependent on the collective work of DP3AP2KB, P2TP2A, LPSK, and the Women and Children Protection Unit of the Police Resort. Without synergy, victim recovery will not be comprehensive.

d. Victim Recovery Program (VRP): A Human Rights-Based Model for Tarakan City

Based on the findings in sub-chapters a to c, this study proposes a Victim Recovery Program (VRP) as a model to ensure that restorative justice for child victims of sexual violence in Tarakan City is not only procedurally fast, but also substantively restorative. VRP is designed to fill three gaps found in this study: the absence of victim participation (sub-chapter b), limited psychological services (sub-chapter a), and fragmented inter-institutional synergy (sub-chapter c).

VRP consists of four integrated stages:

First, Victim Participation Forum. Before a diversion agreement is signed, the child victim, accompanied by a psychologist and a legal companion, is given a formal forum to state what form of recovery they need. This forum is separated from direct confrontation with the perpetrator. The child's statement is recorded in a Recovery Needs Assessment document which becomes a mandatory attachment to the diversion agreement. In this way, recovery is no longer determined unilaterally by

institutions, but is based on the child's own voice, in line with Article 12 of the Convention on the Rights of the Child.[32]

Second, Integrated Case Management. One child victim, one case file. DP3AP2KB as case manager integrates data from SIMFONI, PPA case files, P2TP2A psychological records, and LPSK restitution calculations into a single Integrated Recovery File. This file follows the child from the reporting stage to the completion of recovery, so that no institution works based on partial data. This model also resolves the problem of a victim being recorded four times with different case numbers as found in sub-chapter c.

Third, Guaranteed Minimum Service Standard. VRP sets a minimum standard that must be fulfilled for every child victim: (1) a minimum of 6 psychological counseling sessions, with the possibility of extension based on the psychologist's assessment; (2) medical examination and treatment costs; (3) education costs, including school transfer if needed for the child's safety; and (4) restitution calculated by LPSK from the initial stage. This standard answers the problem of 1 psychologist for 21 cases in 2024, because with a clear standard, the local government can calculate the actual human resource and budget needs, not just based on availability.

Fourth, Monitoring and Compliance. A diversion agreement is not considered complete when it is signed, but when it is fulfilled. DP3AP2KB and the PPA Unit jointly monitor the perpetrator's compliance for a minimum of 6 months after the agreement. If the perpetrator fails to fulfill counseling costs, compensation, or other obligations, the case can be reopened to formal proceedings. This mechanism ensures that confidentiality does not become impunity, as discussed in sub-chapter.

Feasibility and Funding. VRP is feasible to implement in Tarakan City because its institutional infrastructure already exists. What is needed is not a new institution, but a Joint SOP and a Memorandum of Understanding (MoU) between the PPA Unit, DP3AP2KB, P2TP2A, and LPSK Tarakan Representative. In terms of funding, VRP can be financed through three sources: (1) APBD of Tarakan City through DP3AP2KB's budget for women and children protection; (2) restitution paid by the perpetrator as mandated by Article 30 of Law No. 12 of 2022; and (3) corporate social responsibility (CSR) funds and central government assistance for victim recovery services. With a minimum standard that is clear, budget planning becomes measurable and accountable, rather than incidental as it is now.

In short, VRP shifts the paradigm from case-closed oriented restorative justice to victim-recovered oriented restorative justice. Speed remains important, but it is no

[32] United Nations. (2015). *Transforming Our World: The 2030 Agenda for Sustainable Development*. https://sdgs.un.org/2030agenda

longer the sole indicator of success. Success is measured by whether the child has truly recovered: psychologically safe, materially restored, and socially accepted without stigma.

IV. CONCLUSION

The implementation of restorative justice for child victims of sexual violence in Tarakan City is effective at the procedural level, in terms of case resolution speed within 30 days, psychological recovery through P2TP2A services, and reduction of social stigma facilitated by DP3AP2KB and the Women and Children Protection Unit of Tarakan Police Resort. However, this effectiveness has not yet reached a substantive level that is human rights-based. Speed in closing cases does not automatically mean the child has recovered, because psychological assistance often continues for more than six months after the diversion agreement is signed. Restorative justice in Tarakan is therefore procedurally effective but substantively incomplete, as it has not been measured based on indicators of the fulfillment of victims' substantive rights.

This study identifies a normative void in Law No. 12 of 2022 on Sexual Violence Crimes. The law does not explicitly regulate the active participation of victims in determining the form of recovery. In practice, forms of recovery such as counseling, compensation, and formal apologies are still determined unilaterally by DP3AP2KB and P2TP2A, without a formal forum for the victim to propose, reject, or modify the form of recovery. Furthermore, the LPSK Tarakan Representative is not routinely involved in the diversion process to calculate victims' restitution needs. This condition contradicts the principle of “the best interests of the child” and the child’s right to be heard as mandated by the Convention on the Rights of the Child and Law No. 39 of 1999 on Human Rights. Without victim participation, restorative justice risks becoming a top-down process oriented toward case closure, rather than a mechanism for victim recovery.

This study also finds that effectiveness is constrained by limited human resources and fragmented synergy. P2TP2A Tarakan City only has 1 psychologist to handle 21 cases of violence against children recorded in 2024, so that assistance tends to be short-term and reactive. Meanwhile, synergy between institutions remains based on personal communication, not on a binding Joint SOP, so that data is fragmented and restitution is often neglected. Confidentiality in diversion also creates a paradox: it protects the victim's identity in the short term, but weakens community control over the perpetrator in the long term if it is not balanced with institutional monitoring.

Based on these findings, this study proposes three recommendations. First, at the normative level, the government needs to issue a Government Regulation as an implementing regulation of the TPKS Law. This regulation should mandate a “Victim

Recovery Program" (VRP) as a compulsory attachment to diversion agreements. The VRP must consist of four integrated stages: (1) Victim Participation Forum, (2) Integrated Case Management through a single case file, (3) Guaranteed Minimum Service Standard, and (4) Monitoring and Compliance for at least six months by DP3AP2KB and the PPA Unit, with the possibility to reopen the case if the agreement is not fulfilled. Second, at the institutional level, formal synergy between DP3AP2KB, P2TP2A, LPSK Tarakan Representative, and the Women and Children Protection Unit must be strengthened through a Memorandum of Understanding and a Joint SOP with a single integrated case file, to prevent overlapping services, fragmented data, and service gaps. Third, at the practical level, P2TP2A needs to increase the number of psychologists and provide trauma-informed care training. Meanwhile, DP3AP2KB needs to develop SOPs for implementing restorative justice that are human rights-based and participatory. By strengthening the norm of participation and institutional synergy through VRP, restorative justice in Tarakan City is expected to transform from a process oriented toward case closure into a process oriented toward victim recovery that is just, humane, and victim-centered. This will also contribute to the achievement of Sustainable Development Goals 2030 Goal 5 on achieving gender equality and empowering all women and girls.

REFERENCES

DP3AP2KB Kota Tarakan. (2024). *Laporan tahunan perlindungan anak 2024*. DP3AP2KB Kota Tarakan

Fionika, D., & Enjel, R. I. P. (2025). Perempuan korban kekerasan dalam perspektif penegakan hukum dan pemulihan hak asasi manusia. *Jurnal Kajian Hukum dan Pendidikan Kewarganegaraan*, 2(1), 88-96

Fp, H. A., & Widjajanti, E. (2025). Pembaharuan hukum pidana anak melalui penerapan restorative justice di Indonesia. *Locus Journal of Academic Literature Review*, 4(2), 69-79

Kementerian Pemberdayaan Perempuan dan Perlindungan Anak. (2024). *Data SIMFONI kekerasan terhadap anak*. KemenPPPA.

Komisi Nasional Anti Kekerasan Terhadap Perempuan. (2019). *Catatan tahunan tentang kekerasan terhadap perempuan*. Komnas Perempuan

LPSK RI. (2024). *Laporan kinerja perwakilan Tarakan 2023-2024*. LPSK.

Mahkamah Agung Republik Indonesia. (2020). *Surat Keputusan Nomor 1691/DJU/SK/PS.00/12/2020 tentang pedoman pelaksanaan keadilan restoratif*. Mahkamah Agung.

Miles, M. B., & Huberman, A. M. (2014). *Qualitative data analysis: A methods sourcebook* (3rd ed.). Sage Publications.

Moleong, L. (2020). *Metodologi penelitian kualitatif*. PT Remaja Rosdakarya

Nasir, P. N. (2023, 26 Oktober). Hati-hati! Pelecehan seksual terhadap anak di bawah umur meningkat di Tarakan. *Cakra News*

Soekanto, R., & Mamudji, S. (2021). *Penelitian hukum normatif: Suatu tinjauan singkat*. Rajawali Press.

Soemitro, J. (2019). *Metodologi penelitian hukum dan jurimetri*. Ghalia Indonesia.

Sonora.id. (2022, 12 Januari). KemenPPPA tuntut keadilan bagi korban kasus pelecehan seksual di pondok pesantren di Tarakan. https://www.sonora.id

Undang-Undang Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak. Lembaran Negara Republik Indonesia Tahun 2012 Nomor 153

Undang-Undang Nomor 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual. Lembaran Negara Republik Indonesia Tahun 2022 Nomor 120

Undang-Undang Nomor 17 Tahun 2016 tentang Perlindungan Anak. Lembaran Negara Republik Indonesia Tahun 2016 Nomor 237

Undang-Undang Nomor 39 Tahun 1999 tentang Hak Asasi Manusia. Lembaran Negara Republik Indonesia Tahun 1999 Nomor 165

United Nations. (1989). *Convention on the Rights of the Child*. https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child

United Nations. (2015). *Transforming our world: The 2030 agenda for sustainable development*. https://sdgs.un.org/2030agendaZehr, H. (2002). The little book of restorative justice. Good Books.