



Legal Protections Analysis for Physical Assault Victims and Their Impact on Public Safety: Case Study of Judge's Decision Number 399/Pid.B/2020/PN Dps

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ABSTRACT

Assaulting is an unlawful behavior that not only infringes on the victim's fundamental rights but also significantly undermines society's perception of safety. The objective of this study is to analyze the legal safeguards provided to victims of physical assaults as outlined in Judge's Decision Number 399/Pid.B/2020/PN Dps and assess their impact on public safety. This study employs a normative juridical methodology, utilizing a case study approach. The primary data came from the judge's rulings, while statutory rules, legal literature, and prior studies provided the secondary data. We conducted the data analysis qualitatively, utilizing legal interpretation and argumentation methodologies. The decision rendered by Judge Number 399/Pid.B/2020/PN Dps demonstrates the implementation of legal safeguards for victims of physical assault, including compensation and rehabilitation. Nevertheless, this conclusion fails to properly encompass the broader dimensions of restorative justice. This choice has significant implications for public security, as it maintains the possibility of vulnerability and fosters public distrust towards law enforcement. There is a need to enhance the legal safeguards for victims of physical assaults by implementing a more inclusive restorative justice strategy that includes the active involvement of victims, perpetrators, and the community. Enhancing legal safeguards is expected to bolster the community's perception of safety and deter the recurrence of such criminal activities.

1. Introduction

The act of physical assault, which is a form of collective violence, has emerged as a concerning phenomenon that has negatively impacted the social fabric in several regions worldwide, including Indonesia. This crime, known as a collective physical assault, inflicts substantial physical harm and profound psychological trauma on the victims, while also instilling widespread dread in society. Beatings are not only common criminal acts; they constitute a grave infringement against fundamental human rights, including the right to security and freedom from torture. Furthermore, the beatings also exemplify the erosion of ethical principles and communal cohesion. When a collective of individuals believe they have the right to employ force against others without

a legitimate justification, it signifies a decline in moral values and empathy within society.¹⁻³

In Indonesia, the issue of beatings is intensifying due to a range of intricate reasons, such as social disparity, poverty, unemployment, and inadequate law enforcement. Socioeconomic disparities engender discord and animosity among different factions, potentially culminating in acts of aggression. Poverty and unemployment encourage individuals to resort to illicit means, like joining criminal gangs. Inadequate law enforcement, in terms of both prevention and prosecution, creates an environment where perpetrators of gang attacks can act with impunity. Physical assaults not only impact the victim but also impact society as a whole. Ineffectively addressing illegal acts of assault can undermine the public's perception of security and

confidence in law enforcement. Furthermore, beatings can incite broader social tensions, jeopardise security and stability, and impede socioeconomic progress.^{4,5}

A crucial foundation of the criminal justice system is ensuring legal safeguards for individuals subjected to physical assaults. The state has a responsibility to safeguard its inhabitants against all types of criminal activities, including physical attacks. This legal protection encompasses not only the enforcement of laws against wrongdoers, but also the restitution of victims' rights, including their bodily, psychological, and material well-being. Article 170 of the Indonesian Criminal Code (KUHP) imposes strict regulations on the criminal offence of physical assault. This article stipulates that incarceration may be a possibility for individuals who commit acts of physical assault, regardless of whether they cause small harm, severe harm, or death. In addition, the Criminal Code grants victims the right to seek restitution from the offender. Nevertheless, the implementation of legislative safeguards for victims of physical assault continues to encounter numerous obstacles. The intricate and protracted criminal justice process frequently poses challenges for victims in their pursuit of justice. In addition, victims frequently encounter societal stigma and discrimination, leading to their hesitance in reporting incidents of physical assault they have endured.^{6,7}

Restorative justice is a different method of resolving conflicts that focuses more on repairing relationships between victims, offenders, and the community. This method diverges from the retributive approach, which places greater emphasis on penalizing the wrongdoer. Restorative justice aims to peacefully resolve conflicts, compensate victims for their losses, and deter future occurrences of similar criminal acts. In the context of assaults, restorative justice can offer significant benefits to victims, perpetrators, and society. Restorative justice offers victims the chance to express their emotions to the wrongdoer, get an apology, and receive restitution. Restorative justice offers perpetrators the chance to acknowledge accountability for their acts, rectify

errors, and reintegrate into the community. Restorative justice has the potential to enhance social cohesion, bolster sentiments of safety, and mitigate the risk of broader conflicts within society. The Judge's Decision Number 399/Pid.B/2020/PN Dps case is a compelling example of a physical assault incident that warrants further examination. This decision offers a comprehensive analysis of how the Indonesian criminal justice system deals with situations of physical assault, particularly in terms of safeguarding the legal rights of the victims.^{7,8} The objective of this study is to analyze the legal safeguards provided to victims of physical assaults as outlined in Judge's Decision Number 399/Pid.B/2020/PN Dps and assess their impact on public safety.

2. Methods

This study utilizes a normative juridical research design, employing a case study approach. The research emphasis on conducting a thorough study of Judge's Decision Number 399/Pid.B/2020/PN Dps led to the selection of this design as the main data source. The case study approach allows researchers to thoroughly investigate the legal elements, factual details of the trial, judge considerations, and conclusions pertaining to the legal protection of victims of physical assaults in the specific case. We conduct the analysis of judges' decisions using a normative juridical method, taking into account applicable laws and regulations, legal doctrine, and important legal principles. It is crucial to comprehend the alignment or lack thereof between the judge's ruling and established legal norms, as well as the consequences for the legal protection of victims.

This study employs two discrete data sources, specifically: Original Data: The primary source of data in this study is Judge's Decision Number 399/Pid.B/2020/PN Dps. This decision serves as the primary repository of information pertaining to the trial's facts, the judge's deliberations, and rulings concerning legal safeguards for victims of physical assault. Secondary data in this research consists of various legislation, such as the Criminal Code (KUHP),

Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA), Law Number 31 of 2014 concerning Protection Witnesses and Victims, and other relevant laws and regulations that pertain to the legal protection of crime victims. Legal Doctrine: Opinions of prominent legal scholars concerning the legal protection of crime victims, restorative justice, and other interconnected legal principles. Academic publications and prior studies: Academic publications and previous studies explore the legal protections for crime victims, restorative justice methods, and other pertinent subjects.

This study employed two primary methodologies for data collection: Library research involved doing a comprehensive literature review by carefully examining and evaluating a range of secondary data sources, including legal textbooks, scientific journals, law papers, and prior research. The literature study's objective is to gain a thorough understanding of legal concepts, theories, and research that are relevant to the research issue. Document analysis entails an in-depth examination and interpretation of Judge's Decision Number 399/Pid.B/2020/PN Dps as the primary source of data. We conducted a meticulous and comprehensive study on the judge's ruling, encompassing the legal issues, trial facts, the judge's concerns, and decisions related to legal protection for victims of physical assault. The acquired data is subsequently subjected to qualitative analysis employing content analysis techniques and legal interpretation. We conducted a content analysis to identify, categorize, and analyze the contents included in Judge's Decision Number 399/Pid.B/2020/PN Dps. The data pertaining to legal safeguards for victims of physical assaults, the practice of restorative justice, and the consequences of choices on community safety will be thoroughly gathered, categorized, and examined. Legal interpretation involves analyzing the judge's decision to determine its meaning and purpose, taking into account the relevant laws, regulations, legal doctrine,

and principles. Legal interpretation is employed to evaluate whether the judge's ruling has sufficiently safeguarded victims of physical assault and whether the ruling aligns with the tenets of restorative justice.

3. Results and Discussion

Table 1 illustrates the intricate interplay of legal safeguards, restorative justice, and community safety within the framework of the beatings in Denpasar. The key findings indicate that while the judge's judgment has granted compensation and rehabilitation to victims as a means of legal safeguarding, the application of restorative justice principles remains suboptimal. While offering compensation and rehabilitation is a commendable measure to support victims, it alone falls short of attaining a whole kind of justice. Physical assault victims often experience not only financial damages but also profound psychological and social distress. Hence, it is imperative to broaden legal safeguards to encompass intangible elements such as psychiatric therapy, societal aid, and legal aid. The judge's ruling did not adequately adhere to the tenets of restorative justice, which include facilitating mediation between the victim and the wrongdoer, ensuring the wrongdoer provides recompense, and including the community in the process of resolving the problem. Restorative justice holds significant promise in repairing fractured relationships among victims, offenders, and society while also serving as a deterrent against future criminal behavior. The victims' discontent with judges' rulings that inadequately embody restorative justice principles might contribute to public skepticism towards the criminal justice system. This has the potential to incite vigilantism and impede law enforcement endeavors. Hence, it is crucial for law enforcement authorities to give precedence to the concepts of restorative justice when dealing with cases of physical assaults in order to ensure that victims feel acknowledged and receive the desired retribution.

Table 1. Key findings analysis

Analyzed item	Key findings
Victim legal protection	The judge's decision provided compensation and rehabilitation to the victim.
Restorative justice	The judge's decision did not fully reflect the comprehensive aspects of restorative justice.
Implication for security	The public's discontent and lack of confidence in the criminal justice system could potentially impact public safety due to the judge's decision.
Recommendation	There is a need to enhance the legal safeguards for victims by implementing a more inclusive restorative justice strategy that involves victims, offenders, and the community.

The court's decision, known as Number 399/Pid.B/2020/PN Dps, pertains to a legal ruling regarding the assault incident that occurred in Denpasar. The judge imposed prison sentences on the individuals responsible for the assault, in accordance with the prevailing provisions of the Criminal Code. In addition, the judge granted the victim compensation to compensate for the losses incurred due to the unlawful act. The state offers compensation as a legal safeguard to individuals harmed by criminal acts. This aligns with the principle of reparation as stipulated in Law Number 31 of 2014, which pertains to the protection of witnesses and victims. The concept of restitution mandates that the offense offender must offer reparation to the victim as a means of acknowledging accountability for their conduct.^{9,10}

In addition to monetary compensation, the judge's ruling in the assault case also highlighted the need for victim rehabilitation as a means of providing comprehensive legal safeguarding. Rehabilitation aims to restore those impacted by illegal acts by addressing the physical, psychological, and social consequences they may have endured. This approach aligns with the contemporary legal paradigm, which emphasizes not only the punishment of the offender but also the restoration of the victim as an essential component of the criminal justice process. Rehabilitation of individuals subjected to physical assaults necessitates physical recuperation. This criminal act frequently leads to severe physical harm, encompassing contusions, lacerations, and fractures. Victims may, in certain instances, suffer enduring incapacity as a result of the violence they encounter. As a result, a judge's ruling that grants access to complete medical care, including assessment, treatment, and physical

therapy, holds great significance in the restoration of the victim's physical well-being. Effective medical care not only assists individuals in alleviating pain and regaining physical abilities, but it also serves to mitigate potential long-term health consequences that may result from sustained injuries.^{10,11}

Nonetheless, the repercussions of beatings extend beyond physical harm. Victims frequently endure profound psychological distress, including post-traumatic stress disorder (PTSD), anxiety, depression, and sleep disturbances. The psychological trauma can greatly disturb the victim's quality of life, impacting their interpersonal relationships, academic or professional achievements, and general state of well-being. Hence, the judge's ruling to offer psychological counseling and therapy is a crucial measure in aiding victims in surmounting trauma and reinstating their mental well-being. Psychological counseling and treatment can assist individuals with comprehending and managing their traumatic encounters, cultivating adaptive strategies for dealing with stress, and restoring their self-assurance and self-worth. Apart from the physical and psychological recovery, the rehabilitation of individuals who have experienced physical assault also includes social aspects. This unlawful crime can lead to victims enduring social ostracism, unemployment, financial hardships, and societal disapproval. The judge intends to assist victims in overcoming these challenges and reintegrating into society by offering social assistance, which includes support for living expenses, educational aid, and employment support. Social assistance not only provides monetary aid to those in need, but it also aids in the restoration of social connections, the acquisition of new competencies, and

the identification of career prospects, enabling them to achieve economic and social autonomy. Legal safeguarding necessitates the provision of rehabilitation to individuals who have experienced physical assaults, as it recognizes the victims' right to receive aid and support from the government during their recovery process. Law Number 31 of 2014 on Witness and Victim Protection, which mandates the government to provide support to victims to aid in their recovery from the impact of their crimes, aligns with this rehabilitation principle. The idea of rehabilitation represents a fundamental change in criminal law, shifting from a punitive strategy that solely emphasizes the punishment of the offender to a restorative approach that prioritizes the interests and rights of the victims. Therefore, the judge's decision to provide rehabilitation to victims of physical assaults not only provides legal protection but also strategically contributes to the victims' and the community's overall well-being. Extensive rehabilitation can assist individuals in overcoming trauma, restoring both their physical and mental well-being, and reintegrating into society in a productive manner. Consequently, this will enhance the well-being of the victims, reinforce societal unity, and deter the recurrence of comparable criminal behaviors.^{12,13}

Restorative justice has arisen as a novel approach to addressing criminal offenses, including physical assaults. Unlike the retributive approach, restorative justice prioritizes the restoration of relationships disrupted by criminal acts, involving victims, perpetrators, and society. This method focuses on healing the emotional and psychological harm experienced by both the victims and those responsible for causing harm, offering a more human-centered perspective. Restorative justice aims to rectify the damages experienced by victims, encompassing physical, psychological, and material losses. Several methods, such as offering compensation, restitution, or rehabilitative programs, accomplish this recovery. Restorative justice promotes the admission of wrongdoing, the assumption of accountability for one's conduct, and active involvement in initiatives aimed at

repairing the harm caused to victims. Restorative justice entails the community's participation in the process of resolving conflicts. The community might serve as a facilitator, mediator, or supporter for both victims and perpetrators. Restorative justice aims to peacefully resolve issues by means of communication and negotiation. This strategy circumvents the use of violence and retaliatory retribution. Restorative justice seeks to proactively address the underlying causes of criminal acts in order to prevent their recurrence.^{14,15}

Mediation is a formal and organized conversation between the victim and the perpetrator, overseen by an impartial mediator. Mediation allows victims to communicate the profound effects they experience due to criminal acts, articulate their emotions, and present their demands to the offender. Meanwhile, the wrongdoer has the ability to acknowledge errors, express remorse, and engage in discussions with the victim in order to come to a resolution for the restitution of damages. Mediation offers a platform for victims and perpetrators to gain insight into one another's perspectives and restore strained relationships. This method can also facilitate the perpetrators' recognition of the consequences of their conduct and prompt them to assume accountability for their behavior. Furthermore, mediation can provide victims with a sense of justice by acknowledging and involving them in the problem-solving process. The wrongdoer provides compensation to the injured party as restitution for the incurred damages. The wrongdoer may provide compensation in the form of currency, tangible items, or services. Compensating the victim is a means for the perpetrator to take responsibility for their acts and make an attempt to restore the damages incurred by the victim. Offering restitution can assist individuals in fulfilling their fundamental necessities, such as healthcare expenses, living expenses, and educational expenses. In addition, compensation can serve as a means of restoring justice for victims, as it holds the culprit accountable for their acts. Diverse means, such as the establishment of dialogue forums, support groups, or social rehabilitation programs, can

accomplish community engagement in the conflict resolution process. The community might serve as a facilitator, mediator, or supporter for both victims and perpetrators. Community engagement has the potential to enhance the social connections of both victims and perpetrators, facilitating their successful reintegration into society. In addition, community engagement can foster a collective feeling of accountability, deterring the recurrence of such unlawful activities.^{16,17}

Implementing restorative justice in addressing incidents of physical assault might yield substantial advantages for multiple stakeholders. The process acknowledges, values, and actively engages the victims in resolving the issue. Victims also receive more extensive compensation for their losses, encompassing physical, psychological, and material damages. The system affords perpetrators the opportunity to admit their mistakes, take responsibility for their actions, and improve their relationships with both victims and society. This can help to prevent reoffending and facilitate convicts' reintegration into society as productive individuals. The community experiences a greater sense of security and protection due to the peaceful resolution of conflicts and the enforcement of accountability for those responsible. The community can actively contribute to the process of resolving conflicts, thereby enhancing social cohesion and solidarity. Despite its many advantages, the application of restorative justice in cases of physical assault encounters various obstacles, such as: Insufficient awareness and comprehension: Numerous individuals, including law enforcement professionals, remain unaware of the concept and principles underlying restorative justice; Scarce Resources: Effective implementation of restorative justice necessitates sufficient resources, including well-trained mediators, dedicated mediation facilities, and comprehensive social rehabilitation programs. Opposition from specific factions: Certain parties, such as victims or their families, may nevertheless want a retributive strategy that prioritizes the punishment of the wrongdoer. However, we can

overcome these challenges by putting into action the following initiatives: Enhancing Awareness and Comprehension: Disseminating information and knowledge to the general public and law enforcement personnel regarding the fundamental concepts and principles of restorative justice; capacity building includes training mediators, establishing mediation facilities, and creating social rehabilitation programs. Establishing Trust: Fostering trust within the restorative justice framework among victims, perpetrators, and the community. By surmounting these obstacles, restorative justice can serve as a potent option for addressing incidents of physical assault. This strategy not only ensures fairness for victims but also facilitates the transformation of perpetrators, enabling them to reintegrate into society as productive individuals.^{18,19}

The judge's decision number 399/Pid.B/2020/PN Dps has substantial ramifications for public safety. While this ruling offers legal safeguards to victims in the form of compensation and rehabilitation, it falls short of encompassing the broader elements of restorative justice. This can lead to discontentment among victims and the community, as well as a loss of confidence in the criminal justice system. The public's discontent and lack of confidence in the criminal justice system can adversely affect public safety. Individuals who lack confidence in the criminal justice system sometimes exhibit hesitancy in reporting crimes they have encountered or observed. This phenomenon can lead to an increase in the prevalence of unreported crimes, also known as the "dark figure of crime," which can pose challenges in efforts to prevent and manage criminal activities. In addition, public discontent and a lack of confidence in the criminal justice system can also incite vigilantism. Individuals who see a lack of fairness in the criminal court system have the option to address disputes according to their own discretion, which may involve resorting to acts of violence. This will undoubtedly have a severe negative impact on public security and order.^{19,20}

4. Conclusion

Ensuring legal protections for victims of physical assault is a critical component of criminal law enforcement. The decision rendered by Judge Number 399/Pid.B/2020/PN Dps demonstrates the implementation of legal measures to safeguard victims by offering compensation and rehabilitation. Nevertheless, this conclusion fails to properly encompass the broader dimensions of restorative justice. Enhancing legal safeguards for victims of physical assault through a more inclusive restorative justice framework is crucial. We expect this strategy to provide victims with a more comprehensive form of justice, facilitate the restoration of relationships between victims, perpetrators, and society, and deter similar criminal acts in the future. We anticipate that enhancing the legal safeguards for individuals subjected to physical assaults will heighten the community's perception of safety and deter acts of vigilantism. By implementing fair and compassionate law enforcement, we can achieve the goal of upholding security and public order.

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