

Victim Participation in the Criminal Justice Process: A Comparative Study Between Indonesia and Russia

Indung Wijayanto*, Cahya Wulandari**

*Fakultas Hukum Universitas Negeri Semarang, Gedung K Kampus UNNES Semarang
Email: indung_wijayanto@yahoo.com

Naskah diterima: 28 Agustus 2023

Naskah direvisi: 26 April 2024

Naskah diterbitkan: 30 Juni 2024

Abstract

Criminal procedural law in Indonesia does not allow victims to play an active role in the criminal justice process, instead, the prosecutor represents their position. Ensuring victims actively participate is crucial for protecting their rights and achieving just outcomes. When victims are sidelined, it can lead to decisions that feel unjust. This article aims to explore the ideal provisions for victim participation in criminal procedural law. The research adopts a doctrinal methodology and uses a comparative approach, gathering data through a literature review and analyzing it qualitatively. The findings reveal that Russian criminal procedural law permits victims to engage in the justice process actively. In Russia, victims can participate in investigative actions, propose and support private prosecutions, participate in judicial proceedings, and raise objections to jury members. In contrast, Indonesian law only allows victims to act as witnesses. Therefore, Indonesian criminal procedural law needs to be reformed to enable victims to play a more active role in the criminal justice process.

Keywords: *victim; participation; comparative; criminal justice process*

Abstrak

Hukum acara pidana di Indonesia tidak mengatur korban untuk berperan aktif dalam proses peradilan pidana dan kedudukan korban diwakili oleh jaksa. Peran aktif korban dalam proses peradilan pidana bertujuan untuk menjamin korban dapat melindungi haknya. Pengabaian peran aktif korban dapat menyebabkan putusan hakim yang jauh dari keadilan. Tujuan tulisan ini adalah untuk mengetahui bagaimana pengaturan ideal dalam hukum acara pidana terkait dengan keikutsertaan korban dalam proses peradilan pidana. Jenis penelitian yang digunakan adalah penelitian doktrinal. Pendekatan yang digunakan adalah pendekatan perbandingan. Data dikumpulkan melalui studi pustaka, kemudian dianalisis secara kualitatif. Hasil penelitian menunjukkan bahwa hukum acara pidana di Rusia mengatur peran aktif korban dalam proses peradilan pidana. Korban dapat secara aktif terlibat dalam tindakan investigasi, mengusulkan penuntutan pribadi dan mendukung penuntutan, berpartisipasi dalam proses peradilan, dan mengajukan keberatan atas anggota hakim yang ditunjuk dalam persidangan. Korban, dalam hukum acara pidana Indonesia, hanya dijadikan sebagai saksi. Oleh karena itu, hukum acara pidana di Indonesia harus mengatur bagaimana korban dapat berperan aktif dalam proses peradilan pidana.

Kata kunci: korban; partisipasi; perbandingan; proses peradilan pidana

I. Introduction

The criminal justice process involves several parties, namely investigators, prosecutors, courts, correctional institutions, perpetrators, and victims. Of the six parties, the victim is the most interested party in the criminal justice process because the victim is the most disadvantaged party due to a criminal act. The victim is the most interested party in the criminal justice process because the victim is the most disadvantaged party due to a criminal act.¹ As the party most harmed, the victim should be actively involved in the criminal justice process, starting from investigative, prosecution, and judicial proceedings.

The rights of victims of crime began to be considered after the emergence of The Crime Victims' Rights Movement, which grew rapidly in 1970. The Victim's Rights Movement grew as a continuation of the Civil Rights Movement that occurred in the United States from 1955 to 1968. The Civil Rights Movement was a movement in the United States to eliminate segregation and anti-ethnic discrimination and fight for equal rights for African Americans and white people.² The Civil Rights Movement became an umbrella for other civil rights struggles, including the Crime Victims' Rights Movement.

The Crime Victims' Rights Movement resulted in an increase in victim assistance programs and some rights in which victims became the dominant reference point in the criminal justice process.³ The Crime Victims' Rights Movement brought together a variety

of criminal justice professionals, and lobby for more services.⁴ Before the victim rights movement emerged, victims had little opportunity to be involved in the criminal justice process and had limited access to the resources needed to recover from the trauma of victimization.⁵ The rights of victims of crime are related to their rights to be involved in the criminal justice process, not only as witnesses to reveal a criminal case.

The General Assembly of the United Nations issued General Assembly Resolution 40/34 on the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power on November 29, 1985. That Resolution states that victims should gain access to the mechanisms of justice and seek compensation, as determined by national law, for the harm they have suffered. The Resolution also states that law enforcement officials must treat victims with compassion and respect for their dignity. To make access to justice mechanisms, victims must be allowed to be actively involved in various stages of the criminal justice process. The active involvement of victims aims to enable victims to protect and obtain their rights, especially the right to restitution.⁶ To support the active role of victims in the criminal justice process, the state should provide assistances through both direct and indirect means.⁷

Procedural law arrangements that apply, especially in Indonesia, still regard victims as outsiders in criminal justice proceedings. The criminal justice process continuously ignores and forgets the victims of crime.⁸ The state

of people and organizations to work together to increase the rights of crime victims, educate

- 1 Rena Yulia, "Mengkaji Kembali Posisi Korban Kejahatan dalam Sistem Peradilan Pidana," *Mimbar Hukum* 28, No. 1 (February 2016): 44, <https://doi.org/https://doi.org/10.22146/jmh.15858>.
- 2 Mushi Wang, "Martin Luther King and the Civil Rights Movement in America," *Journal of Education, Humanities and Social Sciences* 8 (February 2023): 2262, <https://doi.org/10.54097/ehss.v8i.4686>.
- 3 Lars Holmberg et al., "Victims' Rights: Serving Victims or the Criminal Justice System? An Empirical Study on Victims of Violent Crime and Their Experiences with the Danish Police," *International Journal of Comparative and Applied Criminal Justice* 45, No. 1 (January 2021): 90, <https://doi.org/10.1080/01924036.2020.1719525>.

- 4 Idaho Coalition Against Sexual & Domestic Violence, *Victimology: Crime Victimization and Victim Services*, (New York: Wolters Kluwer, 2017), 46.
- 5 *Ibid.*, 62.
- 6 Robyn L. Holder and Elizabeth Englezos, "Victim Participation in Criminal Justice: A Quantitative Systematic and Critical Literature Review," *International Review of Victimology* 1, No. 1 (February 2023): 4, <https://doi.org/10.1177/02697580231151207>.
- 7 Alline Pedra Jorge-Birol, "Victims' Participation in the Criminal Justice System and Its Impact on Peace-Building," in *Transnational Terrorism, Organized Crime and Peace-Building*, (London: Palgrave Macmillan UK, 2010), 312.
- 8 Francis D. Boateng and Gassan Abess, "Victims' Role in the Criminal Justice System: A Statutory Analysis of Victims' Rights in U.S.," *International Journal of Police Science and*

has monopolized every reaction to violations of criminal law. The criminal justice process focuses more on protecting the rights of the perpetrator.⁹ The results of Yos Pagawak's research show that the position of the victim is almost completely ignored in the criminal justice process because everything is directed at the perpetrator. The rights of victims in the criminal justice process are not supported or strengthened by other rights so that their rights are properly implemented.¹⁰ Likewise, the results of research from Ni Putu Rai Yuliantini show that the criminal justice system in Indonesia pays little attention to victims and positions crime victims only as witnesses to prove the guilt of the perpetrators of crimes. The criminal justice system in Indonesia is too focused on perpetrators.¹¹ The role of victims in Article 184 Paragraph 1 Law No. 8 of 1981, concerning the Criminal Procedural Code, is limited to being witnesses who are asked for information by the police, prosecutors, and courts.

Victims' rights can eventually be overlooked because they cannot play an active role in the criminal justice process. Neglect of the victim in the criminal justice process causes the verdict to be handed down far from a sense of justice, both in terms of the perpetrator, the victim, and society in general.¹² One of the victim's rights in the criminal justice process that can support and strengthen victims' rights is the right to be involved at every stage of the criminal justice

process, not just as a witness in the criminal justice process.

Based on the above background, the formulation of the problem in this study is how the ideal arrangement for victim participation in the criminal justice process is examined from a comparison of criminal procedural codes between countries. This study focuses on a comparison of the Criminal Procedural Code of the Republic of Indonesia with the Criminal Procedural Code of the Russian Federation regarding the participation of victims in the judicial process.

It is very important to examine the participation of victims in the criminal justice process in terms of comparative perspectives of the Criminal Procedural Code between Russia and Indonesia. The author selects the Criminal Procedure Code of Russia because it contains various striking innovations,¹³ especially regarding the role of the victim in the criminal justice process. In addition, on January 2, 2023, Indonesia passed Law No. 1 of 2023 on the Criminal Code. This law adheres to the principle of balance.¹⁴ The idea of balance in Law No. 1 of 2023 is influenced by the balance that exists in Pancasila, namely the balance between the values of God, Humanity, Nationality, Democracy, and Social Justice.¹⁵ The idea of balance contained in Law No. 1 of 2023, namely 1. balance (mono dualistic) between the interests of society and individual interests, 2. balance between the interests of perpetrators of criminal acts (individualization of punishment) and victims of crime, 3. balance between objective (act) elements and subjective (personal/internal) elements, the *daad-dader strafrecht* idea, 4. The balance between formal and material criteria, 5. the balance between legal certainty, flexibility, and justice, 6. the balance of

Management 19, No. 4 (September 2017): 221, <https://doi.org/10.1177/1461355717730834>.

9 Gatra Yudha Pramana, "Claim for Damages in Criminal Actions to Achieve Justice for Victims," *Ius Poenale* 1, No. 1 (September 2020), 39, <https://doi.org/10.25041/ip.v1i1.2066>.

10 Yos Pagawak, "Peran Korban dalam Sistem Peradilan Pidana di Indonesia," *Lex Privatum* V, No. 3 (January 2017): 59, <https://ejournal.unsrat.ac.id/v3/index.php/lexprivatum/article/view/18746>.

11 Ni Putu Rai Yuliantini, "Kedudukan Korban Kejahatan dalam Sistem Peradilan Pidana di Indonesia Berdasarkan Kitab Undang-Undang Hukum Acara Pidana (KUHP)," *Jurnal Komunikasi Hukum* (JKH) 1, No. 1 (February 2015): 81, <https://doi.org/10.23887/jkh.v1i1.5006>.

12 Alen Triana Masania, "Kedudukan Korban Kejahatan dalam Sistem Peradilan Pidana," *Lex Crimen* IV, No. 7 (September 2015): 15, <https://ejournal.unsrat.ac.id/v3/index.php/lexcrimen/article/view/10087/9673>.

13 Jeffrey Kahn, "Russia's Criminal Procedure Code Five Years Out," *Review of Central and East European Law* 33, No. 1 (January 2008): 92, <https://doi.org/10.1163/092598808X262533>.

14 Adiansyah and Eko Soponyono, "Asas Keseimbangan dalam Rancangan Kitab Undang-Undang Hukum Pidana Sebagai Upaya Pembaharuan Hukum Pidana yang Berkeadilan," *Pandecta* 13, No. 2 (December 2019): 102, <https://doi.org/https://doi.org/10.15294/pandecta.v14i2.17596>.

15 Faisal Faisal and Muhammad Rustamaji, "Pembaruan Pilar Hukum Pidana dalam RUU KUHP," *Jurnal Magister Hukum Udayana* (*Udayana Master Law Journal*) 10, No. 2 (July 2021): 298, <https://doi.org/10.24843/jmhu.2021.v10.i02.p08>.

national values, global, international, or universal values.¹⁶ The idea of balancing the protection of the interests of perpetrators and victims in law no. 1 of 2023 will be difficult to achieve because the Criminal Procedural Code of Indonesia, which still has legal force, is more oriented towards protecting the interests of the perpetrators than the interests of the victims.

The imbalance in protection arrangements between the interests of victims and perpetrators in the Criminal Procedural Code of Indonesia can be seen from the results of Yos Pagawak's research and Ni Putu Rai Yuliantini's research mentioned above. Basically, reforming the substance of criminal law must include material criminal law, formal criminal law (criminal procedural law), and penitentiary law.¹⁷

The renewal of the substance of criminal law with the enactment of Law No. 1 of 2023 will be insufficient if it is not accompanied by updates to the criminal procedural code and penitentiary law. Therefore, research comparing criminal procedural codes between countries is necessary to provide input for formulating the Indonesian criminal procedural code, especially regarding the regulation of the active role of victims in the criminal justice process.

Based on the background mentioned above, this study aims to provide input for the preparation of the Criminal Procedure Code of Indonesia in the future related to the participation of victims in the criminal justice process.

This research is different from previous research related to victims in the criminal justice process. Herlyanty Bawole's research entitled "Legal Protection for Victims in the Criminal Justice System" focuses its discussion on protecting the rights of victims in the criminal justice system. Research from Ni Putu Rai Yuliantini entitled "The Position of Crime Victims in the Criminal Justice System in Indonesia Based on the Criminal

Code (KUHP)" has a scope based only on the Indonesian Criminal Code. Likewise, Mudzakkir's research entitled "The Position of Crime Victims in the Indonesian Criminal Justice System Based on the Criminal Code and Draft Criminal Code" limits the scope of discussion based on the Criminal Code and Draft Criminal Code. This research is different from the three previous studies because this research discusses the ideal arrangements regarding victim participation in the criminal justice process in terms of comparing criminal procedural codes between Indonesia and Russia.

II. Research Methods

This article uses a type of doctrinal research. Doctrinal research is carried out by examining literature (secondary data), which includes research on legal principles, legal systematics, the synchronization of vertical and horizontal stages of regulations, comparative law, and legal history.¹⁸ This research examines the comparison of laws between countries, namely the Criminal Procedural Code of Russia and the Criminal Procedural Code of Indonesia. Based on this, the comparative approach is used in this study. The comparative approach is carried out by comparing the law. Comparison of Laws aims to find out the laws in force in other countries and consider whether the law can be adapted with modification or without modification to realize legal reform or legal development. Secondary data was collected through a literature study, including laws, books, and journals. Then, the data that has been collected is analyzed qualitatively.

III. The Importance of the Definition of Victim in the Criminal Procedural Law

Discussion of victim participation in the criminal justice system cannot be separated from the definition of a victim. The Victim comes from Latin, namely *victima*, which means an object of ritual sacrifice.¹⁹ In its development,

16 Alvi Syahrin, Martono Anggusti, and Abdul Aziz Alsa, *Dasar-Dasar Hukum Pidana Suatu Pengantar (Buku ke Satu Undang-Undang Nomor 1 Tahun 2023 tentang Kitab Undang-Undang Hukum Pidana)*, Ed. I (Medan: Merdeka Kreasi Group, 2023), 71.

17 Hanafi Amrani, *Politik Pembaruan Hukum Pidana*, Ed. I (Yogyakarta: UII Press, 2019), 10.

18 Jonaedi Efendi and Johny Ibrahim, *Metode Penelitian Hukum Normatif dan Empiris*, Ed. I (Depok: Prenada Media Group, 2018), 129.

19 Yevgen Galona, "From Ritual to Metaphor: The Semantic Shift in the Concept of 'Victim' and Medieval Christian Piety," *International Review of Victimology* 24, No. 1 (October

the victim is no longer interpreted only as an object of ritual sacrifice, but the victim is defined as a party who was the target of a crime.

Many experts try to define victims of crime. Arief Gosita defines victims of crime as those who are either individuals, groups, private or government, who experience physical and psychic suffering as a result of the actions of others to meet the interests of oneself or others contrary to the interests and human rights of those who suffer.²⁰ Muladi stated that the victims of crime were people who, both individually and collectively, have suffered losses as a result of criminal acts, including physical, mental, emotional, and economic losses or interference with their fundamental rights.²¹ The definition of victims according to the World Society of Victimology is people who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, or economic loss or substantial loss of their basic rights through acts or omissions that violate criminal law, including acts of abuse of power.²² Some of these definitions only mean the victim as a party who directly experiences loss or harm as a result of a criminal act. The parties who experience direct losses are referred to as direct victims.

The definition of victims, in its development, is not only direct victims but its scope is expanded to include immediate families or dependents of direct victims and persons who have suffered harm in intervening to assist victims. The parties that are not included in the direct victim are then termed as indirect victims. Gomgom Siregar dan Rudolf Silaband defines victims of crime as individuals or groups who directly suffer from actions that cause harm or suffering to them/the group. More broadly,

2018): 85, <https://doi.org/10.1177/0269758017732923>.

20 Fransiska Novita Eleanora, "Korban Kejahatan dan Keadilan

Restoratif di Indonesia," ADIL: *Jurnal Hukum* 4, No. 2 (May 2019): 358, <https://doi.org/10.33476/ajl.v4i2.806>.

21 Muladi, *Hak Asasi Manusia: Hakekat, Konsep dan Implikasinya dalam Perspektif Hukum dan Masyarakat* (Bandung: Refika Aditama, 2005), 108.

22 Stephanie Fohring, "What's in a Word? Victims on 'Victim,'" *International Review of Victimology* 24, No. 2 (February 2018): 151, <https://doi.org/10.1177/0269758018755154>.

victims are included in the immediate family or people who are directly dependent on the victim and people who experience losses when helping victims overcome their suffering.²³

General Assembly Resolution 40/34²⁴ provides a definition of victim that is nearly identical to that of the World Society of Victimology. General Assembly Resolution 40/34 defines victims as persons who, individually or collectively, have suffered harm in the form of physical or mental injury, emotional suffering, economic loss, or a substantial loss of their fundamental rights through acts or omissions that violate criminal law, including laws prohibiting the crime of abuse of power. The definition of victims, in General Assembly resolution 40/34, is also expanded to include the immediate family or dependants of direct victims and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization.

The extended definition of victim is also embraced in the Code of Practice for Victims of Crime in England and Wales in February 2024. This Code defines the victim as not only a person who has suffered physical, mental, or emotional harm or economic loss which was directly caused by a criminal act but also a close relative or a nominated family spokesperson of a person whose death was directly caused by a criminal act.²⁵

Based on the various definitions of victims above, we can see that the victims are not only individuals, collectives, or states that have suffered harm or losses as a direct result of acts or omissions that violate criminal law or violate laws against abuse of power.

There are several reasons why the definition of victims must be regulated in criminal procedural law. First, currently, the protection of the rights of victims of crime,

23 Gomgom Siregar and Rudolf Silaban, *Hak-Hak Korban dalam Penegakan Hukum Pidana*, (Medan: CV Manhaji, 2020), 40.

24 United Nations General Assembly Resolution 40/34, "Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power" (1985).

25 "Code of Practice for Victims of Crime in England and Wales (Victims' Code)" (2024).

especially related to the active role of victims in the criminal justice process, is starting to receive a lot of attention. The protection of the rights of victims of crime must be regulated by law. Of course, this regulation requires a precise definition of who can be called a victim so that they can claim their rights as victims of crime.²⁶ Second, the victim is a legal status term used in the criminal justice system. Victims can use the right to participate in the criminal justice process, which is not available to the public.²⁷ Identification of victims of crime is necessary to identify persons who can participate in the criminal justice process and convey their 'views and concerns.'²⁸ Victim identification is also relevant for other assistance and support activities for victims, such as rehabilitation and security protection. All these rights to participate only apply to parties who meet the relevant law's definition of a victim. Therefore, any party included in the definition of a victim must be regulated in law so as not to harm the defendant or perpetrator. If the law does not clearly regulate which parties are included in the definition of a victim, the defendant may be harmed because anyone can represent the direct victim, namely the victim who has suffered harm or losses as a direct result of acts that violate criminal law or violate laws against abuse of power.²⁹ So, arrangements regarding who the parties included in the definition of a victim, on the one hand, protect the rights of the victim to participate in the criminal justice process and on the other hand protect the rights of the defendant.

26 Paul G. Cassell and Jr. Michael Ray Morris, "Defining 'Victim' Through Harm: Crime Victim Status in the Crime Victims' Rights Act and Other Victims' Rights Enactments." Research Paper No. 537, (University of Utah College of Law, 2023), <https://dx.doi.org/10.2139/ssrn.4365790>, 3.

27 National Crime Victim Law Institute, "Use of the Term 'Victim' in Criminal Proceedings," *Victim Law Article 11* (April 2014): 1, <https://law.lclark.edu/live/files/21940-use-of-the-term-victim-in-crim-proc11th-edpdf>.

28 Shane Darcy, "Accident and Design: Recognising Victims of Aggression in International Law," *International and Comparative Law Quarterly* 70, No. 1 (January 2021): 111, <https://doi.org/10.2139/ssrn.3729274>.

29 *Ibid.*,

Regulations in the criminal procedural law regarding the definition of a victim of a crime can determine which party who has experienced loss or harm because of a crime can participate in the criminal justice process. Therefore, to qualify as a victim, the applicant must prove that he or she suffered losses as a result of the criminal act and that there is a causal relationship between the crime and the losses suffered.³⁰ If the party, who suffers harm or losses as a result of a crime, is not mentioned in the definition of a victim regulated in the criminal procedure code, then he cannot enjoy the rights of a victim regulated in that law.

Article 42 Paragraph 1 of the Criminal Procedural Code of Russia No. 174-FZ of December 18, 2001, defines a victim as a natural person who has suffered physical, property, or moral damage caused by the crime, as well as a legal entity that has suffered damage to property and business reputation caused by the crime. From this arrangement, victims can come from natural persons or corporations/legal entities who have suffered losses caused by criminal acts. Even though close relatives are not included in the definition of victims in the provisions of that article, they will get the rights of victims who have died as a result of a crime. Close relatives include husband, wife, parents, children, adopters, the adopted, blood brothers and sisters, grandfather, grandmother, and grandchildren. The dependents of direct victims and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization are also not included in the definition of victims. In fact, the dependants of direct victims and people who have suffered losses due to helping victims or preventing victimization do not always come from close relatives. As a legal consequence, the two parties cannot accept the rights of the victim, especially the right to participate in the criminal justice process.

The Criminal Procedural Code of Indonesia does not define a victim of a crime. However,

30 Elisabeth Baumgartner, "Aspects of Victim Participation in the Proceedings of the International Criminal Court," *International Review of the Red Cross* 90, No. 870 (October 2008): 417, <https://doi.org/10.1017/S1816383108000386>.

realizing how important the definition of victim is in providing legal protection to victims and defendants in the criminal justice process, legislators have inserted the definition of victim of crime in several laws in Indonesia. Examples of such laws include Law No. 13 of 2006 concerning the Protection of Witnesses, Law No. 12 of 2022 on Crimes of Sexual Violence and Victims, and Law No. 1 of 2023. The three laws define victims as people who suffer physical, mental, and/or economic losses as a result of a crime. In Law No. 12 of 2022, the losses experienced by victims are not only physical, mental, and economic losses but also social losses. The definitions in these three laws do not include close relatives or people whose lives depend on the victims. Law No. 13 of 2006 and Law No. 12 of 2022 regulate the rights of the victim's family but do not regulate their rights to receive the rights of victims who died as a result of a criminal act, especially the right to participate in the criminal justice process.

The definition of victims in Law No. 13 of 2006, Law No. 12 of 2022, and Law No. 12 of 2022 only includes natural persons or persons. For example, the rights of victims in Law No. 13 of 2006 can only be intended for natural persons and does not reach corporations or legal entities.³¹ Explanation of Law No. 31 of 2014 concerning Amendments to Law No. 13 of 2006 states that the subjects protected in this law are expanded in line with community development. However, this is not related to the regulation of corporations as victims of crime. Corporations, which become victims of criminal acts, will be disadvantaged because they cannot get the victims' rights attached to the corporation.

The scope of the victim's definition, in the current development, is not only related to people but also includes corporations. If a corporation can become a legal subject, then

it can become a victim of a crime. In addition to the Criminal Procedural Code of Russia, the definition of a victim, which includes a corporation, can also be seen in the Criminal

31 Fitria Wulansari, "Pemenuhan Hak Korporasi Sebagai Korban Tindak Pidana Pencemaran Nama Baik," *Jurist-Diction* 2, No. 2 (March 2019): 439, <https://doi.org/10.20473/jd.v2i2.14227>.

Procedure Code of the Netherlands, which declares that a victim is a person who suffers a loss as a direct result of a crime is considered a victim, and the legal person who suffers losses as a direct result of criminal acts is considered equal to victims.

IV. Participation of Victims in the Criminal Justice Process in the Criminal Procedural Code of the Russian Federation and the Criminal Procedural Code of Indonesia

The Criminal Justice Process, according to Hagan, is every stage of a decision that brings a suspect into a process that leads him to the determination of his sentence.³² The criminal justice system, in general, can be interpreted as a process of working on several law enforcement agencies through a gradual activity mechanism that starts from the level of investigation, prosecution rate, level of examination in court, and the level of implementation of judges' decisions carried out by correctional institutions.³³ The parties involved in the criminal justice process are investigators, prosecutors, courts, correctional institutions, perpetrators, and victims.

The discussion of victim participation in the criminal justice process can generally be divided into three parts, namely the participation of victims in investigative actions, the participation of victims in prosecution actions, and the participation of victims in judicial proceedings. This study discusses differences in the provisions of the Criminal Procedural Code of Russia and the Criminal Procedural Code of Indonesia regarding the participation of the victim in the three stages of the criminal justice process.

The Criminal Procedural Code of Russia states that victims can participate in investigative actions, which are carried out at their request or the request of their representatives. Investigative

32 Joko Sriwidodo, *Perkembangan Sistem Peradilan Pidana di Indonesia*, Ed. I (Yogya: Kepel Press, 2020), 7.

33 Ferdian Rinaldi, "Proses Bekerjanya Sistem Peradilan Pidana dalam Memberikan Kepastian Hukum dan Keadilan," *Jurnal Hukum Respublica Fakultas Hukum Universitas Lancang Kuning* 21, No. 2 (May 2022): 179, <https://doi.org/https://doi.org/10.31849/respublica.v21i2.10149>.

action is actions taken by an inquirer or investigator to identify a person suspected of having committed a crime. Participation in investigative action is carried out with the permission of the investigator or of the inquirer. Victims are also allowed to submit evidence or proof comments regarding the investigative actions that have been carried out. After the preliminary investigation is complete, the victim has the right to write out any information from the results. They can also file complaints against the actions and decisions of the inquirer and the investigator.

The involvement of the victim in investigative actions can reduce the illegal actions taken by the inquirer and the investigator when dealing with crimes that harm the victim. Victims should have the right to participate in investigative actions because many criminal cases do not proceed to formal charging. Investigation results from the inquiry and the investigators are often contradictory to the events of crimes that occurred because they are influenced by things that are against the law, such as bribery or collusion. If the illegal activity occurs, the victim will be the aggrieved party. Many victims will never have legal rights at all if they do not have the right to participate in investigative actions.³⁴

Victims, even though they have participated in the inquiry and the investigation stage, can still file a complaint to the Prosecutor regarding the termination of the investigation. Because when the investigation was stopped, many victims did not get the rights of victims of crime, especially the right to compensation for the losses they suffered as a result of criminal acts. The advantage of involving victims in investigative actions is that the investigation process can take place efficiently and reasonably fast. In fact, the

cooperation of the victim in investigative actions and the prosecution is often a key element of analysis in the prosecutor's decision to exercise discretion as to whether a crime should be

34 Paul G. Cassell, Nathanael J. Mitchell, and Bradley J. Edwards, "Crime Victims' Rights during Criminal Investigations? Applying the Crime Victims' Rights Act before Criminal Charges Are Filed," *Journal of Criminal Law and Criminology* 104, No. 1 (February 2014): 59, <https://scholarlycommons.law.northwestern.edu/jclc/vol104/iss1/2>.

prosecuted or not. In cases where the number of witnesses is lacking, the victim plays an important role in developing the case.³⁵

The Criminal Procedural Code of Indonesia does not regulate the participation of victims in inquiry and investigative actions. In the process of investigation, the position of the victim is only a witness for the benefit of proof of actions or mistakes of the perpetrators of criminal act.³⁶ The Criminal Procedural Code of Indonesia only regulates the victim's right to submit a pretrial if a decision to terminate the investigation occurs. Pretrial is the authority of the district court to examine and decide on:

1. whether an arrest and or detention is lawful or not.
2. whether the termination of investigation or termination of prosecution is legal or not.
3. request for compensation or rehabilitation for a person whose criminal case is terminated at the level of investigation or prosecution.

The Constitutional Court expanded the district court's authority in pretrial on 28 April 2015 through Decision Number 21/PUU-XII/2014, as regulated in Article of 77 the Criminal Procedural Code of Indonesia. The Constitutional Court stated that, in addition to the three matters mentioned above, the scope of pretrial authority also includes whether the suspects' determination is valid.

A pretrial request regarding an examination of termination of investigation or termination of prosecution can be submitted by an investigator, or public prosecutor or a third party with an interest to the chairman of the district court by stating the reasons. Victims are included in third parties who can apply for pretrial. Pretrial aim to provide legal certainty and control the performance of law enforcement officials.³⁷

35 Megan Alderden and La Donna Long, "Sexual Assault Victim Participation in Police Investigations and Prosecution," *Violence and Victims* 31, No. 5 (January 2016): 829, <https://doi.org/10.1891/0886-6708.VV-D-14-00103>.

36 Rena Yulia, Dadang Herli, and Aliyih Prakarsa, "Perlindungan Hukum Terhadap Korban Kejahatan pada Proses Penyelidikan dan Penyidikan dalam Sistem Peradilan Pidana," *Jurnal Hukum & Pembangunan* 49, No. 3 (May 2019), 664 <https://doi.org/10.21143/jhp.vol49.no3.2193>.

37 Ida Ayu Wayan Widyastuti, Anak Agung Sagung Laksmi Dewi, and I Nyoman Gede Sugiarta, "Kewenangan

Pretrial is a way that can be taken to test the legitimacy of the actions of law enforcement officials and whether there has been an abuse of authority. The community can participate in carrying out horizontal supervision through pretrial facilities for the sake of upholding law, justice, and truth. Pretrial is useful for guaranteeing the protection of everyone's human rights, including perpetrators and victims.³⁸ However, the main aims and objectives that are to be protected in pretrial are the protection of the human rights of perpetrators of crimes at the level of investigation, investigation, and prosecution.³⁹ This can be seen from the district court's authority in the pretrial, most of which are aimed at protecting the human rights of perpetrators of crimes. The authority of district court's authority in the pretrial includes examining and deciding whether or not an arrest, detention, termination of the investigation, termination of the prosecution, or determination of a suspect is legal or a request for compensation or rehabilitation for a person whose criminal case is terminated at the level of investigation or prosecution. There is only one authority of the district court in pretrial, which functions to protect the human rights of victims, namely the authority to examine and decide whether or not the termination of the investigation or the termination of the prosecution is legal. The absence of the victim's active role in investigative actions can create legal loopholes even though there are pretrial facilities. If the investigator does not terminate the investigation, the victim cannot object to the results of the investigation even though the

Pengadilan Negeri Memutus Perkara Praperadilan Mengenai Tidak Sahnya Penetapan Tersangka," *Jurnal Analogi Hukum* 2, No. 3 (November 2020): 353, <https://doi.org/10.22225/ah.2.3.2519.351-355>.

38 Hardianto Djanggih and Yusuf Saefudin, "Pertimbangan Hakim pada Putusan Praperadilan: Studi Putusan Nomor: 09/PID.PRA/2016/PN.Lwk tentang Penghentian Penyidikan Tindak Pidana Politik Uang," *Jurnal Penelitian Hukum De Jure* 17, No. 3 (September 2017), 414, <https://doi.org/10.30641/dejure.2017.v17.413-425>.

39 Dodik Hartono and Maryanto Maryanto, "Peranan dan Fungsi Praperadilan dalam Penegakan Hukum Pidana di Polda Jateng," *Jurnal Daulat Hukum* 1, No. 1 (March 2018): 53, <https://doi.org/10.30659/jdh.v1i1.2564>.

results of the investigation are detrimental to the victim.

The Criminal Procedural Code of Russia, in certain criminal cases, regulates private prosecution, namely prosecution actions that can only be carried out at the request of the victim or from his legal representative. In the criminal cases of the private prosecutors, victims, their legal representatives, and/or representatives have the right to file and support prosecution. A person who submits a request to the court for a criminal case of private prosecution and who is backing up the prosecution in the court is called a private prosecutor. The victim has the right to support the charge in the judicial process. The charge in the judicial process must be supported by the victim.

The decision to terminate a private prosecution case can only be cancelled by the public prosecutor if there is a complaint from the person concerned, namely the victim, their legal representative, and/or representatives. A private prosecution case can be terminated if the victim and perpetrator submit a request for reconciliation. However, if the victim does not attend court without a serious reason, the criminal case will be terminated.

Private prosecution is very important because it is one way for victims to be able to participate in the judicial process or to challenge the public prosecutor's decision not to prosecute.⁴⁰ Opportunities for prosecution between the public and private sectors can be rebalanced by private prosecution.⁴¹ The private prosecution protects feelings of injustice that can arise when, in the public eye, law enforcement does not conduct criminal investigations and proceedings in a manner that leads to offenders being brought to

40 Jamil Ddamulira Mujuzi, "Victim Participation in the Criminal Justice System in the European Union through Private Prosecutions: Issues Emerging from the Jurisprudence of the European Court of Human Rights," *European Journal of Crime, Criminal Law and Criminal Justice* 24, No. 2-3 (June 2016): 108, <https://doi.org/10.1163/15718174-24032088>.

41 C. Lewis et al., "Evaluating the Case for Greater Use of Private Prosecutions in England and Wales for Fraud Offences," *International Journal of Law, Crime and Justice* 42, No. 1 (March 2014): 12, <https://doi.org/10.1016/j.ijlcrj.2013.11.001>.

criminal court.⁴² In addition, private prosecutors can ensure police interest and spark police interest in the hope that they will take a particular case or type of case more seriously.⁴³

The Criminal Code of Indonesia does not recognize private prosecution but recognizes a complaint of offense, namely that the perpetrator of a crime can only be prosecuted if the victim complains.⁴⁴ However, the victim cannot file a prosecution against the perpetrator as in private prosecution. The prosecution process can only be carried out by the public prosecutor⁴⁵ because the prosecutor has taken over all the roles of the victim in the process of prosecuting the defendant.

The Criminal Procedural Code of Russia regulates that victim, their attorneys, and/or representatives have the right to participate in and support the prosecution. They can present evidence and proof in a prosecution. The victim has the right to know about the charge brought against the accused. Victims can object to the actions (lack of action) and decisions of the Public Prosecutor. Based on this, the victim can object to the charges made by the defendant if the charges do not match the victim's sense of justice. Traditionally, the Prosecutor still relies upon the participation of the victim in the prosecution process. The victim's participation can be in the form of coming to the prosecutor's office, giving written or oral statements or testimony, and expressly expressing a desire for the perpetrators to be brought to justice.⁴⁶

The Criminal Procedural Code of Indonesia does not regulate victim's participation in the prosecution process. The victim's non-participation in the prosecution process prevents the victim from filing an objection to the charges that will be submitted to the court. The contents of the charges against the defendant may be contrary to the victim's sense of justice. Based on Article of 77 the Criminal Procedural Code of Indonesia, the victim only can apply for a pretrial if the public prosecutor decides to terminate the prosecution.

The Criminal Procedural Code of Russia stipulates that victims have the right to participate in judicial proceedings in the first, second, and supervisory courts. Victims can file complaints against the actions and decisions of courts, appeal against the sentence, ruling, or resolution of the court, and submit comments regarding the protocol of the court session.

Victims can apply for recusation, namely the disqualification of a judge or jury because of prejudice or conflict of interest.⁴⁷ Recusation functions to maintain and control the independence and impartiality of judges.⁴⁸ The independence of judges is a crucial requirement for the formation of the rule of law in the state. As Rahayu Prasetianingsih states, Judicial independence is an important prerequisite for the implementation of a rule of law and is a guarantee for a fair judicial proceeding.⁴⁹ This point was also highlighted by Jimly Asshiddiqie that the requirement to become a rule of law of the country is the existence of a judiciary that is independent and not influenced by other powers and a judiciary that is impartial to anyone.⁵⁰ The independence of

42 Jamil Ddamulira Mujuzi, "The Right to Institute a Private Prosecution," *International Human Rights Law Review* 4, No.

2 (November 2015): 225, <https://doi.org/10.1163/22131035-00402006>.

43 Lewis et al., *Evaluating the Case for Greater*, 9.

44 Appludnopsanji Appludnopsanji and Pujiyono Pujiyono, "Restrukturisasi Budaya Hukum Kejaksaan dalam Penuntutan Sebagai Independensi di Sistem Peradilan Pidana Indonesia," *SASI* 26, No. 4 (December 2020), 573, <https://doi.org/10.47268/sasi.v26i4.359>.

45 Rudi Pradisetia Sudirdja, "Penguatan Kewenangan Penuntut Umum melalui Pengesampingan Perkara Pidana dengan Alasan Tertentu," *Litigasi* 20, No. 20 (January 2020): 293, <https://doi.org/10.23969/litigasi.v20i2.2032>.

46 Josefhin Mareta, "Penerapan Restorative Justice Melalui Pemenuhan Restitusi pada Korban Tindak Pidana Anak," *Jurnal Legislasi Indonesia* 15, No. 4 (December 2018): 311, <https://doi.org/https://doi.org/10.54629/jli.v15i4.260>.

47 Chiara Giorgetti, "The Challenge and Recusal of Judges of the International Court of Justice," in *Challenges and Recusals of Judges and Arbitrators in International Courts and Tribunals* 3, (Leiden: Koninklijke Brill, 2015), 15, <https://scholarship.richmond.edu/cgi/viewcontent.cgi?article=2349&context=law-faculty-publications>.

48 A. S. Taran, "Mistrust as Grounds for Recusation," *Actual Problems of Russian Law* 16, No. 5 (June 2021): 139, <https://doi.org/10.17803/1994-1471.2021.126.5.139-147>.

49 Rahayu Prasetianingsih, "Akuntabilitas Kekuasaan Kehakiman," *Jurnal Konstitusi* 8, No. 5 (May 2016): 834, <https://doi.org/10.31078/jk858>.

50 Nasution et al., "Hakikat Independensi Kekuasaan Kehakiman dalam Sistem Ketatanegaraan Negara Republik Indonesia," *Jurnal Kertha Semaya* 11, No. 6 (May 2023): 1278, <https://doi.org/10.31078/jk858>.

judges can guarantee that all subjects are treated equally under the law, regardless of their influence or political status.⁵¹

A judge who has a conflict of interest, thus placing himself in an impartial or non-independent position, may not examine the case. Even before the trial begins, the panel of judges is expected to reveal all their interests related to the case or relationship with one of the litigants, both the relationship with the perpetrator and the victim. This needs to be done so that the aggrieved parties can convey their views from the start of the trial, whether they wish to submit a request to the judge to recuse himself or herself from adjudicating the case.⁵²

The Criminal Procedural Code of Indonesia does not regulate the victim's right to apply for recusation, participate in and support prosecution, and submit comments regarding the court protocol. However, the Criminal Procedural Code of Indonesia regulates:

1. A judge must resign from adjudicating a case if he is bound by a relationship of blood brothers and sisters or a marital relationship up to the third degree, a husband or wife relationship even though he has been divorced from the head judge at trial, a member judge, the public prosecutor, or the clerk.
2. The president of the court, member judge, public prosecutor, or clerk must resign from handling the case if they are bound by a relationship of blood brothers and sisters or a marital relationship up to the third degree, or a husband-and-wife relationship even though they are already divorced from the defendant or a legal adviser.

If these provisions are not complied with, while the case has been decided, it must be retried immediately with another arrangement. The

regulation aims to maintain the neutrality of judges from conflicts of interest.

The provisions in the Criminal Procedural Code of Indonesia are limited to blood relations or marital status up to the third degree or the relationship between husband and wife even though they are already divorced. In reality, conflicts of interest arise in judges not only because of blood relations, marital status up to the third degree or the relationship between husband and wife. The reason could be more than these three things. As stated by Larkin, courts do not operate or work in an empty space; several external factors will influence the judge's opinion, such as several political factors and several social factors.⁵³ Judges in adjudicating cases cannot be separated from human interference that has significant power and, for now, the freedom of judges in law enforcement is always influenced by various environmental and socio-economic life factors.⁵⁴

Victims, in the judicial process in Indonesia, cannot raise objections to the composition of the panel of judges even though victims already know that the judge examining their case has a personal interest in the case they are handling. As a result, the panel of judges' decision can be detrimental to the victim. The absence of regulation on the victim's right to apply for recusation is very damaging to the victim. Regarding court decisions that are detrimental to the victim, because of the judge's impartiality or lack of independence, victims cannot appeal even if they are not satisfied with the sentence imposed by the panel of judges on the perpetrator. This is because the prosecutor's office has the authority to appeal the judge's decision.

org/https://doi.org/10.24843/KS.2023.v11.i06.p05.

51 Jerg Gutmann and Stefan Voigt, "Judicial Independence in the EU: A Puzzle," *European Journal of Law and Economics* 49, No. 1 (February 2020): 84, <https://doi.org/10.1007/s10657-018-9577-8>.

52 Chuks Okpaluba and Tumo C Maloka, "Recusal of a Judge in Adjudication: Recent Developments in South Africa and Botswana," *Journal of Comparative Law in Africa* 9, No. 1 (May 2022): 67, <https://doi.org/https://doi.org/10.47348/JCLA/v9/i1a3>.

53 Yanrong Zhao, "The Way to Understand the Nature and Extent of Judicial Independence in China," *Asian Journal of Law and Society* 6, No. 1 (May 2019): 138, <https://doi.org/10.1017/als.2018.27>.

54 Sulistyowati Irianto et al., *Problematika Hakim dalam Ranah Hukum, Pengadilan, dan Masyarakat di Indonesia: Studi Sosio-Legal*, (Jakarta: Sekretariat Jenderal Komisi Yudisial, 2017), 17.

V. Closing

A. Conclusion

The definition of victim is needed to determine which party can enjoy the victim's rights and protect the perpetrator's rights in the criminal justice process. The scope of victims is not only those who suffer direct losses as a result of criminal acts but also the immediate family or dependents of direct victims and parties who are harmed who intervene to help the victim. The ideal regulations for victim participation in the criminal justice process from a comparative study of criminal procedural codes between Indonesia and Russia, namely the Russian Criminal Procedure Code regulates the active role of victims in every stage of the criminal justice process. The first active role of victims regulated in the Russian Criminal Procedure Code is Victims can participate in investigative actions. Victims may not obtain their legal rights if they do not have the right to participate in investigative actions. Secondly, victims can support the charge and challenge the public prosecutor's decision not to prosecute. This is important to avoid injustice because the prosecutor stops prosecuting the perpetrator without a valid reason. Third, victims can file appeals and cassation against the judicial verdict. Victims also have the right to file for recusation to avoid a judge who, according to the victim, is not independent and sides with the perpetrator. The Criminal Procedure Code and other regulations in Indonesia involve victims only as witnesses at every stage of the Criminal Justice Process.

B. Recommendation

Recommendation can be given that the Criminal Procedural Code of Indonesia, in the future, must regulate the active role of the victim in every stage of the criminal justice process. This is important because the absence of the victim's participation can harm the victim's rights and cause injustice to the victim.

BIBLIOGRAPHY

- Alderden, Megan, and La Donna Long, "Sexual Assault Victim Participation in Police Investigations and Prosecution." *Violence and Victims* 31, no. 5 (January 2016): 819-836. <https://doi.org/10.1891/0886-6708.VV-D-14-00103>.
- Adiansyah, and Eko Sopyono. "Asas Keseimbangan dalam Rancangan Kitab Undang-Undang Hukum Pidana Sebagai Upaya Pembaharuan Hukum Pidana yang Berkeadilan." *Pandecta* 13, no. 2 (December 2019): 100-106. <https://doi.org/https://doi.org/10.15294/pandecta.v14i2.17596>.
- Amrani, Hanafi. *Politik Pembaruan Hukum Pidana*. Ed. I. Yogyakarta: UII Press, 2019.
- Appludnopsanji, Appludnopsanji, and Pujiyono Pujiyono. "Restrukturisasi Budaya Hukum Kejaksaan dalam Penuntutan Sebagai Independensi di Sistem Peradilan Pidana Indonesia." *SASI* 26, no. 4 (December 2020): 571-581. <https://doi.org/10.47268/sasi.v26i4.359>.
- Baumgartner, Elisabeth. "Aspects of Victim Participation in the Proceedings of the International Criminal Court." *International Review of the Red Cross* 90, no. 870 (October 2008): 409-440. <https://doi.org/10.1017/S1816383108000386>.
- Boateng, Francis D., and Gassan Abess. "Victims' Role in the Criminal Justice System: A Statutory Analysis of Victims' Rights in U.S." *International Journal of Police Science and Management* 19, no. 4 (September 2017): 221-228. <https://doi.org/10.1177/1461355717730834>.
- Cassell, Paul G., and Jr. Michael Ray Morris. "Defining 'Victim' Through Harm: Crime Victim Status in the Crime Victims' Rights Act and Other Victims' Rights Enactments." Research Paper no. 537.

- University of Utah College of Law, 2023. <http://dx.doi.org/10.2139/ssrn.4365790>.
- Cassell, Paul G., Nathanael J. Mitchell, and Bradley J. Edwards. "Crime Victims' Rights during Criminal Investigations? Applying the Crime Victims' Rights Act before Criminal Charges Are Filed." *Journal of Criminal Law and Criminology* 104, no. 1 (February 2014): 59-104. <https://scholarlycommons.law.northwestern.edu/jclc/vol104/iss1/2>.
- Darcy, Shane. "Accident and Design: Recognising Victims of Aggression in International Law." *International and Comparative Law Quarterly* 70, No. 1 (January 2021): 103-132. <https://doi.org/10.2139/ssrn.3729274>.
- Djanggih, Hardianto, and Yusuf Saefudin. "Pertimbangan Hakim pada Putusan Praperadilan: Studi Putusan Nomor: 09/PID. PRA/2016/PN.Lwk tentang Penghentian Penyidikan Tindak Pidana Politik Uang." *Jurnal Penelitian Hukum De Jure* 17, no. 3 (September 2017): 413-425. <https://doi.org/10.30641/dejure.2017.v17.413-425>.
- Efendi, Jonaedi and Johny Ibrahim, *Metode Penelitian Hukum Normatif dan Empiris*. Ed. I. Depok: Prenada Media Group, 2018.
- Faisal, Faisal, and Muhammad Rustamaji. "Pembaruan Pilar Hukum Pidana dalam RUU KUHP." *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)* 10, No. 2 (July 2021): 291-308. <https://doi.org/10.24843/jmhu.2021.v10.i02.p08>.
- Fohring, Stephanie. "What's a Word? Victim on 'Victim.'" *International Review of Victimology* 24, no. 2 (February 2018): 151-164. <https://doi.org/10.1177/0269758018755154>.
- Galona, Yevgen. "From Ritual to Metaphor: The Semantic Shift in the Concept of 'Victim' and Medieval Christian Piety." *International Review of Victimology* 24, no. 1 (October 2018): 83-98. <https://doi.org/10.1177/0269758017732923>.
- Giorgetti, Chiara. "The Challenge and Recusal of Judges of the International Court of Justice." *In Challenges and Recusals of Judges and Arbitrators in International Courts and Tribunals* 3. Leiden: Koninklijke Brill, 2015. <https://scholarship.richmond.edu/cgi/viewcontent.cgi?article=2349&context=law-faculty-publications>.
- Gutmann, Jerg, and Stefan Voigt. "Judicial Independence in the EU: A Puzzle." *European Journal of Law and Economics* 49, no. 1 (February 2020): 83-100. <https://doi.org/10.1007/s10657-018-9577-8>.
- Hartono, Dodik, and Maryanto Maryanto. "Peranan dan Fungsi Praperadilan dalam Penegakan Hukum Pidana di Polda Jateng." *Jurnal Daulat Hukum* 1, no. 1 (March 2018): 53-64. <https://doi.org/10.30659/jdh.v1i1.2564>.
- Holder, Robyn L., and Elizabeth Englezos. "Victim Participation in Criminal Justice: A Quantitative Systematic and Critical Literature Review." *International Review of Victimology* 1, no. 1 (February 2023): 1-25. <https://doi.org/10.1177/02697580231151207>.
- Holmberg, Lars, Louise Victoria Johansen, Ida Helene Asmussen, Sofie Meldal Birkmose, and Lin Adrian. "Victims' Rights: Serving Victims or the Criminal Justice System? An Empirical Study on Victims of Violent Crime and Their Experiences with the Danish Police." *International Journal of Comparative and Applied Criminal Justice* 45, no. 1 (January 2021): 89-104. <https://doi.org/10.1080/01924036.2020.1719525>.
- Idaho Coalition Against Sexual & Domestic Violence. *Victimology: Crime Victimization and Victim Services*. New York: Wolters Kluwer, 2017.
- Irianto, Sulistyowati, et. al, *Problematika Hakim dalam Ranah Hukum, Pengadilan, dan Masyarakat di Indonesia: Studi Sosio-legal*. Jakarta: Sekretariat Jenderal Komisi Yudisial, 2017.
- Jorge-Birol, Alline Pedra. "Victims' Participation in the Criminal Justice System and Its Impact on Peace-Building." In *Transnational Terrorism,*

- Organized Crime and Peace-Building. London: Palgrave Macmillan UK, 2010.
- Kahn, Jeffrey. "Russia's Criminal Procedure Code Five Years Out." *Review of Central and East European Law* 33, no. 1 (January 2008): 1-94. <https://doi.org/10.1163/092598808X262533>.
- Lewis, C., G. Brooks, M. Button, D. Shepherd, and A. Wakefield. "Evaluating the Case for Greater Use of Private Prosecutions in England and Wales for Fraud Offences." *International Journal of Law, Crime and Justice* 42, no. 1 (March 2014): 3-15. <https://doi.org/10.1016/j.ijlcj.2013.11.001>.
- Mareta, Josephin. "Penerapan Restorative Justice Melalui Pemenuhan Restitusi Pada Korban Tindak Pidana Anak." *Jurnal legislasi Indonesia* 15, no. 4 (December 2018): 309-19. <https://doi.org/https://doi.org/10.54629/jli.v15i4.260>.
- Masania, Alen Triana. "Kedudukan Korban Kejahatan dalam Sistem Peradilan Pidana." *lex Crimen IV*, No. 7 (September 2015): 12-18. <https://ejournal.unsrat.ac.id/v3/index.php/lexcrimen/article/view/10087/9673>.
- Mujuzi, Jamil Ddamulira. "Victim Participation in the Criminal Justice System in the European Union through Private Prosecutions: Issues Emerging from the Jurisprudence of the European Court of Human Rights." *European Journal of Crime, Criminal Law and Criminal Justice* 24, no. 2-3 (June 2016): 107-34. <https://doi.org/10.1163/15718174-24032088>.
- Muladi. *Hak Asasi Manusia: Hakekat, Konsep dan Implikasinya dalam Perspektif Hukum dan Masyarakat*. Bandung: Refika Aditama, 2005.
- Nasution, Siti Hasanah, Imran, and Firzhal Arzhi. "Hakikat Independensi Kekuasaan Kehakiman dalam Sistem Ketatanegaraan Negara Republik Indonesia." *Jurnal Kertha Semaya* 11, no. 6 (May 2023): 1277-1296. <https://doi.org/https://doi.org/10.24843/KS.2023.v11.i06.p05>.
- National Crime Victim Law Institute. "Use of the Term 'Victim' In Criminal Proceedings." *Victim Law Article 11* (2014): 1-6. [https://doi.org/https://doi.org/10.33476/ajl.v4i2.806](https://law.lclark.edu/live/files/21940-use-of-the-term-victim-in-crim-proc11th-edpdf).
- Novita Eleanora, Fransiska. "Korban Kejahatan dan Keadilan Restoratif di Indonesia." *ADIL: Jurnal Hukum* 4, no. 2 (May 2019): 354-370. <https://doi.org/10.33476/ajl.v4i2.806>.
- Okpaluba Chuks and Tumo C Maloka. "Recusal of a Judge in Adjudication: Recent Developments in South Africa and Botswana." *Journal of Comparative Law in Africa* 9, no. 1 (May 2022): 67-93. <https://doi.org/https://doi.org/10.47348/JCLA/v9/i1a3>.
- Pagawak, Yos. "Peran Korban dalam Sistem Peradilan Pidana di Indonesia." *lex Privatum V*, no. 3 (January 2017): 59-66. <https://ejournal.unsrat.ac.id/v3/index.php/lexprivatum/article/view/18746>.
- Pradisetia Sudirdja, Rudy. "Penguatan Kewenangan Penuntut Umum Melalui Pengesampingan Perkara Pidana dengan Alasan Tertentu." *litigasi* 20, no. 20 (January 2020): 291-313. <https://doi.org/10.23969/litigasi.v20i2.2032>.
- Pramana, Gatra Yudha. "Claim for Damages in Criminal Actions to Achieve Justice for Victims." *Ius Poenale* 1, no. 1 (September 2020): 39-50. <https://doi.org/10.25041/ip.v1i1.2066>.
- Prasetianingsih, Rahayu. "Akuntabilitas Kekuasaan Kehakiman." *Jurnal Konstitusi* 8, no. 5 (May 2016): 829-848. <https://doi.org/10.31078/jk858>.
- Rai Yuliantini, Ni Putu. "Kedudukan Korban Kejahatan dalam Sistem Peradilan Pidana di Indonesia Berdasarkan Kitab Undang-Undang Hukum Acara Pidana (KUHP)." *Jurnal Komunikasi Hukum (JKH)* 1, no. 1 (February 2015): 81-94. <https://doi.org/10.23887/jkh.v1i1.5006>.
- Rinaldi, Ferdian. "Proses Bekerjanya Sistem Peradilan Pidana dalam Memberikan Kepastian Hukum dan Keadilan." *Jurnal Hukum Respublica Fakultas Hukum Universitas Lancang Kuning* 21, no. 2 (May 2022): 179-88. <https://doi.org/https://doi.org/10.31849/respublica.v21i2.10149>.

- Siregar, Gomgom, and Rudolf Silaban. *Hak-Hak Korban dalam Penegakan Hukum Pidana*. Medan: CV Manhaji, 2020.
- Sriwidodo, Joko. *Perkembangan Sistem Peradilan Pidana di Indonesia*. Ed. I. Yogya: Kepel Press, 2020.
- Syahrin, Alvi, Martono Anggusti, and Abdul Aziz Alsa. *Dasar-Dasar Hukum Pidana Suatu Pengantar (Buku ke Satu Undang- Undang Nomor 1 Tahun 2023 tentang Kitab Undang-Undang Hukum Pidana)*. Ed. I. Medan: Merdeka Kreasi Group, 2023.
- Taran, A. S. "Mistrust as Grounds for Recusation." *Actual Problems of Russian law* 16, no. 5 (June 2021): 139-47. <https://doi.org/10.17803/1994-1471.2021.126.5.139-147>.
- United Nations General Assembly Resolution 40/34. Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985).
- Wang, Mushi. "Martin Luther King and the Civil Rights Movement in America." *Journal of Education, Humanities and Social Sciences* 8 (February 2023): 2262-2265. <https://doi.org/10.54097/ehss.v8i.4686>.
- Widyastuti, Ida Ayu Wayan, Anak Agung Sagung Laksmi Dewi, and I Nyoman Gede Sugiarta. "Kewenangan Pengadilan Negeri Memutus Perkara Praperadilan Mengenai Tidak Sahnya Penetapan Tersangka." *Jurnal Analogi Hukum* 2, no. 3 (November 2020): 351-355. <https://doi.org/10.22225/ah.2.3.2519.351-355>.
- Wulansari, Fitria. "Pemenuhan Hak Korporasi Sebagai Korban Tindak Pidana Pencemaran Nama Baik." *Jurist-Diction* 2, no. 2 (March 2019): 435-58. <https://doi.org/10.20473/jd.v2i2.14227>.
- Yulia, Rena "Mengkaji Kembali Posisi Korban Kejahatan dalam Sistem Peradilan Pidana," *Mimbar Hukum* 28, no. 1 (February 2016): 33-45, <https://doi.org/https://doi.org/10.22146/jmh.15858>.
- Yulia, Rena, Dadang Herli, and Aliyth Prakarsa. "Perlindungan Hukum Terhadap Korban

Kejahatan pada Proses Penyelidikan dan Penyidikan dalam Sistem Peradilan Pidana." *Jurnal Hukum & Pembangunan* 49, no. 3 (May 2019): 661-670. <https://doi.org/10.21143/jhp.vol49.no3.2193>.

Zhao, Yanrong. "The Way to Understand the Nature and Extent of Judicial Independence in China." *Asian Journal of Law and Society* 6, no. 1 (May 2019): 131-157. <https://doi.org/10.1017/als.2018.27>.