

Research Article

Strengthening Victim Protection and Restorative Justice in Transnational Crime Cases: Legal Harmonization between Civil Remedies and Criminal Prosecution

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Abstract: Background: Transnational crime has become increasingly complex and has wide-ranging impacts on victims, while existing legal systems still demonstrate fragmentation between criminal and civil law and remain inadequate in providing effective victim protection and recovery. **Research objective:** This study aims to analyze and strengthen victim protection in transnational crime through a restorative justice approach, with a particular emphasis on harmonizing criminal and civil legal mechanisms. **Method:** This study employs a socio-legal approach that integrates normative legal analysis with empirical methods, including case studies, comparative analysis across jurisdictions, and interviews with legal practitioners and non-governmental organizations. **Results:** The findings indicate that victim protection is hindered by weak restitution enforcement, complex compensation procedures, limited institutional coordination, and cross-border legal barriers. In addition, the implementation of restorative justice in the context of transnational crime remains limited due to the lack of integration within formal legal systems. Therefore, an integrative approach combining criminal law, civil law, and restorative justice is necessary to establish a more comprehensive, effective, and victim-oriented system of protection.

Keywords: Compensation; Restorative Justice; Restitution; Transnational Crime; Victim Protection

1. Introduction

Transnational crime has emerged as one of the most pressing challenges in contemporary legal and security studies, primarily due to its cross-border nature, organized structure, and wide-ranging impact on non-traditional security dimensions. In recent decades, criminal activities such as human trafficking, smuggling, and environmental crime have significantly increased, generating profound consequences not only for national security but also for global stability (Masys, 2025). These crimes inflict substantial harm on individuals, communities, and ecosystems, thereby positioning victims as central yet often underprotected subjects within the global criminal justice framework (Fernando et al., 2025).

The impacts of transnational crimes extend beyond material losses, encompassing severe psychological, physical, and economic trauma experienced by victims. Many victims endure prolonged emotional distress and socio-economic marginalization, highlighting the need for comprehensive victim-centered protection mechanisms (Moore, 2022; Vetere & Melup, 2018). However, conventional criminal justice systems tend to prioritize offender punishment under a retributive justice paradigm, often relegating victim recovery to a secondary concern. This imbalance results in a significant justice gap, particularly in addressing the long-term needs of victims (Timomor, 2020).

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Structural limitations within both criminal and civil justice systems further exacerbate the challenges faced by victims in obtaining adequate compensation and restitution. In many jurisdictions, criminal proceedings do not provide sufficient mechanisms for victim compensation, while civil litigation is often costly, time-consuming, and procedurally complex (Bakta & Mapendo, 2022; Kanungo & Chattoraj, 2020). This fragmentation between criminal and civil legal mechanisms creates additional barriers to achieving substantive justice for victims. Moreover, the increasing hybridity between civil and criminal law in modern litigation reflects ongoing legal transformation, yet also reveals unresolved tensions in achieving coherent victim protection frameworks (Weiss, 2025).

In response to these limitations, restorative justice has emerged as an alternative paradigm that emphasizes healing, accountability, and the restoration of harm caused by criminal acts. Restorative justice focuses on repairing relationships through inclusive processes involving victims, offenders, and communities, rather than solely punishing offenders (Briskey, 2021; Posick, 2019). Within this framework, offenders are encouraged to take direct responsibility for the harm they have caused, while victims are given an active role in the justice process.

Furthermore, restorative justice provides significant therapeutic benefits for victims. It enables victims to articulate their experiences, receive acknowledgment of harm, and participate in determining appropriate forms of reparation, thereby contributing to emotional recovery and psychological healing (McDowell et al., 2023). Empirical and theoretical studies also suggest that restorative approaches can reduce trauma and enhance victim satisfaction compared to conventional adversarial legal processes (Moore, 2022).

Despite its potential, the implementation of restorative justice in the context of transnational crime remains limited, particularly due to the lack of harmonization between criminal and civil justice mechanisms. This legal disjunction hinders the effective integration of restorative principles into formal justice systems (Kanungo & Chattoraj, 2020; Timomor, 2020). Therefore, there is a critical need for further scholarly inquiry into how victim protection can be strengthened through a more integrated approach that bridges criminal and civil legal frameworks.

Accordingly, this study aims to examine and strengthen victim protection in transnational crime cases through a restorative justice approach, with a particular focus on improving the harmonization between criminal and civil legal systems. The study is expected to contribute both theoretically and practically to the development of a more inclusive, victim-centered, and restorative justice system.

2. Literature Review

Victimology Theory and Victim Protection

Victimology is a scientific field that focuses on the study of crime victims, encompassing their experiences, patterns of victimization, and the social, psychological, and legal responses to crime. Initially emerging in the mid-twentieth century, victimology concentrated on understanding the role of victims within the dynamics of crime. However, contemporary victimology has shifted toward a more victim-centered approach, emphasizing victims' rights, protection, and recovery (Takala & Aromaa, 2022). This evolution reflects a broader transformation in criminal justice paradigms, where victims are no longer viewed merely as passive participants but as central stakeholders in the justice process.

A key dimension of victimology is the analysis of victimization patterns and risk factors. These patterns demonstrate that vulnerability to crime is not evenly distributed but varies according to demographic, social, and situational characteristics. Factors such as gender, socio-economic status, and environmental conditions significantly influence the likelihood of victimization, thereby necessitating targeted legal and policy interventions (Takala & Aromaa, 2022). Moreover, victimology extends beyond conventional crime to include victimization arising from abuse of power and structural injustices, thus broadening the scope of victim protection in both domestic and international contexts.

Victim protection constitutes a fundamental component of victimology, particularly in addressing the multifaceted impacts of crime. Victims often suffer long-term psychological trauma, physical harm, and financial loss, which require comprehensive and sustained support mechanisms. Legal frameworks have increasingly incorporated victim protection measures, including compensation schemes, victim assistance programs, and procedural rights aimed at ensuring access to justice (Garcia et al., 2020). These mechanisms are essential in mitigating

secondary victimization, which may occur when victims are re-traumatized by insensitive legal processes or institutional responses.

Furthermore, the integration of victim protection within criminal justice systems highlights the growing recognition of victims' rights at both national and international levels. Policies such as victim impact statements, protective measures during trial, and state-funded compensation schemes demonstrate a shift toward more inclusive justice systems. Nevertheless, significant challenges remain, particularly in ensuring equal access to protection and remedies for all victims, especially those affected by complex or transnational crimes.

The Concept of Restorative Justice in Criminal Law



Figure 1. The Concept of Restorative Justice in Criminal Law.

Restorative justice (RJ) represents an alternative paradigm in criminal law that seeks to repair the harm caused by crime through inclusive and participatory processes. Unlike traditional retributive justice systems, which emphasize punishment, restorative justice focuses on restoring relationships between victims, offenders, and the broader community (Posick, 2019). This approach aims to address the needs of victims, promote offender accountability, and facilitate community healing through dialogue and mutual understanding.

The theoretical foundation of restorative justice lies in its humanistic and relational perspective on justice. Rather than treating crime as a violation of the state, RJ conceptualizes it as a harm inflicted on individuals and social relationships. Consequently, the justice process becomes more personal and responsive to the needs of those directly affected (Newell, 2025). This perspective contrasts with conventional criminal justice systems, which are often impersonal, procedural, and detached from the lived experiences of victims.

Historically, restorative justice is not a novel concept but is rooted in indigenous and traditional practices of conflict resolution. Many societies have long employed community-based mechanisms that prioritize reconciliation, restitution, and collective responsibility (Briskey, 2021). Contemporary restorative justice frameworks draw upon these traditions while adapting them to modern legal systems, thereby bridging traditional values with formal legal structures.

In practice, restorative justice offers significant benefits for both victims and offenders. For victims, participation in restorative processes can provide a sense of empowerment, validation, and emotional healing. Victims are given the opportunity to express their experiences, ask questions, and actively contribute to determining appropriate forms of reparation (Toews, 2023). For offenders, restorative justice fosters accountability by requiring them to acknowledge the harm they have caused and engage in meaningful efforts to repair it.

Moreover, restorative justice has increasingly been institutionalized within formal legal systems through legislative and policy frameworks. In various jurisdictions, laws have been enacted to facilitate the use of restorative practices in criminal proceedings, particularly for certain categories of offenses (Sliva & Lambert, 2015). In Indonesia, for instance, restorative justice has been incorporated into criminal law enforcement as part of broader legal reforms aimed at enhancing fairness and efficiency in the justice system (Garcia et al., 2020).

Despite its advantages, the implementation of restorative justice also faces challenges, including institutional resistance, lack of standardized procedures, and concerns regarding its applicability in serious crimes. Nonetheless, its growing acceptance reflects an ongoing paradigm shift toward a more holistic and victim-oriented approach to justice.

Civil Law on Compensation and Restitution

Conceptual Framework: Compensation and Restitution in Civil Law

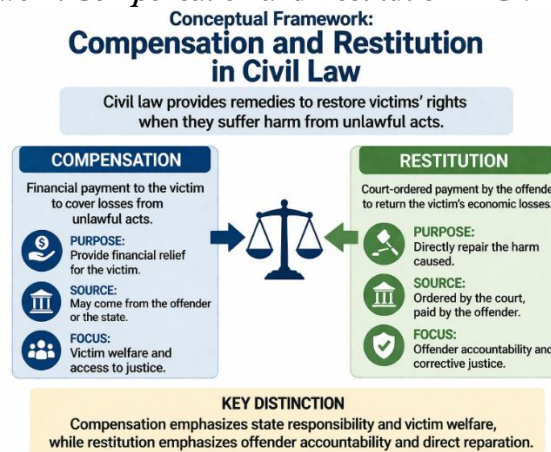


Figure 2. Conceptual Framework of Compensation and Restitution in Civil Law.

Civil law constitutes a fundamental legal domain in regulating compensation and restitution as mechanisms for restoring victims' rights following unlawful acts. Within this framework, compensation is generally understood as financial redress provided to victims for losses suffered due to criminal or tortious conduct. This redress may originate either from the offender or, in certain circumstances, from the state, particularly when the offender is unable to fulfill their obligations (Ali et al., 2022). Compensation thus reflects a broader institutional responsibility to ensure victims are not left without remedy, reinforcing the principle of access to justice.

In contrast, restitution is a more specific and direct legal remedy, typically ordered by a court, requiring the offender to compensate the victim for quantifiable economic losses. These losses may include property damage, medical expenses, lost income, and costs associated with psychological recovery (Al-Eifan & Alayash, 2015). Restitution is inherently corrective and restorative in nature, as it directly links the offender's accountability to the harm suffered by the victim. As noted by Haynes et al. (2015), restitution not only serves a compensatory function but also plays a critical role in reducing the long-term harms of victimization by fostering offender responsibility.

The distinction between compensation and restitution is therefore not merely terminological but reflects differing legal philosophies. Compensation tends to emphasize state responsibility and victim welfare, whereas restitution underscores offender accountability and the principle of corrective justice. This duality highlights the need for an integrated legal approach that combines both mechanisms to ensure comprehensive victim protection.

Legal Framework and Implementation in Comparative and Indonesian Contexts

The legal regulation of compensation and restitution has evolved significantly, reflecting the increasing recognition of victims' rights within both civil and criminal justice systems. In Indonesia, the legal basis for victim compensation and restitution is primarily established under Law No. 31 of 2014 concerning the Protection of Witnesses and Victims. This legislation represents a progressive step toward institutionalizing victim rights within the national legal system. However, empirical studies indicate that implementation remains inconsistent and often ineffective (Ali et al., 2022).

One of the major challenges in the Indonesian context is the reluctance or inability of offenders to fulfill restitution obligations. In practice, offenders frequently prefer custodial sentences over financial liability, thereby undermining the effectiveness of restitution as a victim-oriented remedy (Saputra et al., 2024). Furthermore, in cases such as human trafficking, where victims often suffer extensive economic and psychological harm, the enforcement of restitution requires more robust institutional mechanisms and coordinated strategies among law enforcement agencies (Sitompul et al., 2025).

In the context of environmental law, restitution mechanisms face additional complexities. Although Law No. 32 of 2009 formally recognizes the right to environmental restoration and compensation, enforcement remains weak due to regulatory gaps and limited institutional capacity. Sundari et al. (2025) emphasize the importance of strengthening the "polluter pays" principle to ensure that perpetrators of environmental harm bear the full cost

of restoration, including both ecological and social damages. This highlights the need for integrating civil liability principles with environmental justice frameworks.

Structural Problems and Legal Challenges

Despite the existence of legal frameworks, the practical realization of compensation and restitution remains fraught with challenges. One of the most significant issues is the difficulty in enforcing restitution orders. Empirical evidence suggests that many victims do not receive court-ordered restitution due to offenders' financial incapacity or unwillingness to comply (Haynes et al., 2015). This enforcement gap undermines the credibility of the legal system and perpetuates injustice for victims.

Another critical challenge is the conflict between victim compensation and state interests, particularly in the context of asset confiscation. In several legal systems, including those in Europe, the state often prioritizes the confiscation of criminal proceeds over the satisfaction of victims' claims. Troncone (2023) argues that this lack of normative coherence creates systemic inconsistencies, where the pursuit of public interest inadvertently diminishes the rights of victims. This tension reflects a broader structural issue within criminal justice systems, where victim-oriented remedies are subordinated to punitive and deterrent objectives.

Additionally, evidentiary challenges present significant barriers, especially in international and conflict-related cases. The United Nations Compensation Commission has adopted flexible evidentiary standards to address the difficulties of proving claims in war contexts. Karnaukh & Khutor (2024) note that such adaptations are necessary to ensure fairness and accessibility, particularly when conventional evidentiary requirements would otherwise exclude legitimate claims. This approach underscores the importance of adopting victim-sensitive legal standards in complex situations.

Restorative Justice Perspective in Compensation and Restitution

The integration of restorative justice principles into civil law mechanisms has introduced a more holistic approach to victim recovery. Restorative justice shifts the focus from purely financial compensation to a broader understanding of harm, encompassing emotional, relational, and social dimensions. In this context, restitution is not merely a financial obligation but a process of acknowledging harm and facilitating meaningful reparation.

In environmental crime cases, restorative approaches emphasize socio-ecological recovery, recognizing that harm extends beyond individual victims to affect entire communities and ecosystems (Sundari et al., 2025). Comparative legal practices in countries such as Germany, Austria, and Switzerland demonstrate the effectiveness of integrating restorative principles into restitution frameworks, particularly through mechanisms that encourage dialogue, accountability, and community involvement (Al-Eifan & Alayash, 2015).

Moreover, contemporary scholarship highlights the importance of non-material forms of reparation. Folmer et al. (2019) demonstrate that apologies and acknowledgment of wrongdoing play a crucial role in fulfilling victims' psychological needs. Such non-material remedies can enhance victims' sense of justice and satisfaction, complementing financial compensation. This finding supports the argument that effective victim restoration requires a multidimensional approach that goes beyond economic redress.

Policy Recommendations and Future Directions

To enhance the effectiveness of compensation and restitution mechanisms, several policy recommendations have been proposed in the literature. First, there is a need to strengthen regulatory frameworks to ensure enforceability. This includes establishing clearer procedures for restitution enforcement, implementing monitoring mechanisms, and imposing sanctions for non-compliance (Ali et al., 2022; Sundari et al., 2025).

Second, a multidimensional approach should be adopted to address victims' needs comprehensively. This approach integrates financial compensation with procedural justice and interpersonal recognition, ensuring that victims receive both material and non-material forms of redress (Folmer et al., 2019; Haynes et al., 2015). Such an approach aligns with restorative justice principles and enhances the overall effectiveness of victim protection.

Third, legal systems must prioritize victims' claims over competing state interests, particularly in relation to asset confiscation. Establishing a victim-first principle would ensure that compensation is not subordinated to state revenue objectives, thereby reinforcing the centrality of victims within the justice system (Troncone, 2023).

Finally, future legal reforms should focus on harmonizing civil and criminal law mechanisms to create a more coherent and integrated system of victim protection. This integration is essential for addressing the complex and multidimensional nature of harm

experienced by victims, particularly in cases involving transnational and environmental crimes.

Transnational Crime and International Law

Transnational crime represents a complex and evolving category of criminal activity that transcends national borders and challenges traditional legal frameworks. It encompasses a wide range of offenses, including human trafficking, terrorism, corruption, money laundering, and organized crime. These crimes are characterized by their cross-border nature, involvement of multiple jurisdictions, and the use of sophisticated networks that exploit legal and institutional gaps between states (Sayapin, 2022). As such, transnational crime poses significant threats not only to national security but also to global governance and the rule of law.

To address these challenges, Transnational Criminal Law (TCL) has developed as a specialized legal framework aimed at facilitating international cooperation in the prevention, investigation, and prosecution of cross-border crimes. TCL operates primarily through international treaties and conventions that impose obligations on states to criminalize certain conduct within their domestic legal systems and to cooperate through mechanisms such as extradition, mutual legal assistance, and asset recovery (Schloenhardt & Rule, 2025). These cooperative mechanisms are essential in ensuring that perpetrators cannot evade justice by exploiting jurisdictional boundaries.

In parallel, international criminal law (ICL) addresses the most serious crimes of concern to the international community, including genocide, crimes against humanity, and war crimes. The development of ICL can be traced back to the post-World War II tribunals in Nuremberg and Tokyo, which laid the foundation for modern international criminal justice. The establishment of institutions such as the International Criminal Court (ICC) represents a significant advancement in holding individuals accountable for international crimes. However, the effectiveness of ICL remains constrained by several factors, including limited state participation, issues of sovereignty, and fragmentation of legal norms (Tuliakov, 2025).

Furthermore, globalization and rapid technological advancement have significantly accelerated the scale and complexity of transnational crime. Digital technologies, for example, have facilitated new forms of criminal activity, including cybercrime and financial fraud, while also enhancing the operational capabilities of organized criminal networks. These developments underscore the urgent need for harmonized legal frameworks and stronger international collaboration to effectively combat transnational crime (Sayapin, 2022; Tuliakov, 2025).

Despite these efforts, significant challenges remain in achieving coherence between national and international legal systems. Differences in legal traditions, procedural rules, and enforcement capacities often hinder effective cooperation. Moreover, tensions between state sovereignty and international obligations continue to complicate the implementation of transnational criminal law, highlighting the need for a more integrated and adaptive legal approach.

Integrative Approaches in the Justice System

In response to the limitations of conventional legal frameworks, integrative approaches within the justice system have gained increasing attention. An integrative approach seeks to combine multiple theoretical perspectives and practical methodologies to achieve a more balanced and holistic form of justice. Rather than relying solely on punitive or retributive models, integrative frameworks incorporate elements of restorative justice, social justice, and interdisciplinary collaboration.

Within the context of restorative justice, integrative approaches emphasize dialogue and mutual understanding between victims and offenders. This process is typically facilitated in a structured environment that encourages accountability, empathy, and the repair of harm. By actively involving victims, offenders, and communities, restorative justice contributes to a more inclusive and participatory model of justice (Molloy et al., 2023). This approach aligns with broader social justice objectives, particularly in addressing structural inequalities and promoting equitable outcomes.

Beyond the legal domain, integrative approaches have also been applied in fields such as education and social work. In educational contexts, integrative pedagogy incorporates social justice values into teaching practices, encouraging critical reflection, ethical awareness, and holistic learning (Manning, 2023). Similarly, in social work, integrative models combine restorative justice principles with community-based interventions to address the root causes of crime and social harm (Molloy et al., 2023).

In the field of mental health, integrative approaches further demonstrate the value of combining multiple strategies to address complex human needs. For instance, integrative medicine incorporates evidence-based therapies, nutritional support, and relaxation techniques to promote emotional and psychological well-being (Shah et al., 2017). This holistic perspective highlights the importance of addressing not only the legal dimensions of harm but also the psychological and social needs of individuals affected by crime.

The application of integrative approaches within the justice system therefore reflects a broader paradigm shift toward holistic and interdisciplinary solutions. By bridging legal, social, and psychological perspectives, integrative frameworks offer a more comprehensive response to the multifaceted nature of crime and victimization. This approach is particularly relevant in the context of transnational crime, where complex and interconnected challenges require coordinated and multidimensional strategies.

3. Research Method

Socio-Legal Approach

This study employs a socio-legal approach that integrates normative legal analysis with empirical and social perspectives to understand how legal norms operate in practice. This approach is particularly relevant in examining victim protection within transnational crimes, as it allows the research to analyze not only the formal legal framework but also its practical implementation. By combining doctrinal and empirical insights, the study aims to capture the gap between law in the books and law in action, especially in relation to compensation, restitution, and restorative justice mechanisms.

Normative Analysis of Victim Protection Regulations

The research applies a normative juridical analysis to examine legal frameworks governing victim protection. This includes an analysis of national legislation, international conventions, and legal doctrines related to compensation, restitution, and restorative justice. The study focuses on the extent to which legal instruments recognize and protect victims' rights, as well as the coherence between civil and criminal law mechanisms. This analysis aims to identify legal inconsistencies, regulatory gaps, and structural weaknesses that hinder effective victim protection.

Case Study of Transnational Crimes

This study utilizes a case study approach to analyze selected forms of transnational crimes, particularly human trafficking and environmental crimes. These cases are chosen due to their cross-border nature and their significant impact on victims. The case study method enables an in-depth examination of how legal frameworks are applied in practice, including challenges in enforcement, victim recovery, and restitution mechanisms. The analysis is based on court decisions, official reports, and documented case materials to provide contextual and practical insights.

Comparative Analysis Across Countries

The research incorporates a comparative legal analysis to examine how different jurisdictions regulate compensation, restitution, and victim protection. By comparing legal systems across countries, the study seeks to identify best practices and evaluate the effectiveness of various legal approaches. This comparative perspective also allows for the exploration of potential harmonization between legal systems, particularly in addressing transnational crimes that require coordinated international responses.

Interviews with Legal Practitioners and NGOs

To complement the normative and comparative analysis, this study includes qualitative data collected through semi-structured interviews with legal practitioners and representatives of non-governmental organizations involved in victim protection. These interviews aim to capture practical experiences, institutional challenges, and perspectives on the implementation of victim protection mechanisms. The data obtained are analyzed thematically to identify recurring issues and insights, thereby enriching the overall analysis with real-world perspectives.

4. Results and Discussion

Results

The results of this study reveal significant structural and practical challenges in the implementation of victim protection mechanisms in transnational crime cases. These challenges are primarily related to the fragmentation between criminal and civil legal systems, the limited application of restorative justice, and the weak enforcement of compensation and

restitution. Through a combination of normative analysis, case studies, comparative perspectives, and interview findings, this study identifies key patterns that illustrate the gap between legal frameworks and their practical effectiveness.

Table 1. Key Challenges in Victim Protection Mechanisms

No	Aspect of Protection	Identified Problem	Impact on Victims
1	Criminal Justice System	Focus on punishment rather than victim recovery	Victims receive limited attention and support
2	Civil Law Mechanisms	Complex procedures and high costs	Limited access to compensation
3	Restitution Enforcement	Offender unwillingness/inability to pay	Victims do not receive court-ordered restitution
4	Legal Integration	Lack of harmonization between criminal and civil law	Fragmented justice process
5	Transnational Context	Jurisdictional and cross-border barriers	Delayed or denied justice
6	Institutional Capacity	Weak coordination among institutions	Ineffective victim assistance

The table above demonstrates that victim protection is hindered by both structural and procedural barriers. The criminal justice system tends to prioritize retributive objectives, thereby marginalizing victim recovery. At the same time, civil law mechanisms, which should provide financial remedies, are often inaccessible due to their complexity and cost. A critical issue lies in the enforcement of restitution, where legal decisions frequently fail to translate into actual compensation for victims.

Furthermore, the absence of harmonization between criminal and civil legal systems creates a fragmented framework that complicates the pursuit of justice. This problem becomes more pronounced in transnational crime cases, where differences in legal systems, jurisdictional limitations, and weak international coordination further obstruct victim protection. Institutional weaknesses, including limited resources and coordination, also contribute to the ineffectiveness of existing mechanisms.

To further illustrate the relative severity of these challenges, the following diagram presents a comparative assessment of the main obstacles in victim protection.

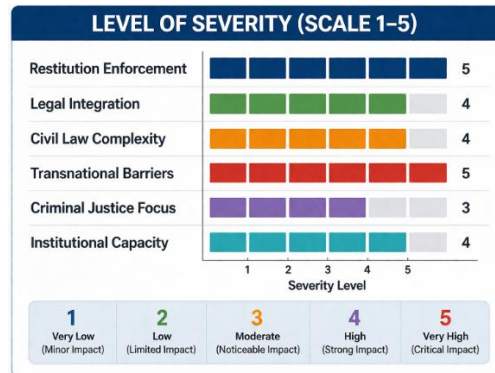


Figure 3. Severity of Challenges in Victim Protection Systems

The diagram shows that restitution enforcement and transnational barriers represent the most critical challenges, followed closely by issues related to legal integration and civil law complexity. These findings highlight that the primary weaknesses are not merely normative but lie in implementation and coordination.

The high severity of restitution enforcement issues indicates that even when legal frameworks exist, they often fail to deliver tangible outcomes for victims. Similarly, transnational barriers significantly complicate legal processes, particularly in cases involving multiple jurisdictions. This reinforces the argument that effective victim protection requires not only legal reform but also institutional strengthening and international cooperation.

Discussion

The findings of this study confirm that victim protection in transnational crime cases remains fundamentally constrained by structural fragmentation within the legal system. The separation between criminal and civil law mechanisms creates a disjointed framework in which victims are often left without comprehensive remedies. While criminal law focuses on punishing offenders, civil law mechanisms intended to provide compensation are frequently inaccessible or ineffective. This dualism results in a systemic justice gap that undermines the principle of victim-centered justice.

From a restorative justice perspective, the findings reveal a significant underutilization of restorative mechanisms in transnational crime contexts. Although restorative justice offers a more holistic approach by emphasizing healing, accountability, and participation, its implementation remains limited due to institutional resistance and the absence of integrated legal frameworks. The lack of harmonization between legal systems further restricts the incorporation of restorative principles into formal justice processes.

The issue of restitution enforcement emerges as one of the most critical barriers to effective victim protection. The inability or unwillingness of offenders to fulfill restitution obligations highlights a fundamental weakness in the current legal system. This problem is exacerbated by the lack of enforcement mechanisms and monitoring systems, which results in a disconnect between judicial decisions and their practical outcomes. Consequently, victims are often deprived of the compensation they are legally entitled to receive.

In the context of transnational crime, these challenges are further intensified by jurisdictional complexities and differences in legal systems. The absence of standardized international mechanisms for victim compensation and restitution creates additional barriers, particularly in cases involving cross-border criminal networks. This finding underscores the importance of strengthening international legal cooperation and harmonizing legal frameworks to ensure effective victim protection.

Moreover, the findings highlight the importance of adopting an integrative approach that combines criminal law, civil law, and restorative justice principles. Such an approach would enable a more comprehensive response to victim needs by addressing not only legal accountability but also financial recovery and psychological healing. Integrative frameworks can bridge the gap between punitive and restorative objectives, thereby promoting a more balanced and inclusive justice system.

From a policy perspective, this study supports the need for a victim-centered legal reform that prioritizes the rights and needs of victims within the justice system. This includes strengthening restitution enforcement mechanisms, simplifying civil procedures for compensation, and institutionalizing restorative justice practices within both criminal and civil legal processes. Additionally, enhancing coordination among legal institutions and improving international cooperation are essential for addressing the complexities of transnational crime.

Ultimately, this study contributes to the broader discourse on legal reform by emphasizing the necessity of moving beyond traditional, fragmented approaches toward a more integrated and restorative model of justice. Such a transformation is crucial for ensuring that victims of transnational crime are not only recognized but also effectively protected and restored.

5. Comparison

A comparative analysis across jurisdictions reveals significant variation in the regulation and implementation of victim protection mechanisms, particularly in relation to compensation, restitution, and restorative justice. In many developed legal systems, such as those in parts of Europe, victim protection frameworks demonstrate a higher degree of institutional integration, where criminal and civil remedies are more systematically coordinated. These systems often incorporate state-funded compensation schemes, enforceable restitution mechanisms, and structured restorative justice programs within formal legal procedures. As a result, victims are more likely to receive timely and effective remedies, both material and non-material. In contrast, developing jurisdictions, including Indonesia, continue to face challenges related to fragmented legal frameworks, limited enforcement capacity, and procedural complexity, which hinder the realization of comprehensive victim protection.

Furthermore, the comparative findings indicate that the success of victim protection mechanisms is closely linked to the degree of legal harmonization and institutional coordination. Jurisdictions that adopt integrative approaches combining criminal accountability, civil compensation, and restorative justice practices tend to provide more holistic and victim-centered outcomes. Conversely, systems that maintain rigid separations between legal domains often produce fragmented and ineffective responses, particularly in transnational crime cases where cross-border cooperation is essential. This comparison underscores the importance of adopting best practices from more advanced systems, while also adapting them to local legal, social, and institutional contexts. Ultimately, comparative insights highlight that strengthening victim protection requires not only normative reform but also practical and institutional alignment.

6. Conclusion

This study concludes that victim protection in transnational crime cases remains significantly constrained by structural fragmentation between criminal and civil legal systems, as well as the limited integration of restorative justice principles. Although existing legal frameworks formally recognize victims' rights to compensation and restitution, their implementation is often ineffective due to enforcement challenges, procedural barriers, and institutional limitations. The findings demonstrate that victims frequently experience a justice gap, where legal recognition does not translate into actual recovery or restoration. In particular, restitution enforcement and transnational legal barriers emerge as the most critical obstacles, highlighting the need for more robust and coordinated mechanisms.

In response to these challenges, this study emphasizes the necessity of adopting an integrative and victim-centered approach that bridges criminal law, civil law, and restorative justice. Such an approach would enable a more comprehensive system of justice that addresses not only punishment and deterrence but also victim recovery and healing. Legal reforms should therefore focus on strengthening restitution enforcement, simplifying access to compensation, and institutionalizing restorative justice within formal legal processes. Additionally, enhancing international cooperation and harmonizing legal frameworks are essential for effectively addressing the complexities of transnational crime. By advancing a more holistic and integrated model, this study contributes to the development of a more equitable and effective system of victim protection.

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