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Research Plan: The Use of Restorative Justice Mechanism in Child Sexual Abuse (CSA) Cases in Indonesia

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1. Introduction

Child Sexual Abuse (CSA) refers to sexual activity with a child, either when it happens or is just a threat, involving force or when the child cannot freely say no (United Nations, 2017). In Indonesia, despite ongoing efforts by the government to protect children from CSA, the number of cases continues to rise (The Ministry of Women's Empowerment and Child Protection, n.d.). This rise concerns not only about the effectiveness of current CSA prevention programs but also about the government's commitment to helping CSA victims seek justice and secure their rights to rehabilitation and reintegration programs (UN Committee on the Rights of the Child (CRC), 2012).

When it comes to securing justice for CSA victims, people often refer to conventional criminal justice, which includes standard approaches to criminal prosecution, trial, sentencing, and post-sentence. However, there is ongoing debate about whether this conventional approach truly includes the victims' voices, especially in the case of child victims. As a result, there has been considerable discussion about innovative justice approaches that do not rely solely on the standard toolkit of criminal procedures or justice practices. These approaches allow for greater participation and interaction among the relevant parties.

Restorative Justice (RJ) offers an alternative approach. According to Dale's definition, Restorative Justice involves a meeting (or several meetings) of affected individuals, facilitated by one or more impartial people. These meetings can take place at all phases of the criminal process—pre-arrest, diversion from court, pre-sentence, and post-sentence—as well as for offenses or conflicts not reported to the police.

RJ presents several potential benefits. Firstly, it affords victims the opportunity to voice their experiences and be acknowledged, thereby empowering them. Through this process, victims can directly confront the offender and participate in determining appropriate measures. Secondly, it fosters a communicative and flexible environment, particularly suited to the needs and capacities of child victims. Lastly, it offers the

possibility of repairing relationships, should that be a desired outcome.

In some jurisdictions, including Indonesia, RJ is practiced in cases of CSA. However, there are some concerns regarding how it has been done. According to research by Sumampouw et al. (2020), when mediating the victims and the perpetrators, police investigators advised both parties to consider the birth of the child in the event of a pregnancy, which often leads to the marriage of the suspect and victim.

The mediation approach used by the police officers has raised concerns because CSA victims have expressed hesitations about it. They worry about power imbalances during negotiations, manipulation by the perpetrators, and find it hard to believe that this approach truly puts their needs first (Jülich, 2006). Moreover, the marriage between the suspect and victim, which sometimes results from these cases, overlooks the importance of considering the implications of early marriages. This can have long-term effects on the well-being of both the victim and baby, exposing them to the risk of experiencing abuse from their partner in the future and placing them at significant health risks (DiLillo et al., 2001; Raj et al., 2010; Strat et al., 2011).

Unfortunately, there has not been enough focus on the victim's experience in this process and whether the voice of the victims is truly heard.

3. Research Methods

This research will involve interviews with adult survivors of CSA who have experienced RJ mechanisms. These interviews will utilize the technique of storytelling within the life history method, allowing survivors to share their experiences in their own words.

To locate survivors for these interviews, author will collaborate with NGOs and self-support groups that work with CSA survivors. Establishing connections with these organizations will be an important step before conducting the interviews.