

The Concept Of Restoring The Rights Of Victims Of Mass Fraud With Justice

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Abstract

Mass fraud is an increasingly prevalent economic crime in Indonesia, involving sophisticated schemes such as Ponzi investments, fictitious savings, and digital scams that have caused systemic financial losses to society. Although criminal proceedings often result in the incarceration of perpetrators, the rights of victims, especially restitution and compensation, remain neglected. This research examined the development of a fair recovery model for victims of mass fraud within Indonesia's legal system, integrating theories of justice (Rawls), victimology, and restorative justice. The normative-juridical approach employed in this study was supported by a comparative analysis of successful victim compensation frameworks from the Netherlands and Canada, including the Schadefonds Geweldsmisdrijven and the Criminal Injury Compensation Program. Findings indicate that Indonesia's current legal mechanisms—such as Article 98 KUHP and Law No. 31/2014 on Witness and Victim Protection—are substantively progressive but practically ineffective due to regulatory gaps, bureaucratic complexity, and lack of victim-oriented enforcement. The study proposes a victim-centric recovery model through: (1) the establishment of a state-managed Victim Compensation Fund; (2) the integration of restitution into prosecutorial practice by enhancing the role of public prosecutors as *dominus litis*; and (3) harmonizing criminal and civil procedures under a restorative justice paradigm. This conceptual reconstruction aims to shift Indonesia's penal policy from perpetrator-focused punishment to a balanced system that ensures substantive justice and comprehensive recovery for victims of mass fraud.

Keywords: victim rights, mass fraud, restitution, restorative justice, compensation fund, Indonesian legal system.

1. INTRODUCTION

Fraud or fraudulent acts as financial crimes have developed in various modes, ranging from simple to complex scales that even involve organized or corporate actors. At the level of legal concepts, fraud is an act of one party to deceive or take unfair advantage of another party (Setiawan, 2020). Fraud usually involves an abuse of trust, including violations and deviations from the obligations and responsibilities of a party (Christian & Veronica, 2022). Thus, fraudulent acts attack interests related to the property or rights of others, which specifically stem from the use of deception that deviates from the truth (lies, falsification, deceit) in order to gain the rights that are legitimately owned by others.

Mass fraud is a form of crime that harms society on a large scale. This phenomenon is increasingly widespread along with the development of technology and the increasingly sophisticated mode of operation of criminals. The impact of mass fraud not only focuses on the material losses experienced by victims, but also creates distrust of the legal system and financial institutions. Although perpetrators can be prosecuted through criminal law, the aspect of restoring victims' rights is often ignored or inadequate. This triggers fundamental questions regarding how the legal system in Indonesia can provide substantive justice for victims of mass fraud.

In the United States, one of the major fraud cases revealed in 2008 involved the perpetrator Bernard Madoff and his associates through an investment management company, by implementing a ponzi scheme. This case resulted in huge losses for thousands of clients who invested in Madoff's company, with estimated losses reaching 65 billion USD. Over time, in 2018, another massive fraud case was revealed by Arthur Lamar Adams, the owner of a timber management company. He also used a ponzi scheme in his investment scam, which harmed hundreds of individuals with a total investment of 164.5 million USD, and caused significant losses (Worldfinance, 2024).

Charles Ponzi is the trademark of the mass fraud case that introduced the ponzi scheme that is often the mode of many mass fraud cases around the world (Rosariana, 2021). In 1920, Charles Ponzi, who had previously been arrested for forgery crimes, discovered that international reply coupons (IPCs), which

could be exchanged for airmail stamps abroad, varied in price from country to country and in certain cases could be exchanged for profits of up to 400 percent. Leveraging this information to promise investors a fortune, Ponzi in just a few months made more than \$4.5 million in today's money and lived a very lavish lifestyle. After authorities caught on to the scheme and put a stop to Ponzi's business, victimized investors lost US\$20 million and 6 American banks went bankrupt (Wikipedia, 2022).

Another case is the mass fraud in Japan perpetrated by Kazutsugi Nami. Since 2004 Nami has been issuing a special electronic money he calls Enten (円天), a combination of the name of the Japanese currency, yen, and the Japanese word for heaven to investors willing to pay at least ¥ 100,000 (about £750, US\$1,100). The perpetrators wooed investors with promises of a recession-safe financial savings alternative that would later be internationally recognized in the form of an imaginary digital currency. The entrepreneur assured interested parties that the currency would rise in value after the world economy collapsed, and guaranteed investors an annual return of 36 percent. While most financial scams of this scale target investment funds and the wealthy, Nami targeted ordinary people. As he defrauded around 37,000 people of \$1.4 billion, the case is considered the largest investment fraud in Japanese history (Wikipedia, 2024).

In Indonesia itself, several cases of mass fraud have become a troubling phenomenon as social media develops and people's desire to develop investments in the form of passive income (Medidjati & Heryana, 2025). Promises of investment promises and business models with high returns and easy operations invite people to join the system promised by the perpetrators (Yuliani et al., 2024). Generally, it is equipped with promotions that show a luxurious lifestyle and the victims are generally people with low financial literacy (Dartanto, 2020). Ordinary people who expect easy returns, without effort or analysis that requires experience or investment education (Tambunan & Hendarsih, 2022).

One form of crime that often occurs in Indonesia, with the impact of huge losses for the community. An example of a case that reflects the weak recovery of victims' rights is the Indosurya Savings and Loan Cooperative (KSP) case. KSP Indosurya offered deposit products with the lure of high interest rates, reaching 9 to 12 percent per year, far above conventional bank deposit rates. With this mode, they managed to collect funds from around 23,000 customers with a total loss of Rp. 106 trillion, making it one of the largest fraud cases in Indonesia (Tempo.co, 2024). In 2020, KSP Indosurya failed to pay the funds due, and despite the legal process, many victims have yet to receive their refunds. The verdicts against the perpetrators have not provided full certainty and redress for victims, reflecting a gap in Indonesia's legal system that still focuses on punishing perpetrators without emphasizing the restoration of victims' rights.

Another similar case occurred with Cipaganti Karya Guna Persada Cooperative. This cooperative collected funds from around 8,700 members with the promise of a fixed return of 1.5 percent per month. With total funds raised reaching Rp. 3.2 trillion, this case surfaced when the cooperative failed to fulfill its obligations to members in 2014 (Setiawan, 2020). The funds collected were misused for personal interests and affiliated companies. Although the President Director of Cipaganti Cooperative, Andianto Setiabudi, was sentenced to 15 years in prison and fined Rp200 billion, many members have yet to receive their refunds. This case confirms that despite the verdict, justice for victims has not been fully met due to the limited remedy mechanisms in the positive legal system.

A similar case also occurred in the case of First Travel, a company that organizes umrah trips offering cheap umrah packages. The modus operandi used was a ponzi scheme, in which funds from new prospective pilgrims were used to dispatch previous pilgrims. With the promise of cheap departures and easy payment, First Travel managed to collect funds from around 63,310 prospective pilgrims with a total loss of Rp. 905 billion (Faizal, 2024). However, the company failed to fulfill its obligation to depart thousands of pilgrims. In 2018, the owner of First Travel, Andika Surachman, was sentenced to 20 years in prison, and his wife, Anniesa Hasibuan, was sentenced to 18 years in prison. Although the perpetrators have been sentenced, the confiscated assets of the company were auctioned and went to the state treasury, not to recover the victims' losses. This shows the injustice in restoring the rights of victims, who are further disadvantaged by the imperfections of the prevailing legal system.

These three cases show that the Indonesian positive legal system has not fully accommodated the interests of victims in mass fraud cases. The focus on punishing perpetrators without effective restitution or compensation mechanisms emphasizes the need for improvement in the criminal justice system (Justiasari et al., 2024). The absence of comprehensive regulations and strict implementation means that victims' losses are not fairly addressed, even though the perpetrator has been convicted. These cases are a reflection that the protection of victims of mass fraud is still far from expectations, thus requiring concrete solutions in legal policies that are more in favor of restoring victims' rights.

The implementation of criminal justice in Indonesia, especially in cases of mass fraud, often pays little attention to the interests of victims, which include losses and suffering from criminal acts experienced. Victims of crime are placed only as evidence, namely only as witnesses so that the possibility for victims to obtain discretion in fighting for their rights is small. The interests of victims, which have been represented by the Public Prosecutor, in an effort to prosecute the perpetrators of criminal acts, have been considered as an effort to protect the law for victims and the wider community. Whereas in reality the losses experienced by victims are neglected (Mareta & Kav, 2018). The use of the retributive paradigm, it turns out, has not been able to recover the losses and suffering experienced by victims. Even though the perpetrator has been found guilty and received punishment, the victim's condition cannot return to normal (Waluyo, 2015).

In cases of mass fraud that have occurred in Indonesia, such as cases of fraudulent investment, fictitious arisan, and pyramid schemes, the mechanism for restoring victims' rights has not been effective. Although the courts have sentenced the perpetrators to heavy criminal penalties, the material losses of victims are often not properly addressed. Restitution mechanisms provided for in Indonesian positive law, such as in Article 98 of the Criminal Procedure Code which allows victims to apply for compensation in criminal proceedings, are often hampered by complex implementation. When the perpetrator does not have sufficient assets or property to return to the victim, the restitution process becomes ineffective. As a result, even after a verdict has been handed down, the restoration of victims' rights is still far from being achieved. Some of the mass fraud cases that have been decided, such as First Travel and Indosurya Savings and Loan Cooperative (KSP), are clear examples of the weakness of Indonesia's positive legal system in recovering victims' losses. In the First Travel case, seized assets were initially forfeited to the state, leaving victims without their refunds (B. Indonesia, 2019). Although the Supreme Court later ruled that the assets be returned to the congregation, the process took a long time and created uncertainty for victims (Kompas, 2023).

Meanwhile, in the case of KSP Indosurya, although the main perpetrator has been sentenced to prison, the recovery of victims' losses amounting to trillions of rupiah remains unclear (C. Indonesia, 2024). Victims continue to question the fate of reimbursement for their losses, suggesting that the legal system has not been effective in ensuring compensation for victims of financial crime (C. Indonesia, 2024). These two cases indicate that the focus of Indonesia's criminal justice system is more on punishing perpetrators without effective restitution or compensation mechanisms for victims (Basuki, 2024). This shows that the principle of restorative justice, which emphasizes the restoration of the victim's condition, has not been well accommodated in the Indonesian criminal law system (Rukman, 2023).

In an effort to find solutions for the redress of victims of mass fraud in Indonesia, it is important to compare approaches adopted in other countries to inform improvements to the national legal system. Some countries have adopted more effective and equitable mechanisms to ensure victims' rights are restored. For example, the Netherlands has a victim-offender mediation mechanism as well as a Schadefonds Geweldsmisdrijven (Crime Victims Compensation Fund) that allows victims to obtain restitution quickly and effectively, even when the perpetrator is unable to pay the loss (Pemberton, 2022). Meanwhile, Canada has a Criminal Injury Compensation Program, (Justice, 2023) where the state plays an active role in compensating victims through public funds.

The comparison illustrates that victim recovery in mass fraud cases can be realized through a more assertive role of the state and legal policies that favor victims (Van Ness et al., 2022). In the Indonesian context, the proposed solution is to formulate a compensation mechanism that is integrated in the criminal justice process, accompanied by the establishment of a special fund managed by the state to ensure that victims' losses can be recovered (Fanani, n.d.). By studying best practices from these countries,

it is hoped that the Indonesian legal system can be more responsive and able to provide substantive justice for victims of mass fraud (Geweldsmisdrijven, 2024).

In a social situation that is vulnerable to financial crime and mass fraud due to low digital and economic literacy, a responsive, inclusive and fair legal system is needed. Therefore, this research is here to answer the need for a model of victim rights recovery that is not only effective, but also humanist and in favor of victims as legal subjects. This research has three main objectives. First, to find out and analyze how the positive legal system in Indonesia currently regulates victim recovery mechanisms in mass fraud cases. Second, to identify and analyze the normative and implementative obstacles in restoring the rights of victims of mass fraud through restitution and compensation mechanisms in Indonesia. Third, to formulate and analyze the formulation of the concept of restoring victims of mass fraud in accordance with the values of victimology, the principles of justice, and the principles of restorative justice in Indonesia.

Benefits Theoretically, this study contributes to the development of legal science, particularly in the fields of criminal law, victimology, and restorative justice.. This research also expands the discourse on victims' rights in a legal system that is still dominated by a perpetrator-centric paradigm. Practically, the results of this research are expected to provide concrete recommendations for legislators, law enforcement officials, and policy makers to design a recovery system that favors victims. This includes the establishment of a Victim Compensation Fund and strengthening the role of the Prosecutor as *dominus litis* in proposing restitution as part of criminal charges. Policy-wise, this research provides an argumentative basis for drafting regulations that integrate restitution and compensation within a harmonized legal framework between criminal and civil law. Thus, the Indonesian legal system can guarantee substantive justice for victims and restore the function of law as a dignified social engineering tool.

2. METHOD

2.1 Research Approach

As a legal research, this research is planned to use 3 (three) approaches, namely statute approach, comparative approach, and conceptual approach.

2.2 Type of Research

The type of research used is normative juridical research.

2.3 Data Collection

The main data source in this doctrinal normative research is library data, which is also referred to as secondary data. In the legal context, this data source is referred to as legal material. The legal materials analyzed in this research consist of primary legal materials (Legal sources that have legal authority and are in the form of laws and regulations, court decisions, or other official documents), secondary legal materials (Publications that discuss various aspects of law, including textbooks, scientific journals, theses, dissertations, as well as comments on judges' decisions), and tertiary legal materials (Sources that provide further explanation of primary and secondary legal materials through interviews or opinions from sources who have knowledge or expertise in fields relevant to this research).

2.4 Data Presentation

The research results are presented in the form of narrative text, which means that the data that has been processed is arranged systematically, logically and rationally in the form of narrative text. In the presentation of this narrative text, all legal materials that have been collected will be connected to each other by referring to the subject matter being studied, thus forming a unified whole. The data from this research will be described in the form of narrative text, connected to one another, and adjusted to the subject matter so that it becomes a unified whole with the focus of the research.

2.5 Data Analysis

The data obtained from this research, both from primary legal materials, secondary legal materials, and tertiary legal materials that have been collected, will be inventoried first to ensure their accuracy. The data will then be grouped and analyzed using three approaches, namely the statutory approach, case approach, and conceptual approach, in order to obtain a harmonious picture of all legal materials. Furthermore, the data will be systematized, classified, and evaluated, as well as compared with legal theories and principles proposed by experts. This is done for normative analysis by referring to the approach method

used. The results will form a conclusion that can be used as a legal argument in answering existing legal problems.

3. RESULT AND DISCUSSION

3.1 Analysis of the Victim Restoration System in Indonesian Positive Law

The Indonesian positive legal system has provided a normative basis for the restoration of victims' rights in criminal cases, including mass fraud, one of which is through Article 98 of the Criminal Procedure Code (KUHP) which opens opportunities for victims to file compensation claims in criminal proceedings. Normatively, this provision reflects the spirit of comprehensive recovery. However, in practice, this mechanism is very rarely used because victims have to go through a complicated and lengthy legal process, often without adequate legal support. On the other hand, other legal instruments such as Law No. 31 of 2014 on Witness and Victim Protection and Law No. 8 of 2010 on the Crime of Money Laundering actually also contain the potential for recovery of victims' losses, but their implementation has not been optimal.

Articles 7A and 7B of Law No. 31/2014, for example, allow the Witness and Victim Protection Agency (LPSK) to provide compensation and restitution. However, in reality, LPSK's limited budget and authority mean that only a small number of victims are able to enjoy this facility. In addition, the process of applying for compensation is often constrained by evidentiary limitations, time, and unsynchronization with the main criminal process taking place in court. As a result, victims of mass fraud are more often than not left bereft without any meaningful remedy, while the focus of the legal system remains on punishing the perpetrators.

In judicial practice, there is still a paradigm that punishing the perpetrator is sufficient to represent justice, so victim restitution is not a priority. Public prosecutors generally do not actively propose restitution as part of the charges, even though it is possible. This contradicts the principle of restorative justice which should place the victim as the main subject in the legal process. The absence of a comprehensive and structured approach to victims' rights in positive law means that victims of mass fraud face a double burden: loss of property and lack of remedy.

In addition, the civil legal system, which is supposed to be an alternative route to sue perpetrators for damages, is also unable to provide effective results. Filing a civil lawsuit is often costly, time-consuming, and subject to technical obstacles such as difficulties in tracing the perpetrator's assets or the limitations of the victim's legal counsel. In many cases such as KSP Indosurya or First Travel, the perpetrator's assets are confiscated but are not returned to victims, but instead go to the state treasury or are involved in a non-transparent bankruptcy process. This shows the absence of a harmonization mechanism between criminal law and civil law to ensure substantial restoration of victims' rights.

Another normative gap also arises from the absence of specific regulations governing the establishment of a Victim Compensation Fund by the state. In fact, in cases where the perpetrator has no assets, the state should take an active role as implemented in other countries such as the Netherlands and Canada. Without this instrument, the Indonesian legal system has no realistic alternative to ensure justice for victims, especially in economic crimes involving thousands of victims with huge losses. The absence of this policy proves that the positive legal system is still perpetrator-centric and does not provide real protection for victims.

In terms of law enforcement officials, the lack of a victimological perspective is also one of the causes of the weak victim recovery system. Police, prosecutors and judges are more focused on proving the guilt of the perpetrator and imposing punishment, rather than fighting for the restoration of victims' rights. In some cases, prosecutors do not even include a request for restitution in the indictment, or the court ignores it because it considers it not its authority to decide civil matters in the criminal process. This indicates that there is no institutional awareness of the importance of comprehensive substantive justice for victims of mass fraud.

Overall, the analysis of Indonesia's positive legal system shows that while there are normative provisions that allow for the restoration of victims' rights, their implementation is very limited and inadequate. Structural barriers, regulatory weaknesses, and the absence of integrated cross-legal mechanisms leave victims of mass fraud in a weak position. Comprehensive legal reform is needed that not only adds new

regulations, but also strengthens the role of institutions such as the LPSK, opens space for active restitution by prosecutors, and establishes a Victim Compensation Fund sourced from the state budget. Without such measures, justice for victims of mass fraud will remain a utopia in the Indonesian legal system.

3.2 International Perspectives on Restitution and Compensation

Restitution and compensation for victims of crime have become a global concern in the development of a victim-oriented criminal justice system. In various international instruments, such as the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985), it is emphasized that the state has an obligation to ensure the restoration of victims' rights through mechanisms of restitution, compensation and assistance. This principle has become the foundation for many countries in formulating legal systems that not only punish perpetrators, but also place victims as recipients of substantial justice.

The Netherlands is one of the countries that has progressively adopted a victim-oriented approach. The Dutch government established an institution called Schadefonds Geweldsmisdrijven (Crime Victims Compensation Fund), which provides compensation to victims of violent crimes, including in cases of fraud or certain economic crimes. This fund is sourced from the state budget and can be accessed even if the perpetrator is unable to pay the victim's losses. This mechanism is convenient for victims as the process is quick, non-bureaucratic, and does not require complex civil proof.

Meanwhile, Canada has also demonstrated a similar commitment through its Criminal Injuries Compensation Program, which is administered by provincial governments. This program provides financial compensation to victims of serious crimes, including fraud in certain cases, taking into account physical, mental and economic losses. Canada recognizes that perpetrators do not always have the financial capacity to pay, so the state is obliged to be there to guarantee the rights of victims. The principle is that justice should not stop at punishment, but should touch on the concrete recovery of the victim.

In Europe, the European Union has issued Directive 2004/80/EC which regulates the right of victims to compensation across member states. This instrument obliges member states to establish national compensation systems and provide access to victims who are victims of crime abroad. In addition to emphasizing the principle of state responsibility, this policy also encourages cross-jurisdictional protection for victims, including in cases of transnational economic crime. This approach is particularly relevant given the large number of cross-border frauds involving citizens from different countries.

The United States through the Victims of Crime Act (VOCA) also provides a compensation scheme administered by the Office for Victims of Crime (OVC). Funds are provided from fines and restitution paid by criminals, as well as additional sources from the federal government. Victims can apply for medical expenses, lost income, and psychological support. While the restitution approach remains a civil law one, the state compensation system is a practical and humane alternative that provides justice for victims who are unable to obtain compensation directly from their offenders.

Comparative studies also show that the role of prosecutors in the international system is much more active in championing victim restitution. In the Netherlands and Canada, prosecutors have an explicit mandate to include restitution requests as part of criminal charges. This reflects a shift in the role of prosecutors from mere criminal prosecutors to agents of substantive justice. In some jurisdictions, prosecutors even work with state compensation agencies to ensure that court decisions include restitution provisions for victims. This model can be an important reference for Indonesia, which still has a passive role for prosecutors in the context of restitution.

International perspectives show that restitution and compensation are not merely civil issues, but an integral part of holistic criminal justice. Countries with developed legal systems have proven that victim-based approaches can be implemented effectively through a combination of policies, institutions and regulations. The relevance of this international practice for Indonesia lies in the need to reformulate the victim restitution system in national law, whether by adopting the State Compensation Fund model, strengthening the role of prosecutors, or simplifying restitution procedures in the criminal system. By learning from other countries, Indonesia can strengthen restorative justice that not only punishes, but also heals.

3.3 Obstacles to Coordination between Law Enforcement Agencies and Institutions Related to the Crime of Mass Fraud

One of the root causes of problems in restoring the rights of victims of mass fraud in Indonesia is the lack of coordination between law enforcement agencies. In practice, institutions such as the police, prosecutors, courts, and the Witness and Victim Protection Agency (LPSK) often work in silos, without an integrated mechanism that prioritizes comprehensive victim recovery. When perpetrators have been arrested and tried, the process of restoring victims' losses does not necessarily run in parallel. This shows the absence of an integrated working system between criminal law enforcement and the protection of victims' civil rights.

The first obstacle arises from the absence of a common standard operating procedure between agencies in handling mass fraud cases. The police often focus on proving the criminal element, while the prosecutor's office focuses on indictments and criminal charges. On the other hand, institutions such as LPSK have not been fully involved since the early stages of the investigation, even though their role is crucial in applying for compensation or restitution. This lack of integration means that victims' losses are not effectively accommodated in the law enforcement process, and are often ignored.

Weak coordination is also evident in the process of tracking and confiscating assets of perpetrators of mass fraud. In major cases such as KSP Indosurya and First Travel, the perpetrators' assets are widely dispersed, including overseas. However, tracking efforts are often not supported by synergies between criminal investigators and agencies such as the Financial Transaction Reports and Analysis Center (PPATK), the Directorate General of Taxes, and the Financial Services Authority (OJK). When assets are not successfully identified and frozen from the start, the opportunity to recover victims' losses is closed.

Another obstacle is the overlapping authority and weak synchronization between criminal law and civil law. The process of filing civil claims for victims' losses often runs separately from the criminal process, creating a double burden for victims. In some cases, criminal judges refused to decide on restitution claims because they considered it a civil matter, while civil claims require additional evidence and a lengthy process. The absence of an inter-agency forum to unify settlement approaches is a major inhibiting factor in achieving substantive justice.

In addition, the absence of an integrated database between agencies makes data collection on victims and their losses invalid and inconsistent. Victims are often asked to repeat reporting from one agency to another without an interconnected information system. This not only complicates the legal process, but also worsens the psychological condition of victims hoping for justice. Handling systemic crimes such as mass fraud should require a digitization system that can be used by all law enforcement agencies simultaneously.

From an internal institutional perspective, sectoral ego issues are also a major obstacle to coordination. The police and prosecutors often have different views regarding the urgency of restitution, while LPSK does not have the authority to force legal officials to accommodate compensation in the criminal process. As a result, even though LPSK receives requests from victims, the realization of restitution is often hampered because it is not integrated in the charges or court decisions. This disharmony shows the importance of strengthening coordinative mechanisms within the framework of an integrated criminal justice system.

In general, the obstacles to inter-agency coordination in handling mass fraud crimes do not only reflect administrative problems, but also show that a victim-based legal paradigm has not been developed. Without inter-agency synergy and a structural and systematic coordination mechanism, the restoration of victims' rights will continue to be a marginalized aspect. Therefore, it is necessary to reform the coordination system, for example by establishing an integrated task force for handling mass fraud, strengthening regulations across institutions, and digitizing the reporting and restitution process. These steps are needed to realize comprehensive justice, not only in terms of punishment, but also the real restoration of victims' rights.

3.4 Analysis of Restorative Justice Implementation and Victimology

Restorative justice and victimology are two important approaches to modern criminal justice reform. Both emphasize a shift in focus from the offender to the victim and the community, with the ultimate goal of restoring harm, repairing relationships, and restoring social balance. In the context of mass fraud in

Indonesia, this approach is increasingly relevant given the collective, systemic and long-term nature of the victims' losses. However, the implementation of these two approaches in Indonesian legal practice is still very limited and has not become the mainstream in handling cases.

Normatively, the concept of restorative justice has been accommodated in several laws and regulations, such as Law No. 11/2012 on Juvenile Justice System and Supreme Court Circular Letter (SEMA) No. 4/2014. However, there is no specific regulation that explicitly regulates the application of restorative justice for economic crime cases such as mass fraud. As a result, its application still depends on the discretion of law enforcement officials, who often do not fully understand the principles of restorative justice.

In practice, restorative justice approaches are often limited to minor criminal matters, such as theft or fights between individuals, where mediation between victim and offender is possible. However, in cases of mass fraud, where the perpetrators are usually corporate and the losses are huge, individualized mediation becomes difficult to implement. In addition, law enforcement officials generally emphasize punishment and deterrence, rather than victim recovery. This is contrary to the restorative principle that places the interests of the victim at the center of the resolution.

Meanwhile, the theory of victimology, which should be the foundation in shaping victim recovery policies, has not become a dominant reference in the criminal justice system in Indonesia. Victims are often only considered as reporters or witnesses in the legal process, not as parties who have substantive rights to recovery. In high-profile cases such as First Travel and KSP Indosurya, victims' losses are enormous, yet their rights to recovery are ignored or even eliminated due to legal mechanisms that are not adaptive to victims' interests.

A comprehensive application of victimology principles should include three aspects: restitution (reimbursement of losses by the perpetrator), compensation (provision of compensation by the state), and rehabilitation (psychosocial recovery of victims). In reality, these three aspects have not been effective. The state does not yet have an established compensation mechanism, and perpetrators of mass fraud often do not have sufficient assets to fulfill restitution. Meanwhile, rehabilitation programs for victims are almost unavailable, even though the losses are not only material, but also have psychological, emotional and social impacts.

The main obstacles in the implementation of restorative justice and victimology in Indonesia are the absence of specific regulations and the absence of formal institutions or mechanisms that support the process of restoring victims on a mass scale. Restoration efforts are partial, limited, and depend on individual initiatives or victims' lawyers. In fact, restorative justice should be the principle of punishment used from the beginning to the end of the judicial process. The integration of this approach in the Indonesian criminal law system is still at the discourse stage, not structural implementation.

Thus, the implementation of restorative justice and victimology in mass fraud cases in Indonesia is far from ideal. A bold policy breakthrough is needed to shift the judicial paradigm from solely punishing perpetrators, to a system that also prioritizes victim recovery. The establishment of a state-run victim compensation institution, increasing the capacity of law enforcement officials in understanding the principles of victimology, and issuing special regulations on restorative justice for economic cases are strategic steps to realize more substantive and humanist justice

3.5 Case-based Empirical Evaluation

An evaluation of the effectiveness of the victims' rights recovery system in mass fraud cases can be seen from several major cases in Indonesia that have gone through the legal process. One of the most striking cases is the Indosurya Savings and Loan Cooperative (KSP) scandal. In this case, more than 23,000 customers were victimized with total losses reaching Rp106 trillion. Although criminal proceedings against the main perpetrators have taken place and verdicts have been handed down, the recovery of the victims' losses has not been adequately implemented. Many victims still have not received their refunds, even after years since the case surfaced.

In the Indosurya case, it is clear that the Indonesian legal system still focuses on punishing perpetrators, not on recovering victims' losses. Assets owned by the perpetrators that have been confiscated have not been optimally distributed due to constraints in the administrative process, limited data on victims, and differences in legal mechanisms between criminal and civil law. In fact, in several court decisions, victims'

restitution requests were not granted because they were not submitted as part of the charges by the prosecutor, or because they were considered the domain of civil lawsuits.

Another major case is the fraud by the travel agency First Travel, which managed to collect funds from more than 63,000 prospective Umrah pilgrims with the promise of cheap departures and luxurious facilities. The total loss was estimated at Rp905 billion. In a court ruling, the perpetrators' assets were confiscated and forfeited to the state. This sparked controversy and public outrage as there was no clear mechanism to return the funds to the victims. Only in 2023, the Supreme Court ruled that assets must be returned to victims, but the realization process has been slow and has not yet reached all victims.

An evaluation of these two cases shows that the absence of state compensation mechanisms and the lack of integration between criminal proceedings and victim recovery prolong victims' suffering. The legal system fails to position victims as entitled to receive substantive justice. There is no single institution that has the mandate to ensure that once the perpetrator is convicted, the victim's rights are immediately restored. In the First Travel case, the fact that assets were seized for the state first rather than given to victims reflects the imbalance of priorities in the legal system.

The Cipaganti Karya Guna Persada case also reflects similar weaknesses. The company, which took the form of a cooperative, managed to raise funds from thousands of members, with the promise of fixed returns. When it failed to pay its obligations, victims suffered collective losses of up to Rp3.2 trillion. Although the managing director was sentenced to 15 years in prison and fined Rp200 billion, most victims did not receive their refunds. Civil lawsuits filed by victims were also hampered by high litigation costs and difficulties in tracing the perpetrators' assets. An evaluation of this case shows the need for legal tools that facilitate collective restitution and support effective class action lawsuits.

These three cases are empirical representations that criminal law in Indonesia has not been designed to address the justice needs of victims of mass economic crimes. Restitution that is individualized and procedural is very ineffective in the context of collective losses. In addition, there has been no coordination between law enforcement officials, financial authorities, and victim protection agencies in building a database of victims, calculating comprehensive losses, and identifying assets that can be reallocated. This fact reinforces the finding that the existing system has not been responsive to the reality and complexity of mass fraud cases.

Based on the evaluation of these three cases, it can be concluded that the Indonesian legal system still faces a serious gap between norms and practice. While there are provisions for restitution and compensation, in reality, there is no simple, fast and fair route for victims to claim their rights. The state has not effectively served as a protector of victims' rights. Therefore, there is a need for the establishment of a Victim Compensation Fund, harmonization of criminal and civil law, and an active obligation for prosecutors to include restitution requests in charges as part of the reform of the criminal law system in favor of victims.

3.6 International Comparisons in the Implementation of Restorative Justice for the Restoration of the Rights of Victims of Mass Fraud

The application of restorative justice in the criminal justice system has developed in various countries, especially in response to the need to restore victims' rights in a more humane and comprehensive manner. Countries such as the Netherlands, Canada and the UK have been pioneers in integrating restorative justice principles into their legal systems, including in the context of economic crime and mass fraud. International comparisons of these countries' practices are important to assess the weaknesses and potential improvements of Indonesia's legal system in restoring the rights of victims of mass fraud.

In the Netherlands, restorative justice principles are not only applied to misdemeanor criminal cases, but also to economic crimes. Institutions such as the Schadefonds Geweldsmisdrijven (Crime Victims Compensation Fund) are established by the state to provide direct compensation to victims, including in cases where the perpetrator does not have assets to pay restitution. In addition, mediation programs between victims and offenders facilitated by prosecutors or independent mediators are part of the judicial process. This program is not only oriented towards apologies, but also prioritizes material settlements that are acceptable to both parties.

Canada developed a similar program through the Criminal Injuries Compensation Program, which is administrative in nature and financed from the public budget. In its approach, the state not only facilitates

restitution by the offender, but takes over the responsibility of compensation directly if the offender is unable to. Furthermore, restorative justice in Canada is carried out from the earliest stages of the investigation by actively involving the victim in the legal process, including in the formulation of the expected form of compensation. This suggests that the state has a moral and legal responsibility to ensure victims are not left in limbo after a crime has occurred.

In the UK, the Victim Liaison Units and Community Payback systems are used as restorative approaches to victims of crime, including fraud. Offenders are required to make restitution through community service, payment of compensation installments, or participation in mediation conferences. In certain instances, the court may defer sentencing if the offender is willing to make incremental restitution to the victim. The process is overseen by the Probation Service and the Crown Prosecution Service, who work actively with victims and offenders in a comprehensive recovery framework.

When compared to Indonesia, these three countries have been more advanced in developing a legal system that makes restorative justice an integral part, not just an alternative. In Indonesia, restorative justice is still limited to juvenile and petty crimes, and has not been systematically applied to economic crimes. In fact, in cases of mass fraud, this approach is very relevant because it allows the state to mediate settlements between thousands of victims and the perpetrators or companies involved, including in the context of refunds and compensation from the state.

This comparison also shows that the successful implementation of restorative justice is highly dependent on institutional readiness, legal framework and political commitment. The Netherlands and Canada have clear regulations that mandate law enforcement officials to pursue mediation and compensation as part of the legal process. In Indonesia, there is no law that regulates the application of restorative justice in handling economic crimes. In fact, law enforcement officials often consider restorative justice as an informal recourse, not as part of the formal justice system.

Learning from these countries, Indonesia needs to build a legal system that is more proactive in encouraging restitution and compensation through a restorative approach. The state must have the courage to establish that victim restitution is not only the responsibility of the perpetrator, but also the social responsibility of the state. This can be realized through the establishment of a Victim Compensation Fund, training of law enforcement officers in restorative mediation, and regulatory reforms that provide a strong legal basis for the implementation of victimology and restorative justice principles in every criminal process, including mass fraud crimes.

3.7 Reformulating the Concept of Equitable Recovery

Based on the normative analysis, juridical practices, and international comparisons previously described, it can be concluded that the Indonesian legal system still does not provide an equitable mechanism for the recovery of victims' rights, especially in the context of mass fraud. The remedies currently available are procedural in nature, unresponsive to the needs of victims, and highly dependent on the ability of the perpetrator to compensate. In fact, in large-scale economic crimes, the assets of the perpetrators are often difficult to trace or have been transferred to third parties. Therefore, it is necessary to reformulate the concept of recovery that places the state as the main actor in ensuring victim justice.

The reformulation includes strengthening the three pillars of recovery, namely:

1. Restitution is proactive and included in criminal charges by prosecutors as part of their obligation to fight for substantive justice;
2. Compensation provided by the state through the establishment of the Victim Compensation Fund with cross-ministerial management and APBN/APBD support;
3. Psychosocial rehabilitation of victims through mentoring, counselling, and post-crime economic empowerment schemes. These three pillars must be integrated, not stand alone, and be part of a victim-centered justice system.

The concept of equitable recovery must also encourage the application of normative restorative justice principles through strict regulations, not just through discretionary policies. The state must build a cross-sector institutional mechanism between law enforcement, LPSK, OJK, and the Ministry of Social Affairs to formulate and implement a collective recovery scheme for victims of mass fraud. With this reformulation of the concept, justice will not only come in the form of punishment for the perpetrators,

but also in the form of protection, restoration of rights, and a comprehensive restoration of victims' dignity.

3.8 Comparative Study with International Practices

Developed countries have developed institutional and procedural models that prioritize victim recovery. For example, in the United States, the system of restitution and victim compensation is strictly regulated in various laws, such as the Crime Victims' Rights Act which gives victims the right to restitution and the management of a national compensation fund. In Canada, restorative justice systems and victim compensation programs have been effectively implemented, even giving a central role to specialized agencies in handling restitution and mediation (Cox & Walklate, 2022).

In Australia, the Victims of Crime Assistance Tribunal (VOCAT) manages compensation funds and provides holistic services for victims, including legal and psychological assistance. In addition, it actively mediates between victims and perpetrators to ensure a comprehensive recovery (Cox & Walklate, 2022). Indonesia can learn from these models to strengthen the roles of LPSK, the Prosecutor's Office, and the Courts with approaches that suit the local context. This will also accelerate the handling of mass fraud cases that have experienced obstacles in the legal system (Ariyanti, 2019).

The proposed institutional and regulatory reforms not only materially strengthen victim recovery, but also increase the sense of justice and public trust in the criminal legal system. Victims who have felt neglected can obtain recognition of their rights and proper compensation, so that trauma and social losses can be minimized. Furthermore, by placing victims at the center of the legal process, perpetrators of economic crimes are not only punished criminally, but also encouraged to take economic responsibility. This creates a more comprehensive deterrent effect and a more humane legal system. While these institutional reforms are necessary, their implementation faces challenges, such as budget constraints, bureaucratic resistance, and weak inter-agency coordination. To overcome this, several practical steps can be taken (RI, 2023):

1. Provision of a dedicated budget for LPSK and the Prosecutor's Office restitution unit, including HR training in asset management and mediation.
2. Establish a coordination forum between law enforcement agencies that focuses on handling victims of economic crime in an integrated manner.
3. Development of an integrated information system to track perpetrators' assets, restitution applications, and victim compensation status.
4. Socialization campaigns and legal education for the community so that victims understand their rights and can effectively access recovery mechanisms.

The roles of LPSK, the Prosecutor's Office, and the Court in dealing with mass fraud must be fundamentally reformulated so that the Indonesian criminal law system is able to provide substantive justice for victims. By strengthening LPSK's authority in managing restitution and compensation, shifting the Attorney General's Office's orientation to prosecution that prioritizes victim recovery, and requiring the court to explicitly regulate the mechanism for restitution in the verdict, the criminal law system will become more responsive to the suffering of victims (Jamaludin & Saputra, 2023).

The implementation of policy recommendations such as the revision of the SFM Law, the establishment of a Victim Recovery Fund, strengthening the role of law enforcement agencies, and the integration of restorative justice approaches, is a strategic path towards sustainable justice. Thus, victims of mass fraud are no longer neglected parties, but become the center of attention and recipients of real justice in the Indonesian legal system

3.8 Analysis of the Victim Recovery System in Indonesian Positive Law

The discussion of the victim recovery system in Indonesian positive law is very relevant considering the escalation of mass fraud cases that not only have economic, but also social and psychological impacts. The main problem behind this research is the weak restoration of victims' rights in the Indonesian criminal law system. In several major cases such as First Travel and KSP Indosurya, although the verdict against the perpetrator has been handed down, the victim's right to recover losses has not been fully restored.

Article 98 of KUHAP normatively provides room for restitution in criminal proceedings. However, implementation in the field is far from ideal. The results show that this article is often ignored because the process of incorporating civil claims into criminal cases is considered to slow down the legal process.

In reality, there are no procedural standards and insufficient resources to facilitate such claims. Law No. 31/2014 on Witness and Victim Protection has also not been effective because it is not accompanied by a stable and structured state compensation budgeting mechanism. LPSK, which is the technical implementer, faces budget constraints and limited human resources. The implication of these conditions is that victims continue to experience revictimization, even after the judicial process is complete.

3.9 International Perspectives on Restitution and Compensation

In addressing the lack of victim recovery in Indonesia, it is important to compare international models. Countries such as the Netherlands and Canada offer a more pro-victim approach. The Schadefonds Geweldsmisdrijven in the Netherlands and the Criminal Injury Compensation Program in Canada prove that state involvement in victim recovery can be an effective solution.

In the Netherlands, victims do not have to wait for the criminal proceedings to be completed to obtain compensation. The state takes an active role by paying first, and then claiming back from the perpetrator. This approach avoids the second trauma (revictimization) that victims often experience because they have to fight the long legal process on their own. Indonesia could adopt a similar principle through the establishment of a Financial Crime Victims Compensation Fund. This model will not only accelerate the recovery of victims' rights but also increase public confidence in the legal system

3.10 Barriers to Coordination Between Law Enforcement Agencies and Institutions for Mass Fraud Crimes

One of the main causes of ineffective victim recovery is weak inter-agency coordination. In cases of mass fraud, the success of recovery relies heavily on the state's ability to confiscate the proceeds of crime quickly and efficiently. However, the reality is that the asset confiscation process in Indonesia is still sectoral and not integrated. The Police, Prosecutor's Office, Courts, OJK, and PPATK have their own duties, but are often not connected to each other in terms of data systems or case handling strategies.

This is exacerbated by differences in task orientation between institutions. The absence of a joint SOP and integrated digital system slows down the process of tracking and managing the assets of criminals. As a solution, it is necessary to establish an integrated task force that has cross-agency authority and a shared information system to accelerate the legal process and victim recovery. Without it, each institution will continue to run independently, and victims will remain the most disadvantaged party

3.11 Analysis of Restorative Justice Implementation and Victimology

The concept of restorative justice and the victimology approach should be a new paradigm in handling mass fraud cases. However, in practice, the application of restorative justice is still limited to juvenile cases and minor crimes. In fact, mass fraud crimes target public trust and affect thousands of victims. Restorative justice in this context does not mean avoiding criminal punishment, but complementing the punishment system with real recovery for victims. Victimology emphasizes that victims have the right to be restored materially and psychologically, which is not yet an integral part of our legal system.

Evaluation of mass fraud cases shows that without a restorative and victimological approach, the legal process actually worsens the victim's condition. This is where it is important to integrate counselling, social recovery, and legal assistance services as part of the victim recovery system

3.12 Empirical Evaluation by Case

In the First Travel case, although the Supreme Court ruled that the assets be returned to the pilgrims, the lengthy process caused additional suffering. The KSP Indosurya case also reflects a systemic failure due to the absence of a clear compensation mechanism for thousands of victims. This evaluation shows that the orientation of Indonesian criminal law is still perpetrator-centric. The success of law enforcement is measured by how long sentences are imposed, not by how fairly victims are restored. This shows the urgency of transforming the criminal justice system that places victims as equal legal subjects with perpetrators.

3.13 International Comparisons in the Implementation of Restorative Justice for the Restoration of Rights of Victims of Mass Fraud

International comparative studies show that restorative justice can be applied even in cases of economic crime. In Australia, restorative justice is used in white-collar crimes to encourage dialogue between offenders and victims, including in the negotiation of compensation. While Canada and the Netherlands use an institutional approach, Australia emphasizes community participation. This model provides space

for victims to voice their losses and for offenders to be held directly accountable. Indonesia can adapt this mechanism through strengthening penal mediation at the prosecution and court levels.

3.14 Reformulation of the Concept of Equitable Recovery

Based on previous findings and evaluations, a just remedy must be reformulated as a whole. This reformulation includes normative (revision of KUHAP), structural (establishment of compensation fund), and cultural (paradigm shift of legal apparatus) aspects. The state must be present not only as a punisher, but also as a protector of victims. In the context of Rawls' theory of justice as fairness, the state is obliged to pay special attention to the most disadvantaged group, namely victims. Thus, justice is not only seen from the punishment of the perpetrator, but also from the extent to which the victim can return to a normal life.

3.15 Comparative Study with International Practices

International practice shows that the integration of compensation, restitution and restorative justice can increase the effectiveness of the legal system in dealing with mass crimes. Public trust increases when victims feel cared for by the state. Indonesia has challenges in terms of institutional capacity and legal awareness of the authorities. However, this does not mean it is impossible. With strong political and regulatory commitment, as well as the adoption of best practices from other countries, the victim restitution system can be transformed to be more responsive, equitable and humane.

If this is done, the positive impact will not only be felt by victims, but will also strengthen the legitimacy of the national legal system. The public will see that the law does not only take action against the perpetrators, but also treats the victim's wounds as a whole.

Thus, the urgency of this research becomes clear: without reform in the aspect of victim recovery, the Indonesian legal system will continue to fail to provide substantive justice. This research is not only a critique, but also offers solutions and policy directions that can be implemented concretely for a more just and civilized future of the Indonesian criminal justice system...

4. CONCLUSION

The victim recovery system in Indonesian positive law is still far from the principles of comprehensive restorative justice. In cases of mass fraud, victims suffer losses not only economic, but also psychological and social. The state has an obligation to ensure victims' access to justice through effective, fair and humane mechanisms. In the Indonesian context, although regulations such as the Law on Witness and Victim Protection have accommodated these rights, implementation still faces challenges. Therefore, there is a need to strengthen institutions, special compensation funds, and restorative justice approaches so that victims' rights are truly protected and social justice can be realized. The fragmentation of roles and independent procedures of each institution has caused the legal process to run out of sync and separate from the restitution process.

Restorative justice provides space for dialogue between perpetrators and victims to reach a just settlement, while victimology emphasizes the need for holistic protection and rehabilitation for victims. Canada and the Netherlands stand out with proactive and integrated compensation mechanisms, while the United States faces the challenge of decentralization. Indonesia still faces obstacles in implementing effective restitution, mainly because perpetrators' assets are focused on the state rather than victims. Therefore, Indonesia can learn from these countries so that restorative justice can truly restore the rights of victims as a whole, both in terms of material and psychological aspects.

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