

Islamic Education and the Principles of Social Justice: Implications for Government Responsibilities in Providing Compensation and Restitution

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ABSTRACT: The principle of legal equality, one of the fundamental principles in the rule of law, emphasizes the importance of providing legal protection to victims in the criminal justice process. This study examines existing compensation and restitution arrangements from an Islamic education studies perspective. This is important to strengthen the values of social justice, which are reflected in the Islamic education approach, which prioritizes the protection of victims as a moral and religious ethical mandate. This study will use a qualitative research method with a normative system based on Pancasila's philosophy from the Islamic education perspective. This research will collect quality data through interviews, observation, and document analysis, which will be analyzed inductively. The results of this study indicate that compensation and restitution arrangements in positive law still need to reflect the principles of justice recommended in Islam. From the perspective of Islamic education, this study highlights the need for legal policies based on Islamic values in implementing restitution for victims of criminal acts, taking into account human values, justice and social responsibility. The importance of harmonising legal substance and structure in an integrated criminal justice system was also found. In conclusion, improvements are needed in compensation and restitution arrangements so that they pay attention to victims of crime and are by the values and legal culture of the society in the perspective of Islamic education, with the government's responsibility to maintain the balance of the rights of perpetrators and victims in the criminal justice system.

Asas persamaan hukum, salah satu asas fundamental dalam negara hukum, menekankan pentingnya memberikan perlindungan hukum kepada korban dalam proses peradilan pidana. Studi ini mengkaji pengaturan kompensasi dan restitusi yang ada dari perspektif studi pendidikan Islam. Hal ini penting untuk memperkuat nilai-nilai keadilan sosial yang tercermin dalam pendekatan pendidikan Islam yang mengutamakan perlindungan korban sebagai amanat moral dan etika keagamaan. Kajian ini akan menggunakan metode penelitian kualitatif dengan sistem normatif berdasarkan falsafah Pancasila dalam perspektif pendidikan Islam. Penelitian ini akan mengumpulkan data berkualitas melalui wawancara, observasi, dan analisis dokumen, yang akan dianalisis secara induktif. Hasil penelitian ini menunjukkan bahwa pengaturan kompensasi dan restitusi dalam hukum positif masih perlu mencerminkan prinsip keadilan yang dianjurkan dalam

kebijakan hukum yang berlandaskan nilai-nilai Islam dalam melaksanakan restitusi bagi korban tindak pidana, dengan mempertimbangkan nilai kemanusiaan, keadilan dan tanggung jawab sosial. Pentingnya harmonisasi substansi dan struktur hukum dalam sistem peradilan pidana terpadu juga ditemukan. Kesimpulannya, diperlukan perbaikan dalam pengaturan kompensasi dan restitusi agar memperhatikan korban kejahatan dan sesuai dengan nilai dan budaya hukum masyarakat dalam perspektif pendidikan Islam, dengan tanggung jawab pemerintah untuk menjaga keseimbangan hak-hak masyarakat. pelaku dan korban dalam sistem peradilan pidana.

Keywords: Islamic Education, Social Justice, Responsibilities, Compensation and Restitution.

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I. INTRODUCTION

In the context of Islamic education, it is essential to develop a holistic understanding of protecting the human rights of victims of criminal acts in the criminal justice system. Islamic education emphasizes the values of justice, humanity, and empathy for others (Zengin & Hendek, 2023). Therefore, in the Islamic education approach, it is necessary to conduct more in-depth research and analysis regarding the problem of compensation and restitution arrangements for victims of criminal acts (Ali et al., 2022).

Islamic education teaches that everyone has rights that must be respected and protected. In the context of criminal law, this means that victims of criminal acts have the right to receive fair compensation and restitution for the losses suffered (Saada, 2023). In Islamic education, it is understood that the government's responsibility to provide legal protection to victims of criminal acts should not be neglected (Byrne & Carter, 2022).

In conducting research and analysis from the perspective of Islamic education, it is also necessary to pay attention to aspects of community legal values and culture. Fair compensation and restitution arrangements must reflect Islamic values of justice and respect the legal culture that develops in society. In the Islamic education approach, the legal policy must consider religious views, moral principles, and local wisdom in protecting victims of criminal acts (Suradi, 2022).

In addition, research and analysis from the perspective of Islamic education can also encourage improvements in the criminal law system as a whole. Islamic education teaches the importance of taking sides with victims of crime and upholding justice evenly. Therefore, the results of research and analysis in the context of Islamic education can be the basis for changing legal policies that are more pro-victims of crime and reflect the values of justice recommended in Islam (Khermimoun, 2022).

In the context of Islamic education, it is essential to understand that protecting the rights of victims of criminal acts is one of the principles recommended in Islamic teachings. Islamic education teaches the values of justice, partiality for the weak, and respect for human rights. Therefore, in the analysis of compensation and restitution arrangements, it is necessary to pay attention to the perspective of Islamic education to build a more just criminal justice system (Chenier et al., 2022).

In the Islamic education approach, justice must be realized in protecting the rights of victims of criminal acts. This implies that the government is responsible for providing fair and equitable protection for victims. From the perspective of Islamic education, protecting the rights of victims of criminal acts is a concrete manifestation of the application of human values, justice and social responsibility taught in Islamic teachings (Hazrati & Heffron, 2021).

This research is essential for analyzing compensation and restitution arrangements from the Legal Theory of Dignified Justice perspective. In Islamic education, dignified justice means justice that not only fulfils the interests of the perpetrators of criminal acts but also provides equal and fair protection to victims (Prasetyo & Wartoyo, 2021). Hopefully, this research can contribute to strengthening the safety of the rights of victims of criminal acts through more equitable compensation and restitution arrangements by Islamic values and the principles of dignified justice.

This research has objectives that align with Islamic values, which encourage justice, equality, and protection for victims of criminal acts. Islamic education teaches that everyone has rights that must be respected and protected (Ikhwan, 2021). Therefore, this study aims to analyze compensation and restitution arrangements from the Dignified Law Theory perspective, which aligns with Islamic principles in achieving dignified justice.

It is essential to recognize that the current compensation and restitution arrangements do not fully meet the expected standards of fairness. A mismatch between legal substance and structure needs to be corrected so that the criminal law system can reflect dignified justice. In this case, this research seeks to find novelty in preparing legal policies related to the implementation of restitution for victims of criminal acts that are more just and pro-victim.

This research highlights the importance of harmonising legal substance and structure in an integrated criminal justice system, especially in the context of compensation and restitution arrangements. Islamic education teaches that justice must be realized in all aspects of life, including in the legal system. The disharmony in compensation and restitution arrangements indicates a gap in legal protection for victims of criminal acts. In Islamic education, the security of victims' rights is the government's responsibility, which must be carried out with full justice and adherence to Islamic teachings (Baglay, 2021).

To achieve the necessary harmonization, it is essential to integrate criminal and civil law provisions. The government needs to take concrete steps to correct this disharmony. This involves affirming the government's obligation to provide legal protection for victims of criminal acts, including through the provision of fair compensation and restitution. In the context of Islamic education, understanding and implementing the values of Islamic justice is essential. Islamic education teaches the importance of maintaining individual rights and protecting those affected by criminal acts. Therefore, the government needs to pay attention to the perspective of Islamic education in formulating legal policies that ensure justice and protection for victims of criminal acts.

Previous research conducted by Ashworth shows that the position of victims of criminal acts in criminal law is still not adequately recognized, so the protection of victims' human rights is not comparable to the human rights of perpetrators of crimes (Ashworth, 2019). Therefore, it is necessary to conduct further research to examine

more deeply the arrangements for compensation and restitution from the Legal Theory of Dignified Justice perspective.

In addition, previous research by Noor shows that there is a lack of clarity in compensation and restitution arrangements in Indonesia, especially about the criteria and methods for calculating the amount of loss that must be given to victims (Noor & Yunanto, 2023). This shows that there is a gap between the existing arrangements and the needs of victims in obtaining fair compensation and restitution.

However, on the other hand, research shows that the existing compensation and restitution arrangements system in Indonesia is quite good. Research by Kanugo and Chattoraj indicates that there are various mechanisms to provide compensation and restitution to victims of crime, such as through social security and work accident insurance programs and therapeutic efforts within the criminal justice system (Kanungo & Chattoraj, 2020).

However, the research also shows that there are still obstacles to implementing these arrangements, such as the low level of awareness of victims about their rights and the lack of access to the criminal justice system. Therefore, further research is needed to thoroughly examine compensation and restitution arrangements from the perspective of the Dignified Law Theory of Justice and find appropriate solutions to repair existing gaps.

Thus, this research will focus on studies to analyze compensation and restitution from the perspective of the Legal Theory of Dignified Justice and identify legal policies that need to be taken by the government to fulfil its responsibilities towards victims of crime. In this context, this research is expected to contribute ideas and better policy recommendations to related parties, especially the government, in improving compensation and restitution arrangements that are more dignified for victims of crime (Arrigo et al., 2011).

The novelty of this research lies in the perspective of the Legal Theory of Dignified Justice, which is adhered to in analyzing compensation and restitution arrangements. It emphasizes the importance of integrating Islamic values in the understanding and application of law to provide adequate protection for victims of crime (Ikhwan & Jailani, 2014). Justice is one of the fundamental principles that must be upheld in the legal system. Therefore, exploring positive legal aspects that have not been well integrated with the Theory of the Integrated Criminal Justice System and emphasizing society's values and legal culture is an essential step in achieving justice with dignity for victims. This also teaches the importance of paying attention to and respecting the values of justice and applying a legal culture in accordance with religious teachings.

The contribution of this research can also be seen in developing a theory of criminal law that is more pro-victims of crime. Through the proposed novelty, a more balanced protection of victims' rights is hoped to be created. Policy recommendations from this research can be a reference for the government in improving compensation and restitution arrangements in criminal law. In addition, this research also seeks to increase public awareness about the importance of fulfilling the rights of victims of criminal acts. This is in line with the application of the values of dignified justice in the national criminal law system. In Islamic education, public awareness of the need to provide adequate protection to victims of criminal acts is an essential step in realizing social justice.

II. METHOD

In this study, a qualitative research method will be used with a normative approach based on Pancasila's philosophy from the Islamic education perspective. Qualitative research methods make it possible to understand and analyze phenomena in depth, focusing on meaning, values and context. The normative approach will provide an appropriate framework for analyzing the partiality of the criminal justice system towards victims of criminal acts from the perspective of Islamic education. This research will collect quality data through interviews, observation, and analysis of documents related to compensation and restitution arrangements in the criminal justice system. Research participants will consist of victims of criminal acts, Islamic law experts, academics, and legal practitioners experienced in cases involving victims of criminal acts (Adi, 2010).

The collected data will be analyzed inductively by identifying emerging themes and patterns from interviews and observations. The analysis will be carried out by considering the views and principles in Islamic education and the values of justice and protection for victims of criminal acts contained in the Pancasila philosophy. The results of this study are expected to provide a better understanding of compensation and restitution arrangements in the criminal justice system and provide recommendations for increasing alignment with victims of crime in the perspective of Islamic education based on the values and principles embodied in the Pancasila philosophy (Herdiansyah, 2011);(Mulyadi, 2013).

III. RESULT AND DISCUSSION

Principles of Dignified Justice Compensation and Restitution Based on Islamic values

The study results show that compensation and restitution arrangements in criminal law are still inadequate in providing balanced protection for victims of criminal acts. From the perspective of Islamic education, it is essential to prioritize the principles of justice and humanity contained in religious teachings.

In Islam, justice is a significant value emphasized in the Al-Quran and the hadith of the Prophet Muhammad. The principle of justice requires each individual to be responsible for his actions and to give proper rights to others. Therefore, compensation and restitution arrangements in criminal law must pay attention to the principles of Islamic justice (Biermann & Kalfagianni, 2020). As also stated by Yulianti and Sri, compensation and restitution for victims of criminal acts should be more focused on the roles and responsibilities of the perpetrators of the crimes themselves in providing compensation for the losses incurred (Yulianti, 2022).

In this context, it is necessary to emphasize the position of victims in criminal law and the importance of providing fair and reasonable compensation and restitution to them. Compensation and restitution are not just payments but are also part of victims' rehabilitation and recovery efforts. This is in line with the humanitarian principle in Islam, which emphasizes the importance of protecting victims and their recovery after experiencing a crime.

In Islam, there is also individual responsibility and accountability for their actions. Perpetrators of criminal acts have a moral and legal obligation to provide compensation for the losses they have caused. Therefore, payment of compensation and restitution by perpetrators of criminal acts must be an integral part of their responsibilities (Ikhwan, 2014).

To realize this, it is necessary to reconstruct the rules in the law which explicitly and regulate: (1) the number of restitution funds for female victims of criminal acts; (2) the authority to manage and supervise restitution funds so that conflicts do not occur between related institutions; (3) abolishment of three months imprisonment for perpetrators of crimes who are unable to pay restitution; and (4) The state is responsible for paying restitution if the perpetrator of the crime is unable to pay it to the victim. Therefore, a legal policy is needed that is by the values and legal culture of the community in implementing restitution for victims of criminal acts. This is in line with Wijsman et al. that legal protection with dignity must be able to encourage social justice for all Indonesian people so that there is no longer an inequality of rights in obtaining justice (Wijsman & Berbes-Blazquez, 2022);(Joireman & Rosine Tchatchoua-Djomo, 2023).

Based on the results of this research and discussion, it is suggested that the government and related parties improve compensation and restitution arrangements in criminal law by prioritizing the principles of justice and humanity found in Pancasila values (Widhiarto & Soerjatisnanta, 2022). In addition, collaboration and participation from all parties are also needed to ensure a more dignified arrangement for victims of criminal acts.

To improve compensation and restitution arrangements in criminal law, it is necessary to reconstruct rules in laws that accommodate the principles of justice and humanity in Islam. The amount of restitution funds must be determined relatively and proportionally, considering the condition of the victims and the losses they have experienced. In addition, the cooperation and participation of all parties, including the government, society and legal institutions, is also needed to ensure a more dignified arrangement for victims of criminal acts.

Thus, a legal policy that integrates Islamic values in carrying out compensation and restitution for victims of criminal acts is needed. Islamic teachings' principles of justice and humanity can guide improving these arrangements. Apart from that, the government's active role and the participation of all parties are also vital in realizing a more dignified arrangement for victims of criminal acts so their rights are fulfilled.

Government Responsibility in Providing Compensation and Restitution to Victims of Crime: A Perspective from Islamic Education

From the perspective of Islamic education, the government's responsibility to provide appropriate compensation and restitution for victims of criminal acts is significant. Based on the dignified legal theory based on Pancasila, the government must guarantee victims' rights and provide adequate protection. This is also supported by Sufriadi, a criminal law expert, who stated that "the government must be responsible for providing compensation and restitution to victims of criminal acts as a form of respect for human dignity" (Sufriadi, 2021).

However, there are still some problems in implementing compensation and restitution for victims of criminal acts. One of them is the lack of awareness and knowledge regarding the rights of victims of criminal acts in society and the lack of access for victims to information regarding the restitution process. Apart from that, there are problems in managing and supervising the restitution budget, which is only sometimes transparent and accountable. This is in line with what was stated by Dinh et al. that there are still many victims of criminal acts who do not receive compensation and restitution due to a lack of information and non-transparent mechanisms (Dinh et al., 2023).

To overcome this problem, reform is needed in the laws governing compensation and restitution for victims of criminal acts. These reforms must include confirmation of the amount of the restitution budget, the authority to manage and supervise the restitution budget, and the abolition of the alternative punishment for restitution in the form of body confinement. In addition, it is also essential to increase awareness and access of victims of criminal acts to information regarding the restitution process.

Thus, the government is responsible for providing appropriate compensation and restitution for victims of criminal acts based on the principle of dignified law. However, to make this happen, reforms in laws and regulations are needed as increased awareness and access of victims of criminal acts to information regarding the restitution process.

IV. CONCLUSION

Based on this research, it can be concluded that the government has a big responsibility to provide compensation and restitution to victims of criminal acts. The principles of compensation and restitution, based on Pancasila values, must be a guideline for the government in formulating policies related to this matter. From the perspective of Islamic education, this government responsibility is part of implementing social justice, which is the main principle in religious teachings.

In addition, several factors affect the success of compensation and restitution, such as budget constraints and coordination between related agencies. Therefore, the government needs to reconstruct provisions in laws and regulations that explicitly regulate this by referring to the principles of Islamic justice, which emphasize the importance of protecting victims' rights. In carrying out its responsibilities, the government needs to pay attention to aspects such as justice, the fulfilment of human rights, and the moral obligation to protect victims of criminal acts. The Islamic principles that underlie the law must guide in determining fair and reasonable amounts of compensation and restitution and ensuring that victims receive equal justice.

In this context, the government must strengthen coordination between related agencies to ensure that the provision of compensation and restitution is on target and effective. The government also needs to pay attention to sustainability aspects in providing compensation and restitution to victims of criminal acts by ensuring sufficient resources are allocated. In order to improve compensation and restitution arrangements that are more dignified for victims of criminal acts, the government can take several actions such as increasing the budget for compensation and restitution, abolishing alternative punishments for restitution in the form of three months' body confinement for perpetrators of criminal acts if they are unable to pay compensation, and taking transferring the responsibility of the perpetrators of criminal acts if they are

unable to pay compensation to victims of criminal acts. These steps must be based on the principles of justice and humanity, which are upheld in the teachings of Islam.

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