



Reframing Penal Policy: A Victim-Oriented Approach to Terrorism Victims in Indonesia

Mutmainah Nur Qoiri* 

Faculty of Law, Universitas Negeri Semarang

La Ode Muhammad Ichsan 

Faculty of Law, Universitas Halu Oleo

Fathurozi 

Faculty of Law, Universitas Negeri Semarang

Shealsy Ainunna Mei Pratiwi 

Faculty of Law, Universitas Negeri Semarang

Wei-Cheng Lin 

Department of Electrical Engineering, Southern Taiwan University of Science and Technology, Tainan City 71005, Taiwan

*Corresponding email: mnqoiri@mail.unnes.ac.id

Abstract

The protection of victims of terrorism is an integral part of a just criminal law system. The state has the obligation not only to punish the perpetrators, but also to restore the condition of the victims through effective legal means. However, regulations governing victims' rights in Indonesia's criminal justice system, despite normative strengthening through Law Number 5 of 2018 and Government Regulation in Lieu of Law (Perppu) Number 1 of 2002, have not

yet shown full compliance with victim-oriented principles. Research that examines the rights of victims of terrorism by analyzing the victim-oriented framework is still limited. This research aims to evaluate Indonesia's criminal law policy in order to further improve the protection of victims of terrorism by using a victim-oriented approach. The method used is normative juridical by searching legal documents and relevant international references, including documents and policies that develop the principles of victim protection in the criminal justice system. The results showed that although there is recognition of victims' rights, such as compensation, restitution, medical assistance, psychosocial and psychological rehabilitation, there are still other victims' rights that must be fulfilled, such as protection for victims of vulnerable groups and the involvement of victims in the criminal justice system. The implication of this finding is the need for policy reformulation that makes victim orientation to make victims subjects who must be healed and engaged.

Keywords

Victim-Oriented Framework; Penal Policy; Terrorism; Victims of Terrorism

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I. Introduction

Crime is an act that violates the law and the values that exist in society. Crime causes harm and danger to other people and the wider community. Crime, in principle, always follows society and coexists with the dynamics of society.¹ As a result, various crimes are inevitable in society, both minor and serious crimes.

Terrorism crimes in Indonesia are no exception, from the Bali bombing to the Jakarta Thamrin bombing. This phenomenon shows that terrorism can have an impact on society in the form of fear, anxiety, and psychological pressure.

Terrorism is categorized as an extraordinary crime, and international criminal law considers this crime a crime against humanity. This is because the

¹ M. Arief Amrullah, *Politik Hukum Pidana* (Yogyakarta: Genta Publishing, 2015).

acts committed by the perpetrators of terrorism are very sadistic and contain elements of violence aimed at a person or a certain group.²

Violent acts committed by perpetrators of terrorism can cause harm to society. The losses experienced by the victims are physical losses and psychological losses. Physical loss due to acts of terrorism is a physical injury that can cause paralysis or malfunctioning of one part of the body. Meanwhile, psychological loss is the mental disturbance experienced by the victims due to terrorism in the form of trauma over the events that occurred, excessive fear, and the fear of re-occurrence of violence committed by the perpetrators of terrorism.³

Physical harm to victims affects various activities, loss of self-confidence, and the ability to work. In the long run, the victims face economic and financial difficulties or are even threatened with job loss if they do not perform their work properly and optimally.

Criminal law policy is an effort to carry out crime prevention. Crime prevention efforts are carried out by the application of criminal law, which is part of criminal law enforcement and criminal lawmaking. This effort is an integral part that can provide protection to the community. So that it is part of social policy.

Social policy is all forms of efforts made rationally to achieve certain goals, namely the welfare and protection of society. This means that the countermeasures taken are not just countermeasures, but how the countermeasures taken can achieve the goals of community welfare and protection.⁴

Countermeasures taken by the government against acts of violence committed by perpetrators of terrorism include making and passing Law Number 5 of 2018 on the Amendment to Law Number 15 of 2003 on the

² Aulia Rosa Nasution, "Tindakan Hukum Terhadap Tindakan Terorisme Sebagai 'Extraordinary Crime' Dalam Perspektif Hukum Internasional Dan Nasional," *Jurnal Talenta* 1, no. 1 (2018): 11, <https://doi.org/10.32734/lwsa.v1i1.134>.

³ Reni Hendriana, "Perlindungan Hukum Korban Tindak Pidana Terorisme: Antara Desiderata dan Realita," *Jurnal Kosmik Hukum* 16, no. 1 (2016): 31, <https://doi.org/10.30595/kosmikhukum.v16i1.1273>.

⁴ Barda Nawawi Arief, *Kebijakan Hukum Pidana: Perkembangan Penyusunan Konsep KUHP Baru* (Jakarta: Kencana, 2010).

Stipulation of Government Regulation in Lieu of Law Number 1 of 2002 on the Eradication of the Criminal Acts of Terrorism into law. The state's endeavor in enacting the legislation is an attempt to tackle the crime of terrorism.

Criminological studies note that the criminal law system has been more focused on prosecuting perpetrators rather than protecting victims. As Eva's research states, "*...in the past, criminal law has paid little attention to the interests of victims of terrorism.*"⁵ Consequently, many victims of terrorism who experience physical, psychological, and economic suffering do not receive adequate attention in policy.

Several studies recognize the challenges in the victim protection process. For example, in 2024, Sarah's research showed that there is a time-bar of only 3 years to apply for compensation for victims of terrorism. This time-bar meant that victims of the Bali tragedies (2002 and 2005) failed to receive compensation because their application period expired before the new regulations were implemented.⁶

Law No. 5 of 2018, the latest counterterrorism law, began to accommodate victims' rights more explicitly. Chapter VI regulates the protection of victims for economic loss, physical disability, and death of terrorism victims. The law also assigns LPSK (Witness and Victim Protection Agency) and BNPT (National Counterterrorism Agency) as intermediaries to protect victims' rights.⁷ Sarah recommends further revisions, such as strengthening the regulation to restore

⁵ Eva Wardatul Maksufah dan Rahtami Susanti, "Analisis Yuridis Pelaksanaan Kompensasi terhadap Korban Terorisme Ditinjau dalam Perspektif Keadilan Distributif," *Collegium Studiosum Journal* 7, no. 2 (Desember 2024): 439–448, <https://doi.org/10.56301/csj.v7i2>.

⁶ Desti Sarah et al., "Analisis Implementasi Pemenuhan Hak-Hak Korban Tindak Pidana Terorisme Berdasarkan Undang-Undang Nomor 5 Tahun 2018 (Studi Kasus Bom Bali 1 dan 2)," *Aliansi: Jurnal Hukum, Pendidikan dan Sosial Humaniora* 1, no. 4 (Juli 2024): 352–371, <https://doi.org/10.62383/aliansi.v1i4.356>.

⁷ Eva Wardatul Maksufah dan Rahtami Susanti, "Analisis Yuridis Pelaksanaan Kompensasi terhadap Korban Terorisme Ditinjau dalam Perspektif Keadilan Distributif," *Collegium Studiosum Journal* 7, no. 2 (Desember 2024): 439–448, <https://doi.org/10.56301/csj.v7i2>.

victims' rights and provide equal protection by extending the time to submit claims so that legal certainty for victims can be guaranteed.⁸

This study offers a novel perspective in terms of the analysis of legislation regarding the rights of victims of terrorism, examined through a victim-oriented paradigm. Of the studies cited above, most have not analyzed how criminal law policies substantively address the protection of victims. Therefore, it is important to conduct further research to ensure that the process of implementing and granting victims' rights takes into account the needs of the victims. From this perspective, the search for answers to the question "How does Indonesia's criminal law framework function in the process and implementation of protection for victims of terrorism?" must be discussed.

II. Method

This research uses a normative juridical approach, namely a literature review of applicable legal norms.⁹ The focus of the research is to find and analyze legal rules, principles, and doctrines to answer research issues. In this approach, the study is focused on law in books,¹⁰ not field data collection. In other words, this research examines the law as a system of norms (laws and regulations along with related legal doctrines). This research analysis is built on the theoretical framework of victimology, victim-centered studies as its orientation, and a critique of criminal law. Victimology theory is needed to place victims as the focus of analysis to understand their needs and rights in the criminal justice system.

III. Measuring Victims' Rights of Terrorism

⁸ Desti Sarah et al., "Analisis Implementasi Pemenuhan Hak-Hak Korban Tindak Pidana Terorisme Berdasarkan Undang-Undang Nomor 5 Tahun 2018 (Studi Kasus Bom Bali 1 dan 2)," *Aliansi: Jurnal Hukum, Pendidikan dan Sosial Humaniora* 1, no. 4 (Juli 2024): 352–371, <https://doi.org/10.62383/aliansi.v1i4.356>.

⁹ Jonaedi Efendi dan Johnny Ibrahim, *Metode Penelitian Hukum: Normatif dan Empiris* (Depok: Prenadamedia Group, 2015).

¹⁰ Bambang Sunggono, *Metodologi Penelitian Hukum* (Jakarta: Pradnya Paramita, 2005).

Terrorism is an extraordinary crime that not only causes harm to the state and national security, but also causes deep suffering for the victims physically, psychologically, and socially. In every terrorist attack, individual victims suffer injuries, loss of family members, prolonged trauma, and huge economic losses.¹¹ The law enforcement process is more focused on the perpetrators of terrorism, causing the restoration of victims' rights and dignity to be neglected.¹²

In the last few decades, the global demand for the importance of paying attention to victims of crime, including victims of terrorism, has become stronger. International legal instruments such as the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985) emphasize that the state has the obligation to ensure victims receive proper protection, assistance, and recovery. Indonesia, as a member of the international community, also responded to these developments by conducting legal reforms, especially through the enactment of Law Number 5 of 2018.

The Law is an amendment to Law No. 15 of 2003 that brings a number of advances, especially by including more detailed provisions on victims' rights, such as the right to compensation, restitution, and rehabilitation. In addition, the role of LPSK is strengthened in handling victims of terrorism. This normative arrangement shows a positive development, but there is a need to monitor the extent to which these norms have truly prioritized the interests of victims in a substantive manner.

TABLE 1. Differences between Law Number 15 of 2003 and Law Number 5 of 2018 from various aspects.

Aspects	Law No. 15 of 2003 (ratification of Perppu	Law No. 5 of 2018
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¹¹ Ufran Ufran, Erlyn Indarti, dan Adji Samekto, "Victimization and Post-traumatic Stress Disorder of Victims of Terrorism in Indonesia," *Medico-Legal Update* 21, no. 2 (April–Juni 2021): 1224–1228, <https://doi.org/10.37506/mlu.v21i2.2857>.

¹² Mula Sihombing et al., "Recovery Efforts for Victims of Terrorism Crimes in Indonesia," *International Journal of Law, Crime and Justice* 1, no. 3 (September 2024): 144–154, <https://doi.org/10.62951/ijlcj.v1i3.138>.

No. 1 of 2002)		
Definition of victim	None.	Explained in Article 1.
Direct mention of victims' rights	Not clearly mentioned.	Direct mention in Chapter VI (Protection of Victims).
Forms of state responsibility	Does not mention what the state's responsibilities are, but explains compensation in Chapter VI (Compensation, Restitution, Rehabilitation).	Medical, psychosocial, and psychological assistance, compensation for the family, compensation, as in Article 35A paragraph (4).
Right to restitution	Explained in Chapter VI.	Explained in more detail about the technicalities in Chapter VI.
Right to legal protection and identity	Does not exist. The mention in Article 34 paragraph (1) letter b refers to witnesses.	Confidentiality of identity in Article 34 paragraph (1) refers to witnesses.
Right to long-term recovery	Does not exist.	Not explained. Derivative rules: Government Regulation in Lieu of Law Number 1 of 2002 does not mention the time period.
Involvement in the legal process	None.	As a witness.

A special institution that handles victims	Does not exist.	LPSK and BNPT
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Sources: Authors, 2025

A striking difference between Law No. 15 of 2003 (which ratified Government Regulation in Lieu of Law No. 1 of 2002) and its revision, Law No. 5 of 2018, lies in the definition of a victim. The fundamental question is: if there is no legal definition of who constitutes a victim of terrorism, then victims automatically have no inherent rights. From the outset, Government Regulation in Lieu of Law (Perppu) No. 1 of 2002 (which was enacted as Law No. 15 of 2003) was drafted under urgent circumstances requiring swift regulations, so attention to victims was virtually nonexistent. Another critical issue is the role of victims within the criminal justice system, which was not addressed in Law No. 15 of 2003 (the enactment of Perppu No. 1 of 2002). There has been some progress in Law No. 5 of 2018, which acknowledges victims, though their status is limited to that of a witness. In the study of criminal justice, there are several options for treating victims: as witnesses or as victims themselves. This paradigm shift must be guided by the needs of the specific case, determining to what extent terrorism cases require the victim's testimony whether as a witness or as a victim.

Therefore, prior to the enactment of Law Number 5 of 2018, the regulation on victims in the context of terrorism crime was still very minimal. The main focus of Law Number 15 of 2003 (which was the ratification of Perppu No. 1 of 2002 and Indonesia's first anti-terrorism regulation) was more directed towards the prosecution and eradication of terrorism perpetrators, including expanding the authority of law enforcement officers to conduct arrest, detention, and investigation.¹³

¹³ Supriyadi Widodo Eddyono et al., *Minimnya Hak Korban dalam RUU Pemberantasan Terorisme: Usulan Rekomendasi atas RUU Pemberantasan Terorisme di Indonesia (DIM terkait Hak Korban Terorisme)* (Jakarta: Institute for Criminal Justice Reform, 2016), 1–39, <https://icjr.or.id/wp-content/uploads/2016/05/Minimnya-Hak-Korban-dalam-Revisi-UU-Terrorisme.pdf>.

Within this framework, victims are not explicitly mentioned as legal subjects who are entitled to special protection. The state seems to see victims as a consequence of criminal acts, not as individuals who must be restored to their rights and dignity.¹⁴ The revision of Law No. 5 of 2018 marks an important advance in the recognition of victims' rights. One of the main breakthroughs of the Law is the broad definition of victims, which not only includes direct victims, but also includes families, companions, and other affected parties. This recognition provides more space for the state to provide a comprehensive form of protection.

The law also mentions the right to psychological, medical, and social rehabilitation, which is starting to be developed. Thus, the role of LPSK becomes very important in ensuring that these rights can be accessed and properly provided to victims.

Law Number 5 of 2018 gives stronger legitimacy to LPSK to handle victims of terrorism. LPSK is authorized to provide physical protection, legal assistance, and psychological recovery to victims. In das sein, this institution has tried to build a system of protection and assistance for victims as its function.

However, implementation challenges still remain. Coordination between law enforcement agencies and LPSK must be guarded to be fully integrated, so that the implementation of protection is not partial and systematic. This is an early indication that, although normatively the regulation of victims' rights has progressed, its implementation has not been optimal.

The normative progress in Law No. 5 of 2018 must be appreciated as an important step in a more humane criminal law reform. The state has begun to show its seriousness in fulfilling the principles of justice for all parties, including victims. The recognition of victims' rights is also in line with the principles of restorative justice that are increasingly being adopted in modern legal systems.

A comparison between Law Number 15 of 2003 and Law Number 5 of 2018 reveals an important transformation in the way the state views the crime of terrorism and its impact. Law Number 15 of 2003 was established in the context

¹⁴ Wahyudi Iswanto, "Perlindungan Hukum terhadap Hak Korban Terorisme," *Lex Crimen* 4, no. 1 (Januari–Maret 2015): 235–241, <https://ejournal.unsrat.ac.id/v3/index.php/lexcrimen/issue/view/884>.

of an emergency after the 2002 Bali Bombings. Therefore, its approach is very dominant in the repressive aspect by giving room for quick actions by the security forces to prevent and take action against terrorists.¹⁵ There is no special portion allocated to discuss the fate of victims, both in terms of physical, psychological, and social recovery.

In terms of regulation on victims, Law Number 15 of 2003 focuses on the perpetrators of criminal acts, types of crimes, as well as the procedures for handling them by law enforcement officials. This reflects a perpetrator-centric approach and ignores the concrete and technical rights and needs of victims of terrorism as directly affected subjects.

In contrast, Law No. 5 of 2018, which is a revision of the previous law, shows a more comprehensive approach. This law not only regulates perpetrators and prevention, but also provides a clear legal basis for victim recovery.¹⁶ The inclusion of articles addressing victims' rights indicates an effort to harmonize with the principles of victimology and the development of human rights protection standards.

One of the main aspects that distinguishes these two laws is the existence of norms on victim recovery. Law Number 15 of 2003 does not touch on this issue at all. In the law, victims of terrorism are treated as "passive impacts" of criminal acts, without being given a place as legal subjects who have the right to be heard, protected, and restored.¹⁷ This makes the victim's position very vulnerable.

Meanwhile, Law Number 5 of 2018 explicitly regulates victims' rights, which can be found in Articles 35A to 36B. Article 35A paragraph (4) letters a,

¹⁵ Badan Nasional Penanggulangan Terorisme (BNPT), *Kebijakan dan Peraturan Perundang-Undangan tentang Penanggulangan Terorisme*, ed. 1 (Bogor: BNPT, 2021), 1–30.

¹⁶ Ridho Butar Butar, "Perlindungan Hukum Terhadap Korban Tindak Pidana Terorisme; Korelasi Hukum Pidana Islam dan Hukum Positif," *Legalite: Jurnal Perundang Undangan dan Hukum Pidana Islam* 9, no. 2 (Juli-Desember 2024): 166-184, <https://doi.org/10.32505/legalite.v9i2.9252>.

¹⁷ Muhammad Alfath Tauhidillah, "Korban Sebagai Dampak dari Tindak Pidana Terorisme: Yang Anonim dan Terlupakan," *Jurnal Kriminologi Indonesia* 5, no. 2 (Agustus 2009): 19-30, <https://media.neliti.com/media/publications/4258-EN-korban-sebagai-dampak-dari-tindak-pidana-terorisme-yang-anonim-dan-terlupakan.pdf>

b, and c state that victims are entitled to medical assistance, social and psychological rehabilitation, and compensation, while letter d emphasizes that victims are also entitled to compensation from the state. Article 36 paragraph (9) even states that victims' rights can still be fulfilled even if the perpetrator has not been found or has died. This is an important recognition that victim recovery should not depend on the criminal process of the perpetrator. This signifies an acknowledgment that victims are not just an appendage in the criminal justice system, but the main subject that must be protected.

This provision also shows a shift in approach from retributive to restorative, at least in the aspect of victim protection. By guaranteeing compensation, the state affirms its responsibility towards the impact caused by the failure of the security system in preventing terror attacks. This is where the state's role as the "main protector of citizens" is tested: is it able to be present and active in restoring the losses experienced by its citizens?

Law No. 5 of 2018 also involves the role of LPSK, which is given the authority to assist in applying for compensation on behalf of victims to the court, provide medical assistance, and implement rehabilitation programs. These functions make LPSK not only a witness protector in the judicial process, but also an important actor in restoring the rights of victims of terrorism.

The most striking difference between Law Number 15 of 2003 and Law Number 5 of 2018 lies in its legal policy orientation. Law No. 15 of 2003 focuses more on a repressive approach towards the perpetrators of criminal acts, by giving broad authority to law enforcement officers, such as wiretapping, detention, and search, in order to eradicate terrorism. Meanwhile, Law Number 5 of 2018 expands the approach by adding preventive aspects, including a deradicalization agenda, as well as incorporating victim protection into the legal structure.

Law No. 5 of 2018 marks a paradigm shift in Indonesia's anti-terrorism law, from only emphasizing the eradication of perpetrators to starting to pay attention to the restoration of victims' rights and dignity. However, despite the expansion in normative arrangements, there is still a need for an in-depth evaluation of the extent to which these provisions are effectively implemented to truly fulfill the interests of victims.

IV. Enhancing Victims' Rights in Terrorism Act Through a Victim-Oriented Framework

The development of victimology as a science focuses not only on identifying the characteristics of victims but also on systematic efforts to restore and protect victims' rights in the legal system. The victims' rights framework departs from the basic assumption that the victim is the party most affected by a crime, and therefore has inherent rights to justice, protection, and remedy.¹⁸ In this perspective, victims' rights are not positioned as "compassionate assistance" from the state, but as legal entitlements that must be fulfilled through legal instruments and state policies.

In general, victims' rights can be categorized into four main groups: (1) the right to information; (2) the right to participation in the legal process; (3) the right to protection from intimidation or re-victimization; and (4) the right to compensation and restitution.¹⁹ In a victim-oriented criminal justice system, these four groups of rights become the operational basis in every stage of handling a criminal case, from investigation to post-verdict recovery.

The victim rights framework also emphasizes the principles of dignity, accessibility, and non-discrimination. These principles are reflected in the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power passed by the UN in 1985, which mandates that states ensure that victims

¹⁸ Jo-Anne M. Wemmers, *Victims in the Criminal Justice System* (Amsterdam: Kugler, 1996).

¹⁹ Emanuela Biffi, Eva Mulder, Antony Pemberton, Manuela Santos, Mafalda Valério, Inge Vanfraechem, Benny van der Vorm, *IVOR Report: Implementing Victim-Oriented Reform of the Criminal Justice System in the European Union* (Portugal: APAV, 2016).

obtain fair access to justice and fully supportive services, without discrimination based on social status, gender, race, or religion.²⁰

Victims' rights in terrorism cases are of particular concern due to the extraordinary characteristics of the crime. Hanslmaier showed in his research that victims of crimes such as theft or violence experience long-lasting psychological trauma. The psychological impact includes affective, cognitive, and conative fear.²¹ Therefore, victim recovery is not only sufficient with material compensation, but also requires other healing remedies. Therefore, the protection of victims' rights should not only be linked to immediate needs, but should include a long-term approach based on justice and sustainability.

Mainstreaming a victim needs-oriented approach means positioning the needs of victims at the center of the entire criminal justice system. This includes the need for protection, clarity of information, psychosocial support, participation in the legal process, and effective remedies. Paterson and Williams state that a justice system that does not adapt to the needs of victims will only perpetuate the domination of the state and authorities over the victim's own experience.²²

This approach calls for institutional and policy reforms, where victims are not only seen as reporters or witnesses, but as active and sovereign parties to their own recovery process. These reforms include changes to procedural aspects, such as the development of victim experience-based policies.²³ In Indonesia, a needs-based approach remains a weakness. Ramadiyanto's research shows that recovery policies are still bureaucratic and do not fully understand the holistic needs of

²⁰ United Nations General Assembly, *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*, UNGA Res. 40/34, 1985.

²¹ Michael Hanslmaier, "The Fear of Crime and Victimization - A Theoretical and Empirical Study," *European Journal on Criminal Policy and Research* 22, no. 4 (2016): 545–567, <https://doi.org/10.1007/s10610-016-9311-3>.

²² Craig Paterson and Andrew Williams, "Towards Victim-Oriented Police? Some Reflections on the Concept and Purpose of Policing and Their Implications for Victim-oriented Police Reform," *Journal of Victimology and Victim Justice* 1, no. 1 (2018): 85–101, <https://doi.org/10.1177/2516606918775434>.

²³ Marc Groenhuijsen, "The Development of International Policy in the Field of Victims of Crime," *International Review of Victimology* 18, no. 3 (2011): 223–245.

victims, especially in terms of long-term trauma and social needs after the incident.²⁴ For example, psychological services are not given a clear timeframe, even though the impact of psychological trauma can last longer than expected.

Gallo and Svensson's research provides an example of Sweden, which has successfully developed a victim support-based victim protection system known as the Swedish Association for Victim Support (BOJ). This model not only provides psychosocial rehabilitation services, but also builds community awareness to support victims' recovery in a meaningful way.²⁵ In this approach, recovery is not only about medical services, but also social reintegration and strengthening the victim's identity as an equal citizen.

A criticism of Indonesia's current legal system is that there is no structured mechanism to identify and follow up on the individual needs of victims. The legal process is often one-way and does not allow for meaningful participation by victims. In addition, the formation of policies for victims does not involve representatives of victims themselves, making it prone to failing to meet real expectations on the ground.

For this reason, mainstreaming the interests of victims is not enough with normative regulations. It requires a change in legal culture that places victims as actors in the system, not as objects to be pitied. This requires major reforms to ensure that victims' needs are truly met.

A legal framework that favors victims is not simply based on normative recognition of victims' rights. As Holder, Kirchengast, and Cassell have criticized, many countries legislate for victims' rights in a declarative manner, but fail in substantive implementation. Victims' rights are often a myth stated in policy, but absent in legal and institutional practice. According to him, true victims' rights must be developed as a system of work that puts the experiences,

²⁴ Anang Riyan Ramadiyanto, "The Essential Things for Victims of Terrorism in Indonesia," *Indonesian Journal of Counter Terrorism and National Security* 2, no. 1 (2023): 26–31. <https://doi.org/10.15294/ijctns.v2i1.63030>.

²⁵ Carina Gallo and Kerstin Svensson, *Victim Support and the Welfare State* (London: Routledge, 2019). <https://doi.org/10.4324/9780429505744>.

needs, and voices of victims at the basis of the structure of legal institutions and public criminal policy.²⁶

His proposal is about a victim-oriented justice framework that goes beyond the mere presence of articles on victims' rights. Mentioned in his research, several indicators of a system that really sides with victims, including: meaningful participation, access to administrative burden justice, real recovery, guaranteed protection from re-victimization, and justice that is not just a formality for victims. In other words, victims should not be reduced to evidence, but should be positioned as active and respected subjects of law. So it is important to shift the focus from "what the legal system does" to "what victims need". That is, not just procedural evaluation (e.g., whether compensation is available), but substance evaluation (whether the compensation addresses the victim's suffering, is quickly accessed, and is disbursed respectfully).

TABLE 2. Critique of victims' rights in Law No. 5 of 2018

No	Types of Rights	Description	Explanation
1	Right to economic remedy	Provided through compensation and restitution.	Set out in Articles 35A to 36B.
2	Right to participate in justice	Involved as a witness.	Not explained further, victims get information on the progress of the ongoing legal process. Applicable mutatis mutandis in Law No. 31 of 2014 amending Law No. 13 of 2006 on Witness and Victim

²⁶ Robyn Holder, Tyrone Kirchengast, Paul Cassell, "Transforming Crime Victims' Rights from Myth to Reality," *International Journal of Comparative and Applied Criminal Justice* 45, no. 1 (2021): 1-13. <https://doi.org/10.1080/01924036.2020.1857278>.

			Protection.
3	Right to social and psychological recovery	Regulated in general.	Explained in Article 35A paragraph (4), letter b, with psychosocial and psychological rehabilitation.
4	Right to special protection for vulnerable groups (children, women, disabilities)	Does not exist.	Not regulated.
5	Rights of indirect victims	Regulated in general.	Explained in Article 35A paragraph (4) letter c, namely, compensation for the families of victims who died.
6	Timely case resolution	None.	
7	Opportunity to confer with the Public Prosecutor	Not mentioned.	
8	Opportunity to make a statement to the court at the time of judgment.	Does not exist.	

Sources: Authors, 2025

One example of a revolutionary legal system in recognizing victims' rights constitutionally can be found in the Wisconsin Victims' Constitutional

Amendment Network in the United States. Through an amendment to the state constitution known as Marsy's Law, Wisconsin established that victims have privileges equal to offenders, including the right to be respected, protected, heard, and informed throughout the criminal justice process.²⁷ This approach is not only symbolic, but also operational, as victims are given an active role from the investigation stage to the execution of the verdict, including the opportunity to make a statement to the court at the time of sentencing. This model reflects the philosophy of victim equality before the law, namely that the victim is not just a tool of the legal process, but a subject whose rights must be guaranteed and protected by the law equally. The application of these principles demonstrates that the criminal justice system can be transformed to prioritize the dignity, security, and recovery of victims. Some of the inherent rights of victims to privilege and protection according to The Wisconsin Victims' Constitutional Amendment Network have been added to the table, including points 6, 7, and 8.

The harm suffered by victims can be both physical and psychological. Physical harm includes injuries that cause disability or loss of certain bodily functions. Meanwhile, psychological harm includes mental disorders such as trauma and excessive fear, especially the fear of the recurrence of terror attacks.

The protection of crime victims has undergone an important development in the criminal law system, especially in the context of extraordinary crimes such as terrorism. Victims are no longer positioned as mere appendages in the legal process, but as legal subjects who have the right to be recognized, assisted, and restored in a fair and dignified manner, as in Law No. 5 of 2018 on the Eradication of the Criminal Acts of Terrorism, which revises Law No. 15 of 2003. The law includes victim protection as part of the overall counterterrorism framework.

In Law No. 5 of 2018, the articles show the strengthening of victims' position in the legal system. For example, Article 35B states that victims are entitled to medical, psychological, and social rehabilitation assistance. This article recognizes that the impact of terrorism is not only physical, but also touches mental and social aspects. In addition, Article 36 guarantees that victims receive

²⁷ William G. Doerner and Steven P. Lab, *Victimology*, 10th ed. (New York: Routledge, 2025).

compensation from the state. This is a form of state responsibility for failing to protect its citizens from terrorism crimes, as well as recognition of victims' suffering as part of the state's constitutional obligation in guaranteeing human rights.

These rights are expanded in Article 43L, which states that victims of terrorism crimes that occurred before the enactment of this law are still entitled to receive assistance from the state. This marks a progressive legal approach as it does not limit protection to present-day victims, but also recognizes the suffering of past victims. This approach is in line with the principles of non-discrimination and comprehensive recovery as mandated in various international legal instruments on victims' rights, the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power 1985.

Legal protection for victims is implemented by LPSK, which also plays an important role in applying for compensation to the court on behalf of victims, and acts as a liaison between victims and other state institutions. This arrangement is written in Article 35B; Article 36 paragraphs (3), (4), (7), (10), Article 43L paragraphs (2), (5), (6) of Law Number 5 of 2018.

What should be observed in the Law *a quo* is the recognition of the psychological condition of victims of terrorism, which normatively is rarely found in regulations on the fulfillment of victims' rights. Psychological disorders experienced by victims can have a significant impact because mental instability has the potential to hinder the social, economic, and daily life functions of victims.

Not only focusing on the protection of direct victims, but the Law also provides legal attention to victims' families who also suffer losses due to terrorism. This provision shows the recognition of the existence of indirect victims who feel the impact of terrorism.

Attention to victims is also emphasized in Government Regulation in Lieu of Law Number 1 of 2002 on the Amendment to Government Regulation in Lieu of Law Number 7 of 2018 on the Provision of Compensation, Restitution, and Assistance to Witnesses and Victims. One of the important aspects of this regulation is the granting of rights to victims of terrorism who experienced events in the past. Thus, the state recognizes the right to compensation and restitution

for past victims, even though the crime occurred before the enactment of this regulation.

Article 44I of the Government Regulation stipulates that Indonesian citizens who become victims of terrorism outside the territory of the Republic of Indonesia are also entitled to receive assistance in the form of medical services, psychosocial and psychological rehabilitation, and compensation for the victim's family. This means that the scope of protection is not only temporal (including past victims), but also geographical, covering Indonesian victims who are abroad.

However, when examined closely, the rights and interests of victims are often sidelined in the criminal justice system. The interests of the perpetrator are prioritized when compared to the interests of the victim. Therefore, the focus of the criminal justice system is more on the interests of the perpetrators.

When compared to countries that have developed victim support systems, such as Sweden, Indonesia is still lagging behind. Sweden not only regulates victims' rights in the law, but also builds an integrated system between the government, non-governmental organizations, and the community in providing psychosocial assistance.²⁸ This is in line with the victim-oriented approach that does not see victims only as legal objects, but as human beings who need recovery and strengthening of dignity.²⁹

V. Conclusion

The recognition of victims' rights in the legal system to combat terrorism in Indonesia, especially after the enactment of Law Number 5 of 2018, is an important normative progress. The regulation contains provisions on compensation, restitution, medical and psychological rehabilitation, as well as protection of victims' security and identity. Protection is also extended to indirect victims, such as families, as well as to victims of past events and

²⁸ Carina Gallo and Kerstin Svensson, *Victim Support and the Welfare State* (London: Routledge, 2019), <https://doi.org/10.4324/9780429505744>.

²⁹ Craig Paterson and Andrew Williams, "Towards Victim-oriented Police? Some Reflections on the Concept and Purpose of Policing and Their Implications for Victim-oriented Police Reform," *Journal of Victimology and Victim Justice* 1, no. 1 (2018): 85–101, <https://doi.org/10.1177/2516606918764997>.

Indonesian citizens who are victims abroad through Government Regulation in Lieu of Law Number 35 of 2020.

However, if analyzed through a victim-oriented framework, these arrangements still show various limitations. Victims' rights have not been fully placed at the center of the criminal justice system, and therefore cannot assess how effectively the victims are receiving protection. Victim participation is still limited; the mechanism for psychosocial and psychological recovery is unclear. In addition, there is no special approach to vulnerable victim groups such as children, women, or people with disabilities.

Therefore, a renewed legal approach is needed so that victim protection does not merely become a normative symbol, but can be implemented concretely. Strengthening victim-orientation is not only a legal necessity, but also a moral obligation of the state to restore the dignity of those most affected by terrorism crimes.

VI. References

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