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## BOOK REVIEW

KNOWING VICTIMS TO PROTECT THEM,  
A BOOK REVIEW “VIKTIMOLOGI:  
PERLINDUNGAN KORBAN DAN SAKSI”  
BAMBANG WALUYO, S.H., M.H., SINAR  
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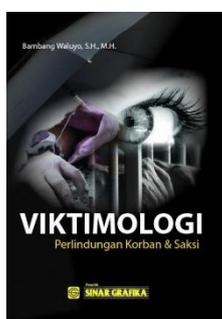
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## ABSTRACT

Understanding Victim (victim) and *logi* (science), Latin "victima" victims of "logos" science. Means knowledge about victims of crime. In a criminal trial the parties that play a role are the public prosecutor, judge, defendant, and legal counsel and witnesses. The victim was

represented by the public prosecutor and to corroborate the usual evidence he was made a witness (victim). Often the public prosecutor acts at will by not representing the interests of the victim and ignoring the victim's protection rights. The victim was ignored because: The problem of crime cannot be understood in proportion The problem is not based on the prevailing theory Understanding the problem is not seen from the human side

**Keywords:** Victim Protection, Bambang Waluyo, Legal Protection



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## SHORT NOTE

UNDERSTANDING *Victim* (victim) and *logi* (science), Latin "*victima*" victims of "*logos*" science. Means knowledge about victims of crime. In a criminal trial the parties that play a role are the public prosecutor, judge, defendant, and legal counsel and witnesses. The victim was represented by the public prosecutor and to corroborate the usual evidence he was made a witness (victim). Often the public prosecutor acts at will by not representing the interests of the victim and ignoring the victim's protection rights.

The victim was ignored because: The problem of crime cannot be understood in proportion The problem is not based on the prevailing theory Understanding the problem is not seen from the human side. Scope of victims: (1) Individual: material loss of physical soul, (2) institution: prolonged loss of the object, (3) living

environment, (4) society: state, race, society (corruption, discrimination, terrorism, narcotics).

A brief study of Victimology Experts' opinions on the study of victimology are presented, some consider it to be related to criminology and some say it is a new branch of science. The existence of legal protection for victims is also regulated in Law No. 13 of 2006.

## BOOK OVERVIEW

### I.

#### Principle of Victim Protection

The principle of protection and obligations of the victim

A. Principle and purpose Article presented (28D paragraph 1, 28G paragraph 1, 28I paragraph 2, 28J paragraph 1) can be used as a guideline / reference on the principle of protection of the rights and obligations of victims. Article 3 of Law No. 13 of 2006 concerning the protection of witnesses and victims' states that the protection of witnesses and victims is based on: respect for human dignity, security, justice, non-discrimination and legal certainty. The Criminal Procedure Code is used as a legal basis for victim protection, for example: equal treatment before the law; the principle of fast, simple, and low cost; free trial; justice is open to the public; compensation; justice and legal Ten principles of protecting the dignity of the accused:

1. equal treatment of everyone before the law by not making discriminatory treatment
2. Arrests, detention, search and seizure are only carried out based on a written order by an official authorized by the Act and only in the case and in the manner stipulated in the Act

3. Everyone suspected, arrested, prosecuted before a court of law must be presumed innocent until a court ruling states his guilt and obtains permanent legal force.
  4. To someone who is arrested, detained, prosecuted, without reason based on the law or because of an error, must be compensated and rehabilitated from the level of investigation, and law enforcement officials who neglect and violate the principle are subject to administrative punishment.
  5. Justice must be carried out quickly, simply, at a low cost, honest, free and impartial, and must be applied at all levels of justice
  6. Everyone who demands a case must be given the opportunity to obtain legal assistance.
  7. The suspect must be notified of the charges and legal basis of the suspect since the arrest, and his rights are accompanied by a legal advisor
  8. The court examined the criminal case in the presence of the defendant
  9. Court hearings are open to the public, except as provided for in law
  10. Supervision of the implementation of decisions of criminal court cases is carried out by the head of the court concerned.
- B. Law No. 13 2006 emphasizes the purpose of protecting victims is to provide a sense of security for victims in providing information in every criminal justice process. The feeling of security here is free from threats. If the principle and objectives are carried out correctly then not only victims but the whole community is protected as well as the state's objectives stated in the opening of the 1945 constitution.
- C. Rights and obligations Given the source as well as the legal basis for the rights of victims contained in Law no.13 2006 article 5 and also the opinions of experts such as Van Boven. The rights listed in article 5 of the law were given to victims collectively and

procedurally through the LPSK including the right to compensation and restitution.

## II.

### Witnesses and Victims Protection Agency

LPSK in several developing countries Law No.13 of 2006 also regulates the existence of LPSK.

1. Thailand, LPSK was formed in 1987 focusing on the oversight commission "police and military work" to tackle cases of police brutality, power abuse, and prepare re-assurance for victims
2. Philippines, the LPSK stands under the Department of Justice and its activities focus on preventing and overcoming cases of violence and killings that are rampant by carrying out mass actions which frighten the perpetrators of these crimes. Also making schemes in an effort to reduce crime rates with a primary focus on protecting victims.
3. Srilanka, the LPSK was formed by community social groups with efforts to exert pressure and advocate against corrupt government officials.
4. India, the LPSK was formed by the cooperation of the government and the strength of community institutions to crush the mass killings and protect witnesses and victims in providing evidence.
5. Hong Kong, the LPSK is formed by the police together with the victims of crime in order to enforce a clean justice, provide protection for victims and their families, and apply compensation and restitution in court decisions
6. South Africa, the LPSK was first managed voluntarily when it was first formed and subsequently managed by the state. In addition to protecting victims, LPSK in Africa also carries out a change of

residence address and changes the identity of victims as well as minors. 7.

7. Indonesia, the witness protection law was formed in 2006, its institutions and personnel were formed in 2008. Its function is to protect victims, until now it is still focused on strengthening and developing LPSK

### III.

## Administration of Justice

THE JUDICIAL FUNCTION as a case adjudicator also receives reports of compensation, or restitution. The principle of judicial administration is regulated in Law No. 48 of 2000. The first principle, that justice is carried out for justice based on almighty God. The next principle is that justice will be carried out simply, quickly and lightly.

Judges are required to explore, follow and understand the legal values and a sense of justice that lives in society. In addition, judges must have integrity and personality that is impeccable, honest, fair, and professional. The court is forbidden to reject the case submitted. For victims of gross human rights violations, they can apply for compensation to the human rights court through the LPSK. Likewise, requests for restitution can be submitted to the court through LPSK. Considering that LPSK members are relatively small, the court can act wisely and wisely, if the protection demands do not go through LPSK. Protection of victims and witnesses in several laws:

- 1) Criminal Procedure Act The principle of administration of justice contained in the Criminal Procedure Code in a limited manner has governed the protection of victims. There are provisions regarding the protection of victims and witnesses regulated by the Criminal Procedure Code. There are several regulations in Chapter XIII concerning the merger of the compensation suit in articles 98-101.

- 2) Law on corruption eradication According to Law No.31 of 1999 *jo.* Law no.20 of 2001 concerning the eradication of criminal acts of corruption, at least provides protection for (individuals, communities, and the state) in the form of payment of replacement money and community participation.
- 3) Human Rights Act in Law no.39 of 1999 concerning human rights (HAM) this is not clearly regulated the protection of victims and witnesses, there are precisely rights that protect suspects and defendants (articles 17-article 19)
- 4) Human rights court Law no 26 of 2000 concerning the Human Rights Court specifically regulates the protection of victims and witnesses in chapter V article 34.
- 5) Child protection law Regulated in article 1 point 2 of Law no. 23 of 2002. There are also special protections in article 59 of Law no.23 of 2002. If the child is a perpetrator, then the resolution must be prioritized, must be accompanied by parents, the trial procedure must be in accordance with applicable law, and the public prosecutor should prioritize the best for children. If the child is a victim: the child has the right to obtain permission from the LPSK in accordance with the provisions of the law, asking the guardian to assist the child in providing information.
- 6) Law on the prevention and eradication of money laundering Regulated in Law no.8 of 2010. Law no.25 of 2003 regulates the types and forms of protection and who is obliged to provide protection.
- 7) Law on the elimination of domestic violence Regulated in Law no.23 of 2004 this law is part of an effort to prevent crime in the family environment.
- 8) Act on combating terrorism Regulated in Law 15 of 2003
- 9) Law on witness and victim protection Regulated in Law No. 13 of 2006
- 10) Law on Combating Trafficking in Persons Regulated in Law no.27 of 2007. Relating to the Act is a follow-up to the Palermo protocol

(United Nation Trafficking Protocol). The 2000 UN Protocol prevents and punishes trafficking in persons. The purpose of the protocol for example: prevent and combat human trafficking, protect victims, promote cooperation between countries to eradicate human trafficking.

- 11) Narcotics Act Regulated in Law no.35 of 2009. Which regulates the treatment and rehabilitation of victims, awards, and community participation.

## CONCLUSION

PRESENTATION OF THE background and formulation of the problem regarding the subject matter, the inclusion of the juridical basis which underlies the subject (*victimization*) The author gives the example of LPSK as an institution authorized to administer witness protection. The author also discusses ways to get protection, assistance, restitution and compensation. This book discusses "*victimism: the protection of victims and witnesses*" in a good manner by describing the principles and rights of victims in obtaining privileges (withheld their identities, etc.) as victims. and provide a complete legal basis for all cases.

### DATA of BOOK

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