

WITNESS AND VICTIM PROTECTION AGENCY OF THE REPUBLIC OF INDONESIA

THE CONSTITUTION OF THE REPUBLIC OF INDONESIA

NUMBER 31 YEAR 2014

ON

AMENDMENT ON THE LAW NUMBER 13 YEAR 2006

ON THE PROTECTION OF WITNESSES AND VICTIMS

AND

LAW NUMBER 13 YEAR 2006

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AMENDMENT ON THE LAW NUMBER 13 YEAR 2006

ON THE PROTECTION OF WITNESSES AND VICTIMS

BY THE GRACE OF GOD THE ALMIGHTY,

- Considering :
- a. Whereas, assurance for protection of witnesses and victims holds an important role in the process of criminal justice, therefore statements of the witnesses and victims given under free from fear and threat condition may reveal a criminal act;
 - b. Whereas, in order to increase a comprehensive disclosure effort of a criminal act, especially organized transnational criminal act, it is required to provide protection for justice collaborators, informants, and experts;
 - c. Whereas, several provisions in The Law Number 13 Year 2006 on The Protection of Witnesses and Victims need to be adjusted with the development of the society's justice requirements;
 - d. Whereas, based on the considerations as referred to in letter a, letter b, and letter c, it is required to establish the Law on the Amendment of The Law Number 13 Year 2006 on the Protection of Witnesses and Victims;

- In view of : 1. Article 1 Paragraph (3), Article 5 Paragraph (1), Article 20, Article 28G, Article 28I, and Article 28J of the 1945 Constitution Of the Republic of Indonesia;
2. The Law Number 8 Year 1981 on Criminal Law (The State Gazette of The Republic of Indonesia Year 1981 Number 76, Supplement to The State Gazette of The Republic of Indonesia Number 3209);
3. The Law Number 13 Year 2006 on the Protection of Witnesses and Victims (The State Gazette of The Republic of Indonesia Year 2006 Number 64, Supplement to The State Gazette of The Republic of Indonesia Number 4635);

By Mutual Consent of

THE HOUSE OF PEOPLE'S REPRESENTATIVES OF THE REPUBLIC OF INDONESIA

And

THE PRESIDENT OF THE REPUBLIC OF INDONESIA

HEREBY DECIDED

To Stipulate : LAW ON THE AMENDMENT OF THE LAW NUMBER 13 YEAR 2006 ON THE PROTECTION OF WITNESSES AND VICTIMS.

Article I

Several provisions in the Law Number 13 Year 2006 on the Protection of Witnesses and Victims (The State Gazette of The Republic of Indonesia Year 2006 Number 64, Supplement to The State Gazette of The Republic of Indonesia

Number 4635) are amended as follow:

1. The Provision of Article 1 is amended to be as follow:

Article 1

In this Constitution the following terms refer to:

1. Witness is a person who can provide information for the interest of a preliminary investigation, full investigation, prosecution, and examination in trial court regarding a criminal act that he/she personally heard, saw, and/or experienced.
2. Justice collaborator is a suspect, defendant, convicted, who cooperates with the law enforcement in order to reveal a criminal act for the same case.
3. Victim is a person who experienced physical or mental suffering, and/or economic lost caused by a criminal act.
4. Informant is a person who gives a report, information or statement to the law enforcement regarding a criminal act that will, is about to happen or has happened.
5. Witness And Victim Protection Agency, which hereinafter shall be abbreviated with LPSK, is an authorized institute in charge for providing protection and other rights for Witnesses and/or Victims as governed in this Constitution.
6. Threats are every form of actions that cause direct or indirect effects that make Witnesses and/or Victims feel afraid or feel forced to do or not to do something that relates with the provision of their testimony in a criminal court process.

7. Family is a person who has blood relation in a vertical or horizontal straight line until the third degree, a person who has marriage relation, or a person who is the dependent of the Witnesses and/or Victims.
8. Protection is every effort made to fulfill rights and to provide assistance in order to give safety assurance for Witnesses and/or Victims that must be performed by LPSK or other institutions in accordance with the provision of this Constitution.
9. Every Person is an individual or a corporation.
10. Compensation is a repayment for loss provided by the state due to the perpetrator is unable to give full compensation as his/her obligations to the Victims or their Families.
11. Restitution is a repayment for loss granted for the Victims or their Families by the perpetrator or a third party.

2. The provision of Article 5 is amended to be as follow:

Article 5

- (1) Witnesses and Victims have rights to:
 - a. receive protection for personal, family, and assets safety, and free from Threats with regard to the testimony that will be, is or has been given;
 - b. participate in the process of choosing and determining the form of protection and safety support;
 - c. provide information without any pressure;
 - d. get a translator;

- e. free from provocative questions;
- f. receive information regarding case update;
- g. receive information regarding court order;
- h. receive information in the case that the convicted is freed;
- i. his/her identity to be kept confidential;
- j. receive new identity;
- k. receive temporary residence;
- l. receive new residence;
- m. receive repayment for transportation fee based on needs;
- n. receive legal advice;
- o. receive temporary fund aid until the Protection ends; and/or
- p. receive assistance.

(2) The rights as referred to in Paragraph (1) shall be given to the Witnesses and/or Victims of a criminal act in specific cases in accordance with the LPSK's Decision.

(3) Other than to the Witnesses and/or Victims, the rights granted in specific cases as referred to in Paragraph (2), can be granted to the Justice collaborator, Informant, and experts, including also to a person who is able to provide information related with a criminal case although he/she did not hear, see, or experience by him/herself, provided that such information is related with a criminal act.

3. The provision of Article 6 is amended to be as follow:

Article 6

- (1) Victims of serious human rights violation, Victims of criminal act of terrorism, Victims of criminal act of human trafficking, Victims of criminal act of torture, Victims of criminal act of sexual abuse, and Victims of serious torture, other than the rights as referred to in Article 5, also have rights to:
 - a. medical assistance; and
 - b. rehabilitation, psychosocial and psychological assistance.
- (2) Assistance as referred to in Paragraph (1) shall be granted based on the LPSK's Decision.

4. The provision of Article 7 is amended to be as follow:

Article 7

- (1) All Victims of serious human rights violation and Victims of criminal act of terrorism, other than the rights as referred to in Article 5 and Article 6, also have the rights to compensation.
- (2) Compensation for Victims of serious human rights violation is to be submitted by the Victims, their Family or representatives to the Court of Human Rights through LPSK.
- (3) Compensation payment as referred to in Paragraph (2) shall be given by LPSK pursuant to court order that already has permanent legal force.
- (4) Compensation payment for Victims of criminal act of terrorism shall be performed based on the provision of The Constitution that governs

eradication of criminal act of terrorism.

5. In between Article 7 and Article 8 2 (two) Articles are inserted, namely Article 7A and Article 7B as follow:

Article 7A

- (1) Victims of criminal act have a right to receive Restitution in the form of:
 - a. compensation for loss of asset or income;
 - b. compensation caused by suffering that directly relates with the cause of criminal act; and/or
 - c. reimbursement for medical and/or psychological treatment.
- (2) Criminal act as referred to in Paragraph (1) is to be determined under LPSK's decision.
- (3) Restitution application submission can be submitted through LPSK before or after the stipulation of court order that have permanent legal force.
- (4) In the case that the Restitution application is submitted before the stipulation of court order that have permanent legal force, LPSK may propose Restitution to the public prosecutor to be stated in his/her lawsuit.
- (5) In the case that the Restitution application is submitted after the stipulation of court order that have permanent legal force, LPSK may propose Restitution to the court in order to obtain stipulation.
- (6) In the case that the Victim of criminal act passed away, Restitution shall be given to the Victim's family who is the legal heir of the Victim.

Article 7B

Additional provisions regarding procedure of application and payment of Compensation and Restitution as referred to in Article 7 and Article 7A is governed under Government Regulation.

6. The provision of Article 8 is amended to be as follow:

Article 8

- (1) Protection for Witnesses and/or Victims as referred to in Article 5 is provided from the beginning of the investigation process and shall end in accordance with the provisions as governed in this Constitution.
- (2) In certain situation, Protection may be provided after the request is submitted to LPSK.

7. The provision of Article 10 is amended to be as follow:

Article 10

- (1) Witnesses, Victims, Justice collaborator, and/or Informant cannot be legally prosecuted, whether through criminal or civil court upon the testimony and/or statement that will be, is or have been given, unless such testimony or statement was given not in good faith.
- (2) In the case that there is legal lawsuit against the Witnesses, Victims, Justice collaborator, and/or Informant upon the testimony and/or statement that will be, is or have been given, such legal lawsuit must be postponed until the case that he/she reported or his/her testimony given has been stipulated by the court and obtain permanent legal

force.

8. In between Article 10 and Article 11, 1 (one) Article is inserted, namely Article 10A as follow:

Article 10A

- (1) Justice collaborator may be given special treatments in the investigation process and reward upon his/her testimony.
- (2) Such specific treatments referred to in Paragraph (1) are:
 - a. separation of prisoner cell or where the prisoners are held between Justice collaborator and suspect, defendant, and/or prisoner whose criminal act is being investigated;
 - b. separation of filing between the file of the Justice collaborator and the file of the defendant and the convicted in the investigation process, and prosecution on criminal act being investigated; and/or
 - c. giving testimony in the court without having to meet directly with the convicted whose criminal act is being investigated.
- (3) reward upon the given testimony as referred to in Paragraph (1) in the form of:
 - a. commutation; or
 - b. parole, additional remission, and other prisoner's rights in accordance with the provisions of the law and regulation for Justice collaborator with prisoner status.
- (4) In order to receive commutation reward as referred to in Paragraph (3)

letter a, LPSK must provide written recommendation for public prosecutor to be stated in his/her lawsuit to the judge.

- (5) In order to receive parole, additional remission, and other prisoner's rights reward as referred to in Paragraph (3) letter b, LPSK must provide written recommendation for the minister who governs justice matter.

9. 1 (one) Paragraph is added to the provision of Article 11, which is Paragraph (4), therefore Article 11 is as follow:

Article 11

- (1) LPSK is an independent institution.
- (2) LPSK is domiciled in the Capital City of the Republic of Indonesia.
- (3) LPSK has representatives in regions based on needs.
- (4) Provisions regarding the establishment, structure, and work procedure of the representative of LPSK in the regions as referred to in Paragraph (3) are governed in the Presidential Regulation.

10. In between Article 12 and Article 13, 1 (one) Article is inserted, namely Article 12A as follow:

Article 12A

- (1) In performing its tasks as referred to in Article 12, LPSK is authorized to:
 - a. request for verbal and/or written statement from the applicant and other parties with regard to the request;

- b. analyse statement, letters, and/or related documents in order to obtain correct and truthful information regarding the request;
- c. request copy of required letters and/or documents from any institutions to check whether the applicant statements are in accordance with the provisions of the law and regulation;
- d. request case update information from the law enforcement;
- e. change the identity of the person being protected in accordance with the provisions of the law and regulation;
- f. govern a safe house;
- g. move or relocate the person being protected to a safer place;
- h. perform protective actions and safeguards;
- i. perform Witnesses and/or Victims outreach in judicial process;
and
- j. perform compensation assessment in making Restitution and Compensation payment.

(2) In the case that the authorizations of LPSK as referred to in Paragraph (1) are not fulfilled by the concerned institutions or other parties, the officials of such institutions or other parties may be charged with sanctions in accordance with the provisions of the law and regulation.

11. The provision of Article 16 is amended to be as follow:

Article 16

- (1) The Chairmen of LPSK consist of 7 (seven) LPSK members.
- (2) The Chairmen of LPSK as referred to in Paragraph (1) consist of:

- a. 1 (one) Chairman concurrently serving as member of LPSK; and
- b. 6 (six) Vice Chairmen, each concurrently serving as members of LPSK.

(3) The Chairmen of LPSK as referred to in Paragraph (1) work collectively.

12. In between Article 16 and Article 17, 4 (four) Articles are inserted, namely Article 16A, Article 16B, Article 16C and Article 16D as follow:

Article 16A

- (1) The Chairmen of LPSK are elected from and by the Members of LPSK.
- (2) The Chairmen of LPSK as referred to in Paragraph (1) serve as the highest person in charge of LPSK.
- (3) Additional provisions on the procedure of the election of the Chairmen of LPSK as referred to in Paragraph (1) shall be governed under the Regulation of LPSK.

Article 16B

- (1) The Chairmen of LPSK reserve the right for income, other rights, and safety protection.
- (2) Additional provisions on the mengenai income, other rights, and safety protection as referred to in Paragraph (1) shall be governed under the Government Regulation.

Article 16C

- (1) In performing its tasks and authorizations, LPSK is supported by experts based on the requirements of the LPSK organization.
- (2) Experts as referred to in Paragraph (1) shall be appointed and

discharged by the employment supervising official with the approval of the Chairmen of LPSK.

- (3) Experts have the right for income and other rights in accordance with the provisions of the law and regulation.
- (4) Additional provisions on requirements, tasks and responsibilities of experts shall be governed under the Regulation of LPSK.

Article 16D

- (1) In order to provide advisory and consideration for the Members of LPSK, an advisory board is established.
- (2) Advisory board as referred to in Paragraph (1) shall be appointed through selection committee.
- (3) Selection committee as referred to in Paragraph (2) shall be established by LPSK and shall consist of the elements of LPSK, government and society.
- (4) The number of advisory board members is 5 (five) people at the most, by considering women representatives.
- (5) Term of office of the advisory board members is for 5 (five) years period.
- (6) Provisions regarding the requirements and procedure on the appointment and discharge of the advisory board shall be governed under the Presidential Regulation.

13. The provision of Article 18 is amended to be as follow:

Article 18

- (1) In performing its tasks and authorizations, LPSK is supported by a secretariat general headed by a secretary general.
- (2) In performing its tasks and functions, secretary general must report to the Chairmen of the LPSK.
- (3) Secretary general is appointed and discharged by the President.
- (4) The requirements and procedure on the appointment and discharge of the secretary general shall be performed in accordance with the law and regulation.
- (5) Additional provisions on the position, organization structure, tasks, functions and authorization of the secretary general shall be governed under the Presidential Regulation.

14. The provision of Article 23 is amended to be as follow:

Article 23

- (1) The members of LPSK are state actors appointed by the President with approval from the House of People's Representatives.
- (2) In order to be appointed as the members of LPSK, the following requirements must be fulfilled:
 - a. Citizen of Indonesia;
 - b. Physically and mentally healthy;
 - c. have never been convicted for criminal act with minimum imprisonment of 5 (five) years;
 - d. minimum age of 40 (forty) years and maximum age of 65 (sixty five)

- years at the time of the election process;
- e. have minimum education of bachelor degree (strata 1);
- f. have minimum of 10 (ten) years experience in justice and humanrights sector;
- g. have noble integrity and personality; and
- h. have Tax Registration Number.

15. In between Article 23 and Article 24, 1 (one) Article is inserted, namely Article 23A as follow:

Article 23A

(1) Before assuming his/her position, the members of LPSK must make a pledge/say an oath based on their religion before the President of the Republic of Indonesia.

(2) The oath/vow as referred to in Paragraph (1) is as follow:

“By the Grace of Allah (God), I swear/pledge that in assuming this position, I shall not, whether directly or indirectly, by using any other name or ways, give or promise any gift to anyone”.

“By the Grace of Allah (God), I swear/pledge thatI shall fulfil my obligations as a member of LPSK in the best and fairest possible manner”.

“By the Grace of Allah (God), I swear/pledge that I, to perform or not to perform something in this position, shall never receive, whether directly or indirectly, from anyone, a promise or a gift”.

“By the Grace of Allah (God), I swear/pledge thatI will always be

obedient in applying and defending Pancasila and The 1945 Constitution of the Republic of Indonesia and the governing law and regulation”.

“By the Grace of Allah (God), I swear/pledge that I shall keep confidential the information I receive during the performance of my obligations”.

16. In between Article 24 and Article 25, 2 (two) Articles are inserted, namely Article 24A and Article 24B as follow:

Article 24A

- (1) In the case that the members of LPSK violate the provision as referred to in Article 24 letter e, the advisory board shall form an ad hoc board of ethic.
- (2) The provisions regarding the provisions, procedure and number of the board of ethic members shall be governed under the Regulation of LPSK.

Article 24B

- (1) In the case that there is vacant position of the members of LPSK, President shall appoint an ad interim member of LPSK from the next rank order of candidate of LPSK members selected by the House of People’s Representatives.
- (2) Term of office of ad interim member of LPSK is the remaining term of office of the LPSK member being replaced.
- (3) Replacement of ad interim member of LPSK as referred to in Paragraph (1) shall not be performed if the remaining term of office of the

discharged LPSK member is less than 1 (one) year.

17. The provision of Article 28 is amended and added with 2 (two) Paragraphs, namely Paragraph (2) and Paragraph (3), therefore Article 28 is as follow:

Article 28

- (1) LPSK Protection for Witnesses and/or Victims shall be provided under the following conditions:
- a. the urgency nature of the statement made by Witnesses and/or Victims;
 - b. the level of Threats that may endanger the Witnesses and/or Victims;
 - c. Analysis result from medical or psychological expert team on the Witnesses and/or Victims; and
 - d. criminal act records that have been committed by the Witnesses and/or Victims.
- (2) LPSK Protection for Justice collaborator shall be provided under the following conditions:
- a. criminal act being investigated is a specific case criminal act based on LPSK decision as referred to in Article 5 Paragraph (2);
 - b. the urgency nature of the statement made by Justice collaborator in revealing a criminal act;
 - c. he/she is not the main perpetrator in the criminal act being investigated;
 - d. willingness to return assets gain from the criminal act that have

been committed and must make a written statement for such willingness; and

- e. there is a tangible Threats or concerns for the occurrence of Threats, physical or Psychological pressure on Justice collaborator or his/her Family if such criminal act is revealed truthfully.

(3) LPSK Protection for Informant and experts shall be provided under the following conditions:

- a. the urgency nature of the statement made by Informant and experts; and
- b. the level of Threats that may endanger the Informant and experts.

18. The provision of Article 29 is amended to be as follow:

Article 29

- (1) Procedures to receive Protection as referred to in Article 5 are as follow:
 - a. The concerned Witnesses and/or Victims, whether by their own initiatives or upon request of an authorized official, must submit written request to LPSK;
 - b. LPSK shall immediately check such request as referred to in letter a; and
 - c. LPSK decision shall be given in written at the latest 7 (seven) days since the request for Protection is submitted.
- (2) In certain conditions, LPSK may provide Protection without any request submitted.

19. In between Article 29 and Article 30, 1 (one) Article is inserted, namely Article 29A as follow:

Article 29A

- (1) LPSK Protection for a minor/child who becomes a Witness and/or Victim can be provided after the child's parents or guardians grant approval.
- (2) Approval as referred to in Paragraph (1) shall not be required in the case that:
 - a. parent or guardianis suspected to be a criminal perpetrator against the concerned child;
 - b. parents or guardians should reasonably be suspected to prevent the concerned child in giving his/her testimony;
 - c. parents or guardians are considered incompetent in fulfilling their obligations as parents or guardians;
 - d. child does not have parents or guardians; or
 - e. parents or guardians of the concerned child are unknown for their whereabouts.
- (3) LPSK Protection for a child who become aWitness and/or Victim that does not required approval from parents or guardians as referred to in Paragraph (2), shall be provided in accordance with the stipulation of the Chairman of the local District Court upon request from LPSK.

20. In between Article 32 and Article 33, 1 (one) Article is inserted, namely

Article 32A as follow:

Article 32A

- (1) The rights granted as referred to in Article 5 Paragraph (1) shall be eliminated if the testimony, statement or other information is given not in good faith.
- (2) In the case that the criminal act being reported or investigated by the Justice collaborator in the proceedings of a court trial is not proven, the Protection for the concerned Justice Collaborator shall not be cancelled.

21. The provision of Article 37 is amended to be as follow:

Article 37

- (1) Every person who obtrude their will by using violence or certain ways, which cause Witnesses and/or Victims fail to receive Protection as referred to in Article 5 Paragraph (1) letter a, letter i, letter j, letter k, or letter l and as a consequence the Witnesses and/or Victims fail to give their testimony in the proceedings level, shall be convicted with maximum imprisonment of 5 (five) years and maximum criminal fines of IDR 200.000.000,00 (two hundred million rupiah).
- (2) Every person who obtrude their will as referred to in Paragraph (1) that cause major injury to the Witnesses and/or Victims, shall be convicted with maximum imprisonment of 7 (seven) years and maximum criminal fines of IDR 500.000.000,00 (five hundred million rupiah).
- (3) Every person who obtrude their will as referred to in Paragraph (1) that

cause death to the Witnesses and/or Victims, shall be convicted with maximum of a lifetime imprisonment and maximum criminal fines of IDR 500.000.000,00 (five hundred million rupiah).

22. The provision of Article 38 is amended to be as follow:

Article 38

Every person who prevent Witnesses and/or Victims in ways that are violating the law and causing Witnesses and/or Victims fail to receive Protection or assistance, as referred to in Article 5 Paragraph (1) letter a, letter i, letter j, letter k, letter l, letter p, Article 6 Paragraph (1), Article 7 Paragraph (1), or Article 7A Paragraph (1), shall be convicted with maximum imprisonment of 7 (seven) years and maximum criminal fines of IDR 500.000.000,00 (five hundred million rupiah).

23. The provision of Article 39 is amended to be as follow:

Article 39

Every person who cause the Witnesses and/or Victims or their families lost their jobs due to such Witnesses and/or Victims give truthful testimony in a judicial process, shall be convicted with maximum imprisonment of 7 (seven) years and maximum criminal fines of IDR 500.000.000,00 (five hundred million rupiah).

24. The provision of Article 40 is amended to be as follow:

Article 40

Every person who cause the Witnesses and/or Victims' rights to be reduced or eliminated as referred to in Article 5 Paragraph (1), Article 6 Paragraph (1), Article 7 Paragraph (1), or Article 7A Paragraph (1) due to such Witnesses and/or Victims give truthful testimony in a judicial process, shall be convicted with maximum imprisonment of 3 (three) years and maximum criminal fines of IDR 100.000.000,00 (one hundred million rupiah).

25. The provision of Article 41 is amended to be as follow:

Article 41

Every person who, in ways that are violating the law, gives information regarding the whereabouts of Witnesses and/or Victims who are under Protection in a temporary residence or in a new residence as referred to in Article 5 Paragraph (1) letter k and letter l shall be convicted with maximum imprisonment of 7 (seven) years and maximum criminal fines of IDR 500.000.000,00 (five hundred million rupiah).

26. In between Article 42 and Article 43, 1 (one) Article is inserted, namely Article 42A as follow:

Article 42A

(1) In the case that a criminal act as referred to in Article 37 until Article 41 is committed by a corporation, the investigation, lawsuit and conviction shall be made against such corporation and/or the management board.

- (2) Other than imprisonment and criminal fines for the management board, sanctions to be imposed for the corporation can be criminal fines with 3 (three) times multiplication of the criminal fines as referred to in Article 37 until Article 41.
- (3) Other than criminal fines as referred to in Paragraph (2), such corporation can also be imposed with additional criminal punishment of:
 - a. revocation of business license;
 - b. revocation of legal entity status; and/or
 - c. discharge of the managementboard members.

27. The provision of Article 43 is amended to be as follow:

Article 43

- (1) In the case that the convicted is unable to pay criminal fines as referred to in Article 37 until Article 42, such criminal fines is to be substituted by maximum imprisonment of 3 (three) years.
- (2) Imprisonment as a substitution of criminal fines as referred to in Paragraph(1) shall be stated in the Judge's injunction.

Article II

The Constitution shall take effect from the date it is promulgated.

In order that it be known to all, it is ordered that this Constitution be adopted by

its placement in the State Gazette of the Republic of Indonesia.

Legalized in Jakarta on 17th October 2014

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

Signature

DR. H. SUSILO BAMBANG YUDHOYONO

Promulgated in Jakarta

on 17th October 2014

THE MINISTER OF JUSTICE AND HUMAN RIGHTS

OF THE REPUBLIC OF INDONESIA,

Signature

AMIR SYAMSUDIN

THE STATE GAZETTE OF THE REPUBLIC OF INDONESIA YEAR 2014 NUMBER 293

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THE MINISTRY OF THE STATE'S SECRETARIAT

OF THE REPUBLIC OF INDONESIA

Deputy Minister of the State's Secretary

Law and Regulation Division

Signature

Muhammad SaptaMurti

ELUCIDATION OF THE LAW OF THE REPUBLIC OF INDONESIA NUMBER 31

YEAR 2014
ON
AMENDMENT ON THE LAW NUMBER 13 YEAR 2006 ON THE PROTECTION OF
WITNESSES AND VICTIMS

I. GENERAL

Institute for the Protection of Witnesses and Victims established pursuant to the Law Number 13 Year 2006 on the Protection of Witnesses and Victims, holds a very important role in terms of law enforcement and in handling human rights violation. The development of the current criminal justice system is not only orienting to the perpetrators, but also orienting to the interest of Witnesses and Victims. Therefore, the LPSK institution must be developed and strengthen so that in performing its tasks, functions and authorizations, it can be in synergy with the tasks, functions and authorizations of the law enforcement institution existing in the criminal justice system.

The existence of Witnesses and Victims is a determining factor in revealing a criminal act in a criminal judicial process. On that account, a Protection is provided for these Witnesses and Victims in all criminal judicial process stages. Provisions on the protected legal subject in this Law is extended in line with the development of law in the society.

Other than the Witnesses and Victims, there are also other parties who give great contribution in revealing specific criminal acts, they are Justice collaborator, Informant (*whistle-blower*), and experts, and also including people who are able to provide information related with a criminal case even though

such person did not hear, see, or experience by him/herself, as long as such information provided by the person is related with the concerned criminal act, and as a result, they will need to be provided with Protection. Specific criminal act as stated above shall consist of criminal act of serious human rights violation, criminal act of corruption, criminal act of money laundering, criminal act of terrorism, criminal act of human trafficking, criminal act of narcotics, criminal act of psychotropic, criminal act of child sexual abuse, and other criminal acts that cause the position of the Witnesses and/or Victims is faced with a situation that may harm their lives.

From the development of the above substance, it is noticeable that there are several significant weaknesses in the implementation of The Law Number 13 Year 2006 on the Protection of Witnesses and Victims, especially regarding:

- a. insufficient institution to support the tasks and functions of LPSK in providing Protection for Witnesses and Victims;
- b. authorization restriction concerning the substance of description of the tasks and functions of LPSK that implicates on the quality of service providence for Protection for Witnesses, Victims, Justice collaborators, Informants, and experts;
- c. Coordination among institutions in the implementation of Compensation and Restitution payment; and
- d. Protection for a minor/child dealing with justice.

From the above-stated weaknesses, it is required to make a change in the management of the Protection of Witnesses and Victims in the Law regarding

the Amendment on the Law Number 13 Year 2006 on the Protection of Witnesses and Victims, that governs among others:

1. reinforcement of LPSK institution, among others by elevating secretariat to be Secretariat General and the establishment of advisory board;
2. reinforcement of LPSK authorizations;
3. expansion of the subject of protection;
4. expansion of service for protection for Victims;
5. improvement of cooperation and coordination among institutions;
6. granting of reward and specific handling provided for Justice collaborator;
7. mechanism of substitution for ad interim members of LPSK;
8. amendment of criminal provisions, including criminal act committed by corporation.

II. ARTICLE BY ARTICLE

Article I

Number 1

Article 1

Self explanatory.

Number 2

Article 5

Paragraph (1)

Letter a

Self explanatory.

Letter b

Self explanatory.

Letter c

Self explanatory.

Letter d

This right is granted for Witnesses and Victims who do not understand bahasa Indonesia fluently.

Letter e

Self explanatory.

Letter f

“information” is facts in verbal and written form.

Letter g

“information” is facts in verbal and written form.

Letter h

“information” is facts in verbal and written form.

Letter i

Self explanatory.

Letter j

Self explanatory.

Letter k

Self explanatory.

Letter l

Self explanatory.

Letter m

Self explanatory.

Letter n

Self explanatory.

Letter o

Self explanatory.

Letter p

Self explanatory.

Paragraph (2)

"Criminal act in specific cases" among others are criminal act of serious human rights violation, criminal act of corruption, criminal act of money laundering, criminal act of terrorism, criminal act of human trafficking, criminal act of narcotics, criminal act of psychotropics, criminal act of child sexual abuse, and other criminal acts that cause the position of the Witnesses and/or Victims is faced with a situation that may harm their lives.

Paragraph (3)

"Experts" are people who have skills in certain field of study required to provide clear information on a criminal case for the interest of investigation, prosecution, and proceedings in court trial.

Number 3

Article 6

Paragraph (1)

Letter a

“Medical Support” is support provided in order to recover the Victims’ physical health, including to have things arranged when a Victim passed away, such as handling the deceased and funeral.

Letter b

“Psychosocial rehabilitation” is all kinds of forms of services and psychological and social assistance with a purpose to provide support in giving ease, protect and recover physical, psychological, social and spiritual condition of the Victims so that they are able to reasonably perform their social function, among others, LPSK endeavours to improve the Victims’ living quality by building cooperation with related authorized institution by providing supply of food, clothes and place to live, assistance in getting a job, or assistance for continuing education.

“Psychological rehabilitation” is support provided by a psychologist for Victims who suffer from trauma or other mental illness in order to recover the Victims’ mental condition.

Paragraph (2)

Self explanatory.

Number 4

Article 7

Paragraph (1)

Self explanatory.

Paragraph (2)

Submission of Compensation by the Family is to be proposed if theVictim passed away, missing, is not legally competent, or physically incapable.

Paragraph (3)

The funding required to pay Compensation shall be calculated in LPSK's budgeting.

Paragraph (4)

Self explanatory.

Number 5

Article 7A

Self explanatory.

Article 7B

Self explanatory.

Number 6

Article 8

Paragraph (1)

Self explanatory.

Paragraph (2)

“specific condition” is an emergency situation stipulated under LPSK Decision.

Number 7

Article 10

Paragraph (1)

"Providing testimony without goodwill" among others mean giving false information, false oath, and conspiracy.

Paragraph (2)

Self explanatory.

Number 8

Article 10A

Paragraph (1)

Self explanatory.

Paragraph (2)

Self explanatory.

Paragraph (3)

Letter a

“Commutation” consists of probation punishment, special supervised released, or a minimum punishment between the other convicted.

Letter b

Self explanatory.

Paragraph (4)

In this provision, the judge truly considering the recommendation made by LPSK as stated in the lawsuit of the public prosecutor.

Paragraph (5)

In this provision, the minister who held the government affair in legal department shall earnestly perform the recommendation

made by LPSK.

Number 9

Article 11

Self explanatory.

Number 10

Article 12A

Paragraph (1)

Letter a

“Other concerned parties” means, among others, law enforcement, Family of the Witness and/or Victim, and the perpetrator.

Letter b

Self explanatory.

Letter c

Self explanatory.

Letter d

Self explanatory.

Letter e

Self explanatory.

Letter f

“safe house” means a temporary residence or new residence that is kept confidential based on the standard as set forth by LPSK.

Letter g

Self explanatory.

Letter h

Self explanatory.

Letter i

Outreach, among others, is performed by supervising and monitoring the fulfilment of the rights of the Witnesses and/or Victims in a judicial process.

Letter j

Self explanatory.

Paragraph (2)

“Provisions of law and regulation” among others, means the law and regulation in the field of public service.

Number 11

Article 16

Self explanatory.

Number 12

Article 16A

Self explanatory.

Article 16B

Self explanatory.

Article 16C

Self explanatory.

Article 16D

Self explanatory.

Number 13

Article 18

Self explanatory.

Number 14

Article 23

Self explanatory.

Number 15

Article 23A

To make a pledge/say an oath shall be adjusted with the respective religion and beliefs.

Number 16

Article 24A

Self explanatory.

Article 24B

Self explanatory.

Number 17

Article 28

Self explanatory.

Number 18

Article 29

Self explanatory.

Number 19

Article 29A

Self explanatory.

Number 20

Article 32A

Paragraph (1)

"Providing testimony without goodwill" among others, mean giving false information, false oath, and conspiracy.

Paragraph (2)

Self explanatory.

Number 21

Article 37

Self explanatory.

Number 22

Article 38

Self explanatory.

Number 23

Article 39

Self explanatory.

Number 24

Article 40

Self explanatory.

Number 25

Article 41

Self explanatory.

Number 26

Article 42A

“Corporation” is a group of organised people and/or assets, both as legal entity or non-legal entity.

Number 27

Article 43

Self explanatory.

Article II

Self explanatory.

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