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Victimology Review Of Victims Of Criminal Acts Of Destruction Of Goods (Case Study Decision Number: 247/Pid.B/2023/PN.Grt)

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Abstract: The method for research uses normative juridical concepts. Protection in Law no. 13 of 2006 is interpreted as all efforts to fulfill rights and assistance to provide a sense of security to witnesses and/or victims which must be implemented by LPSK or other institutions in accordance with the provisions of this Law. The important role of witnesses and victims in bringing light to a criminal case means it is also important to provide protection for these witnesses and victims. In terms of victimology, victims are seen as very important in resolving cases (judge decisions), because victims are people who play a direct role when a crime occurs. Then there are protection efforts and rights provided by Victimology to victims. Legal protection for victims in Victimology studies is legal protection in the form of restitution and compensation, counseling protection and legal aid. Protection of crime victims is part of the legal protection of Indonesian citizens. The victim's right to justice is a human right of every person who has the right to support, recognition, protection and fair treatment as well as ensuring the supremacy of law and equal treatment before the law.

Keyword: Victimology, Criminal Acts Of Destruction, Legal Protection

INTRODUCTION

The provision of legal protection is one form of service that must be provided by the government to its citizens to create a sense of security. According to the Constitution of the Unitary State of the Republic of Indonesia, The Unitary State of the Republic of Indonesia has a responsibility regarding the provision of human rights guarantees where it has a very high urgency. Based on the explanation of Article 28I in paragraph (4) of the Constitution (UUD) of 1945 which states that: "protection, promotion, enforcement, and fulfillment of human rights is the responsibility of the state, especially the government. (Bambang, 2020)

The protection of witnesses and victims is only found in law No. 31 year 2014 top amendment of Law No. 13 of 2006 on the protection of witnesses and victims or related to the disclosure of certain criminal acts such as violations Severe human rights, domestic violence, trafficking in persons (trafficking) or acts criminal corruption. Legislation that introduces such legal institutions into the criminal justice system in Indonesia. As regulated in law No. 31 year

2014 if the victim wants protection, then the concerned submit a written application to the LPSK, required to sign a statement of willingness to follow the terms and conditions of protection. Compliance with the rights of victims is the most important thing in protection of victims and / or witnesses. Fulfillment of Rights effectively, efficiently, not convoluted, not procedural, and objective is expected by all sides. Required LPSK (witness and Victim Protection Agency) which professional, have integrity, and full responsibility in implementing duties and obligations.

Legal protection of citizens / residents is an important reason why Law Number 31 of 2014 on the protection of witnesses and victims passed on August 11, 2006. In the act, it is also explained about the institution that has the responsibility to provide handling of ensuring protection and assistance to witnesses and victims, where the institution is called The Witness and Victim Protection Agency (LPSK). Dynamics of life between victims and crime due to the encouragement economic, political, and psychic. Ideally always reduced the number of victims and perpetrators. The increasing number of victims, the most important is the granting of rights and protection of the victim as much as possible. Similarly, when the perpetrators crime increases, it must be treated according to its rights. (Bawole H. , 2021)

The victim is someone who experiences physical, mental suffering, and / or loss economy caused by a crime. Victims of crime are defined as a person who has suffered a loss as a result of a crime and or a sense his Justice has been directly compromised as a result of his experience as a target. Victims of crime are basically the ones who suffer the most in a criminal offense, it does not get as much protection as by law to criminals. As a result at the time the perpetrators of crime have sentenced to criminal sanctions by the court, the condition of victims of crime is often such as not cared about at all. Whereas the issue of justice and respect for Human Rights not only apply to the perpetrators of crime, but also victims of crime. (Yuniati, 2024)

Based on the theory, the form of protection for victims of crime can be done with many approaches/methods, it depends on the suffering or loss experienced by the victim. For example, for losses that are classified or include mental and psychological suffering, the form of restitution with objects or money is not worth it if it is not accompanied by the victim's mental healing process. Vice versa, if the victim only suffered material losses, the method of restitution that is mental or psychological is considered excessive. (Pangesti, 2019)

Something similar happened as in the Garut District Court issue number 247 / Pid.b/2023 / Pn.Grt, which processes criminal acts with the usual investigative approach at the time of the first instance trial. The public prosecutor filed a claim in a court event with a case of destruction of goods under Article 406 paragraph (1) of the Criminal Code. After considering the demands of the public prosecutor and the justification of the perpetrator to bring witnesses and evidence in court that it is true that the perpetrator has violated the existing law by intentionally committing acts that damage, destroy and make goods unusable or block objects or things that are wholly or partly owned by others. The decision has an influence on the rights of victims in obtaining legal protection that is not achieved and the decision seems very controversial, it is because the decisions taken by the panel of judges in considering cases that burden and relieve until the final decision.

Based on the background that has been applied, the authors conducted a study entitled “victimology review of victims of criminal acts of destruction (Case Study decision number 247/Pid.B/2023 / PN.Grt)”. From this, a formulation of the problem can be taken, namely: 1) What is the form of legal protection given to victims (Case Study decision number : 247/Pid.B/2023 / PN.Grt)? and 2) How to analyze the judge according to victimology study (verdict Case Study number: 247 / Pid.B/2023 / PN.Grt)?

METHOD

Discussion of the problems raised in this study were discussed and analyzed with using doctrinal legal research methodology. Doctrinal legal research methodology explain legal issues based on previous legal doctrine or opinion relevant to the legal issues discussed.⁴ so in this study, to discuss legal issues regarding what are the types of legal research methodology and their respective characteristics and functions in parsing legal issues contemporary, using the study of literature to as a foundation in answering these problems. The Data used in this study are secondary data, which derived from the library search results conducted. (Benuf, 2020).

The method / approach in the research chosen by the author in conducting this research uses research methods that have a normative nature (legal research) generally only in the form of document studies, as well as using legal references such as legislative rules, decisions or court decisions, Legal Studies and arguments and statements submitted by experts. Legal references used by the authors in this study were collected by searching and studying documentation through e-books, the internet, so that no direct data search is required. With the legal material that has been collected, the next process is the assessment using the method of legislation, case studies with the aim of being able to get a description or answer to the problem of the phenomenon studied in this study. (Nining Yurista Prawitasari, 2023)

RESULTS AND DISCUSSION

Forms of legal protection provided to victims

It is said that the protection of the law itself, its nature is abstract, so it is necessary the role of government as a representative of society, to make something more concrete in enforcing and protection of the law, namely by making a regulation legislation. (Firdaus, 2024)

There are many notions of legal protection that have been sought and compiled by the authors in the literature some of them are:

- a. Satjipto Rahardjo gave a statement that legal protection is the provision of protection for Human Rights, where the individual feels the loss suffered by others and the protection provided for individuals in the hope of being able to feel all forms of rights that have been established by law. (Rahardjo, 2000)
- b. Based on Law No. 39 of 1999 concerning human rights, legal protection is all the means submitted consciously by every individual or government agency, or private institution that has the purpose of creating security, control, and granting the right to life as with human rights that have been regulated. (Susani, 2018)

The understanding of the victim is an individual or group that experiences physical and spiritual suffering as a result of the behavior of individuals/other parties who achieve their own interests or other people who achieve their own interests or other people who are different from interests and Human Rights. In connection with the problems experienced by the victim is a human problem, therefore, legal protection can be understood as all rights owned and obtained for all subjects of law in accordance with the provisions in the law listed. (Bawole, 2021)

The victim is considered to have received losses and suffering that should be prolonged to have a chance to get justice, even though the perpetrator does not get punishment, for example, by providing compensation. Based on the cases that have been studied, some show that the real victims are the forgotten parties in the trial process. The code of Criminal Procedure (KUHAP) identifies reports regarding victims. It seems, the Criminal Procedure Code prioritizes perpetrators over victims, it is very unfortunate because the Criminal Procedure Code really opens up thoroughly to achieve justice and protection for each individual, procedures and legal protection with the aim of the implementation of the rule of law as contained in the 1945 Constitution.

According to the provisions contained in Law Number 31 of 2014, the protection of witnesses and victims is a priority with efforts to help create a sense of security for victims that will be done by LPSK or other authorized institutions such as provisions. This protection is provided to all layers of the criminal justice system. Protection for victims of crime in an effort to protect society, it can be achieved in many ways, for example by providing compensation, health services and legal assistance. (Rosifany, 2017).

Protection for victims of crime is one of the legal protections for Indonesian citizens. The right of victims to justice is a fundamental right of all individuals who have the right to affection, validation, protection and equal treatment as well as the guarantee of legal continuity and equal service in the eyes of the law. Every individual who has been recognized as an individual who has the right to seek and receive equal attention in the process and the protection of human dignity in the eyes of the law. Tahaoan criminal justice today still refers to retributive justice and through the method of victimology, it refers to the prosecution of the law pdana and the organization of justice with priority to the perpetrators of crime by investigating on what basis justice is given to those who commit criminal offenses. (Legita, 2018)

Analysis Of The Judge's Decision According To Victimology Study

Victimology is the study of victims, seba.b becomes korb.an, the onset of korb.an and about the rights and obligations of the injured party including the problems and problems of indovidu who is a social being. The victimology study has a perspective that the victim has a high urgency in the process of determining the case (Judge's decision), because the victim is the party who has a large and direct share in the event of a criminal offense. One of the many positive effects of victimology is looking at Money.n victims when a crime occurs, then there are efforts to protect and Rights presented by the victimology that is entitled to be accepted by the victim. Moreover, victimology is able to take part to be able to prevent the existence of more victims. (Firmansyah, 2022) In the decision of case number 247 / Pid.b/2023 / Pn.Grt. Victimology studies can also provide legal protection especially for criminal acts of destruction of goods.

Legal protection against korba.n crimes as. part of the protection. for citizens, it can be done in various events such as by providing compensation and rewards, health services as well as legal assistance. There are various kinds of protection. law for victims of criminal acts perusaka.n that must be fulfilled as stated in the victimology study is:

1. Restitution and compensation

Restitution itself is a popular terminology in the field of civil law compared in criminal law. Restitution or compensation is a cost it is borne by a person because of the losses suffered by others economically. In the development of criminal law, especially when restorative justice appears, then restitution is seen as a punishment/action to balance the loss the civil rights of the victim that can be assessed with money. Restorative justice provide a large space for the achievement of agreement between the victim, and in the context of this agreement one of the components is the payment of compensation from perpetrators to the victim or the victim's family or heirs. (Kusyandi, 2024)

Restitution is more aimed at the perpetrator's awareness of the impact caused by the crime committed so that the main goal is to improve everything experienced by the victim. The parameters used when determining the amount of compensation given are not easy to determine. This is determined based on the caste level of the perpetrator & korba.n. When the korba.n with a higher grade.h instead of the perpetrator, the restitution is to prioritize the form of restitution in the form of material, and vice versa if the caste level of the victim is higher than the perpetrator, the restitution can be in the form of improvement of dignity and dignity. (Irwan, 2018) Victimology studies require the

provision of protection that must be handed over to the victim.n in Issue number 247 / Pid.b/2023 / P.n. compensation & indemnity.

- Treatment to compensate for losses / suffering, because in this decision the defendant's act of destroying the victim's goods in the form of 1 (one) unit of goods car caused material losses for the victim in the amount of Rp. 5.000.000, - (five million rupiah)
- Return of property ownership, if there is a property seized, taken or eliminated by the perpetrator, the perpetrator is obliged to return it. However, the incident is not tergolong in this case dikarnakan elements of the perpetrator's behavior is “damaging” objects belonging to the victim.

2. Counseling Protection

Counseling is an action that has been done by individuals with other individuals who are experiencing problems and need people who are experts in their fields to help these individuals in dealing with their problems. In the sense of Shertzer and Stone stated the meaning of counseling is the act of providing help for someone who aims to understand themselves and their environment. (Lestari, 2025)

Judging from the actions of the defendant in this criminal act that obstructs and destroys goods in the form of 1 (one) unit of Daihatsu Granmax brand goods car and judging from the aggravating circumstances that the defendant's actions harm and cause deep trauma to the victim's witness and family, counseling should be given protection to heal the deep trauma experienced by the victim's witness and family. However, in this ruling, the counseling protection was not implemented.

3. Legal aid

Legal Aid Institute is a non-profit institution whose establishment aims to provide legal aid services for free (free of charge) to people who need legal assistance, but can not afford even those who do not understand the law. Legal aid institutions play a major role in access to justice for underprivileged communities because they play a major role in providing solutions from the level of consultation, the level of assistance for the community outside the court (non-litigation) to the level of assistance for the community at the court level (litigation). The existence of Legal Aid Institutions is very helpful for the community, especially people who are not financially capable and people who do not have knowledge of the law, because Legal Aid Institutions provide legal assistance for free or without compensation from the community. (Firdaus, Perlindungan dan Kepastian Hukum Bagi Pengendali Data Di Masa Depan, 2024)

Protection of Legal Aid is something that must be considered by the authorities. Legal Aid is given whether it is requested or not. This is awareness for the authorities as well, that by knowing there are still parties who are harmed by criminal acts that have a low level of awareness and understanding of the availability of legal aid as well as the rights of the victims regarding the prosecution of losses caused by criminal acts. (Ridwan, 2019)

Thus 3 (Three) exposure of legal protection against victims of acts of destruction of goods that have been described and must be fulfilled in accordance with the study of victimology. Meanwhile, the provision of protection regarding socialization and education of the injured party is more powerful when the pre-case is determined by the judge. For example, against the police either regulatory or operational. It is the same in the case of the investigation of a criminal offense as well as data related to the discovery of criminal proceeds. This effort is very important, if in the future the case proceeds to the green table, these data can be used as guidelines by the judge in deciding in accordance with the study and related laws.

CONCLUSION

All kinds of protection.the law of korba.n is full.it is based on the principle of protection.the law of korba.N according to studies of Victimologists.i is the provision of legal protection such as compensation and compensation, counseling protection and legal assistance. The thing obtained by the victim with legal protection is being able to enjoy the victim's right to get restitution and his understanding of obtaining legal assistance either directly or indirectly. Protection is a priority to be able to hand over assistance, as well as create security for victims carried out by LPSK or other institutions such as provisions derived from Law Number 31 of 2014 regarding the protection of witnesses & victims.

Law enforcement agencies must be able to provide legal protection in the form of material or socialization to victims effectively and efficiently with the aim of ensuring the continuity of the law and also services provided fairly and equitably to victims of criminal acts. The judge must be able to view the victim as a witness but as someone who is harmed in a criminal act.. Then because the Criminal Procedure Code is more focused on the perpetrators than the victims should be in the future the Criminal Procedure Code can really open up thoroughly to be able to achieve justice and the protection of human dignity, as well as legal protection procedures with the aim of reaching the peak of perfection of the state of law as the provisions in the 1945 Constitution.

REFERENCE

- Bambang. (2020, Januari). Perlindungan Hukum terhadap Saksi dan Korban dalam Sistem Peradilan Pidana di Indonesia. *Jurnal Lex Renaissance*, 5(1), 20-31.
- Pangesti, H. A. (2019, Oktober). Perlindungan Hukum Terhadap Korban Kejahatan Dalam Penegakan Hukum Pidana Di Indonesia. *Journal Lex Crimen*, 8(10), 1-10.
- Nining Yurista Prawitasari, S. P. (2023, Mei). Pembuktian Terhadap Perkara Pembunuhan Berencana (Studi Kasus Terhadap Putusan Nomor;797/Pid.B/2022/PN.Jkt.Sel). *Jurnal Hukum Pelita*, 4(1), 33-44.
- Rahardjo, S. (2000). *Ilmu Hukum*. Bandung, Jawa Barat: Citra Aditya Bakti.
- Susani. (2018, September). Perlindungan dan Penegakan HAM di Indonesia. *Legal Standing : Jurnal Ilmu Hukum*, 2(2), 113-121.
- Bawole. (2021, Oktober 18). Perlindungan Hukum Bagi Korban Dalam Sistem Peradilan Pidana. *Lex Et Societatis*, 9(3), 1-10.
- Rosifany, O. (2017, Desember). Perlindungan Hukum Terhadap Korban Kejahatan. *LEGALITAS: Jurnal Hukum*, 2(2), 1-11.
- Legita. (2018, Juli 23). Analisis Putusan Pidana Bersyarat dalam Kasus Penganiayaan Anak di Bawah Umur (Studi Putusan Nomor 2298/Pid.Sus/2012/PN.Tng. *Jurnal Hukum Adigma*, 1(1), 1-10.
- Firmansyah, I. (2022). Perlindungan Hukum Bagi Korban Tindak Pidana Penganiayaan Dan Perusakan Barang Menurut Tinjauan Viktimologi (Analisis Putusan Pengadilan Negeri Banda Aceh Nomor 140/Pid. B/2020/PN Bna). *Doctoral dissertation*, 20.
- Irwan, W. (2018, Juli). Pemberian Restitusi sebagai Perlindungan Hukum Korban Tindak Pidana. *Jurnal Hukum dan Pembangunan Ekonomi*, 6(2), 93-111.
- Ridwan, A. (2019, Maret). Penerapan Bantuan Hukum bagi Masyarakat Kurang Mampu di Indonesia. *Diversi Jurnal Hukum*, 4(2), 1-12.
- Yuniati, N. (2024, September). Perlindungan Hukum Terhadap Korban Kejahatan. *Journal of Law, Politic and Humanities (JLPH)*, 4(6), 2419-2429.
- Bawole, H. (2021, July-September). Perlindungan Hukum Bagi Korban Dalam Sistem Peradilan Pidana. *Lex Et Societatis*, 9(3), 16-24.
- Benuf, K. (2020, Juni). Metodologi Penelitian Hukum sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer. *Jurnal Gema Keadilan*, 7(1), 20-33.

- Firdaus, F. H. (2024, Juli). Perlindungan dan Kepastian Hukum Bagi Pengendali Data Pribadi di Masa Depan. *Jurnal Masalah-Masalah Hukum*, 53(2), 135-144.
- Firdaus, F. H. (2024, Juli). Perlindungan dan Kepastian Hukum Bagi Pengendali Data Di Masa Depan. *Jurnal Masalah-Masalah Hukum*, 53(2), 135-144.
- Lestari, S. D. (2025, November 12). Konseling dan Pendampingan Korban Kekerasan dalam Rumah Tangga di Unit Pelaksana Teknis Daerah Perlindungan Perempuan dan Anak (UPTD PPA) di Kabupaten Jember. *Tesis Pascasarjana*, 1-221.
- Kusyandi, A. (2024, April 15). Restitusi dan Kompensasi Bagi Korban Kejahatan. *Jurnal Yustitia*, 10(1), 49-59.
- (t.thn.).